

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 1174

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 6-24-85
DATE FOR REVIEW 7-3-85
DATE DUE 7-8-85

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 7-3-85 mjc Disapproved _____ Returned to Agency _____

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-5-85 Revisor approved 6/24/85 disapproved _____

✓ Rule as Adopted

_____ Rule as Proposed

✓ Order Adopting 6.18.85. Date

N/A Notice of Intent to Solicit Outside Opinion

✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
? Sufficiency no small biz statement, no "encouragement"

✓ Affidavit of Mailing Notice or rulemaking
1.11.85 At least 30 days prior to hearing/adoption

✓ Mailing list Certificate

✓ Publication in State Register no small biz statement
1.14.85 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

_____ Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

_____ Agency's Findings of Fact

_____ LCRAR Report or agency Affidavit

_____ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness contains small biz statement indicating favorable impact on sm. biz

N/A Petition for Adoption of a Rule

✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures prior to proposal

✓ Affidavit of ~~Mailing~~ Notice of Submission to Attorney General

N/A Notice of Submission to the Attorney General

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: JUDITH V. WEHRWEIN
Legal Assistant
Administration Division

DATE: 06/21/85

FROM: GREGORY P. HUWE GPH
Special Assistant
Attorney General

PHONE: 6-9418

SUBJECT: SUBDIVIDED LAND RULES II

Enclosed herewith and submitted for your review pursuant to Minn. Stat. § 14.26 (1984) are the rules of the Minnesota Department of Commerce governing subdivided land and supporting documents as required by Minn. Rules pt. 2000.0400 (1983).

Please contact me if you have any questions.

GPH:ddj

Enc.

RECEIVED
JUN 24 1985
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

SF-00006-04

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Commerce

PHONE : 296-5689

DATE : 6/14/85

TO : Charles Wikelius
Special Assistant Attorney General

FROM : Richard G. Gomsrud
Department Counsel

SUBJECT : Subdivided Land Rules II

Enclosed are copies of the following materials regarding the above captioned rules (only those items with a circled number are enclosed):

~~1.~~ Notice of Intent to Solicit Outside Opinion (2000.0400 subpart 1 B)

~~2.~~ Written material received as a result of Notice to Solicit Outside Opinion (2000.0400 subpart 1 B)

(3.) Mailing List Certificate (2000.0400 subpart 1 E)

(4.) Statement of Need & Reasonableness (2000.0400 subpart 1 G)

(5.) Order for Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 1 C)

(6.) Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 2)

(7.) Affidavit of Mailing Notice of Intent to Adopt Rule Without Public Hearing (2000.0400 subpart 3)

(8.) Copy of Rule as Proposed (2000.0400 subpart 4)

~~9.~~ Written Comments on Rule (2000.0400 subpart 1 I)

~~10.~~ Findings of Fact (if applicable) (2000.0400 subpart 1 F)

~~11.~~ Affidavit of Mailing Notice of Submission to Attorney General (2000.0400 subpart 1 K); or

(12.) Affidavit that no request for Notice of Submission to Attorney General were received

13. Original and three copies of Rule as adopted (2000.0400 subpart 5)

14. Two copies of the Order Adopting Rule (2000.0400 subpart 6)

15. Certificate of Compliance With Rulemaking Procedure (2000.0400 subpart 1 J).

AG copy

Department of Commerce

Adopted Rules Relating to Subdivided Land

Rules as Adopted

2810.3200 BLANKET ENCUMBRANCES.

The subdivider shall not sell lots, units, parcels, or interests within a subdivision subject to a blanket encumbrance unless one or more of the following conditions are met:

A. and B. [Unchanged.]

C. A bond, cash, or certified check is furnished to the commissioner in the name of the state for the benefit and protection of purchasers of the lots, units, parcels, or interest, in such amount and subject to terms as approved by the commissioner. The bond shall be executed by a surety company authorized to do business in this state and which has given consent to be sued in this state. The bond or agreement accompanying the cash or certified check shall provide for the return of money paid or advanced by any purchaser, on account of purchase of any lot, unit, parcel, or interest if the title contracted for is not delivered and a full release from each blanket encumbrance is not obtained. If it is determined that the purchaser by reason of default or otherwise, is not entitled to the return of the money, or any portion thereof, then the bond, cash, or certified check may be released by the commissioner in the amount of money to which the purchaser of a lot, unit, parcel, or interest is not entitled.

D. and E. [Unchanged.]

2810.9930 FORMAT OF PUBLIC OFFERING STATEMENT.

1. to 21. [Unchanged.]

22. State whether the subdivider offers a resale program for those purchasers who wish to resell their lot. Yes or No _____. State how the purchaser will resell his lot in the absence of such a program. List any factors which may limit or affect the purchaser's ability to resell his lot.

Signatures of the Senior Executive Officer of the Subdivider:

_____ _____
(Title) (Date)

Minnesota addendum.

In addition to the information required above, Public Offering Statements authorized for use in the State of Minnesota shall include the following:

1. A statement whether the subdivider holds any options to purchase adjacent properties, and if so, a description of such options and the location and zoning of the adjacent properties.

2. A statement indicating whether there is as of the date of registration an existing market for resale of any properties sold pursuant to this offering.

3. The material terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the subdivided lands and each unit or lot, a statement of the subdivider's efforts to remove such lien or encumbrance, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the subdivided lands.

4. ALL SIGNATURES REQUIRED BY THESE RULES MUST BE MANUAL SIGNATURES.

5. The name, principal address and telephone number of the subdivider and of its offices and agents in this state.

6. 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.

2810.9940 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section 83.23

This form is to be prepared and filed pursuant to Minnesota

Statutes, section 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. State the condition of title to the land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY AN ATTORNEY WHO IS LICENSED TO PRACTICE IN THE STATE IN WHICH THE LAND TO BE SUBDIVIDED IS LOCATED OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER.

existing language

9. to 15. [Unchanged.]

16. Attach an irrevocable appointment of the commissioner to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

BY ITS _____

Subscribed and sworn to before me
this _____ day of _____

_____

A $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

APPROVED AS TO FORM AND LEGALITY

July 3 19 85

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY MJ Casserly
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL - 5 1985 10:49 A.M.
Joan Anderson
Secretary of State

SF-00006-03

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO: MICHAEL A. HATCH, Commissioner
Department of Commerce

DATE: 7-5-85

ATTN: GREGORY P. HUWE
Special Assistant Attorney General

FROM: MARTHA J. CASSERLY MJC
Special Assistant Attorney General

PHONE: 296-4692

SUBJECT: In the Matter of the Proposed Adoption of Rules Relating to Subdivided Land.

The above-referenced rule has been approved as to its legality by the Attorney General on July 3, 1985.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies of the approved rule with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth copy is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

If you have any questions in this regard, please contact me.

MJC:sz

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

Rules as Proposed

2810.3200 BLANKET ENCUMBRANCES.

The subdivider shall not sell lots, units, parcels, or interests within a subdivision subject to a blanket encumbrance unless one or more of the following conditions are met:

A. and B. [Unchanged.]

C. A bond, cash, or certified check~~,-or-irrevocable bank-letter-of-credit-issued-by-a-bank-authorized-to-do-business in-this-state~~ is furnished to the commissioner in the name of the state for the benefit and protection of purchasers of the lots, units, parcels, or interest, in such amount and subject to terms as approved by the commissioner. The bond shall be executed by a surety company authorized to do business in this state and which has given consent to be sued in this state. The bond or agreement accompanying the cash, or certified check~~,-or irrevocable-bank-letter-of-credit~~ shall provide for the return of ~~moneys~~ money paid or advanced by any purchaser, on account of purchase of any lot, unit, parcel, or interest if the title contracted for is not delivered and a full release from each blanket encumbrance is not obtained. If it is determined that the purchaser by reason of default or otherwise, is not entitled to the return of the ~~moneys~~ money, or any portion thereof, then the bond, cash, or certified check~~,-or-irrevocable-letter-of credit~~ may be released by the commissioner in the amount of ~~moneys~~ money to which the purchaser of a lot, unit, parcel, or interest is not entitled.

D. and E. [Unchanged.]

2810.9930 FORMAT OF PUBLIC OFFERING STATEMENT.

1. to 21. [Unchanged.]

22. State whether the subdivider offers a resale program for those purchasers who wish to resell their lot. Yes or No _____. State how the purchaser will resell his lot in the absence of such a program. List any factors which may limit or affect the purchaser's ability to resell his lot.

~~The-purchaser's-reference-to-financial-statements-and-the~~

APPROVED
REVISOR
OFFICE

~~signature lines should be added to the format, as follows:~~

~~PURCHASER SHOULD CAREFULLY REVIEW THE ATTACHED FINANCIAL STATEMENTS OF THE SUBDIVIDER (SEE EXHIBIT A).~~

Signatures of the Senior Executive Officer of the Subdivider:

_____ _____
(Title) (Date)

Minnesota addendum.

In addition to the information required above, Public Offering Statements authorized for use in the State of Minnesota shall include the following:

1. A statement whether the subdivider holds any options to purchase adjacent properties, and if so, a description of such options and the location and zoning of the adjacent properties.

2. A statement indicating whether there is as of the date of registration an existing market for resale of any properties sold pursuant to this offering.

3. The material terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the subdivided lands and each unit or lot, a statement of the subdivider's efforts to remove such lien or encumbrance, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the subdivided lands.

4. ~~(a) PURCHASER SHOULD CAREFULLY REVIEW THE ATTACHED FINANCIAL STATEMENTS OF THE SUBDIVIDER (SEE EXHIBIT A).~~

~~(b) 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 should be attached hereto as Exhibit A, 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 should be attached to this as Exhibit B.~~

~~(c) All registration statements filed with the Commissioner shall include a manually signed and dated consent of the accountant to the use of his name and his report in the public offering statement.~~

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

5. ALL SIGNATURES REQUIRED BY THESE RULES MUST BE MANUAL SIGNATURES.

6. 5. The name, principal address and telephone number of the subdivider and of its offices and agents in this state.

7. 6. 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.

2810.9940 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section 83.23

This form is to be prepared and filed pursuant to Minnesota Statutes, section 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. State the condition of title to the land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY ~~A-LICENSED-PRACTICING~~ AN ATTORNEY WHO IS ~~NOT-A SALARIED-EMPLOYEE,-PARTNER,-OFFICER,-OR-DIRECTOR-OF-THE SUBDIVIDER-OR-AN-AGENT-OF-THE-SUBDIVIDER,-AND-THE-ATTORNEY-SHALL CERTIFY-AS-PART-OF-THE-STATEMENT-THAT-THE-ATTORNEY-ENJOYS-SUCH-A STATUS;~~ LICENSED TO PRACTICE IN THE STATE IN WHICH THE LAND TO BE SUBDIVIDED IS LOCATED OR BY A TITLE INSURANCE COMPANY

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

ACCEPTABLE TO THE COMMISSIONER.

9. to 15. [Unchanged.]

16. Attach an irrevocable appointment of the commissioner to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

BY ITS _____

Subscribed and sworn to before me
this _____ day of _____

_____

A $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

...ED IN THE
...OF STATUTES
...BY:

OFFICE OF THE REVISOR OF STATUTES

Proposed Rule

RD656

Agency: Department of Commerce

Division:

Agency Contact: Dick Gomsrud

Minnesota Rules: Parts 2810.3200; 2810.9930; and 2810.9940

Title: Proposed Rules Relating to Subdivided Land

Type of Rules: Permanent

Incorporations by Reference: None

Steven C. Cross
Revisor of Statutes

Paul M. Marinac
Assistant Deputy Revisor
Phone: 296-0948

Date: December 12, 1984

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Subdivided Land

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on January 14, 1985 and was sent by the United States mail to all persons on the list maintained by the Department of Commerce pursuant to Minnesota Statute Section 14.14, subd. 1a, on January 11, 1985.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than twenty-five (25) written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for an reasonableness of the above-captioned rules,

NOW, THEREFORE, IT IS ORDERED that these rules identified as Subdivided Land are adopted this 18th day of June, 1985 pursuant to authority vested in me by Minnesota Statute Section 83.38.

MICHAEL A. HATCH
Commissioner of Commerce

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Rules Relating to Subdivided Land (RD656)	ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 26th day of December, 1984 that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Commerce for that purpose and be published in the State Register.

Michael A. Hatch
Commissioner of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Land (RD656)

AFFIDAVIT OF
MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Rose T. Weiner , being first duly sworn, deposes and says:

That on the 11th day of January, 1985, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules without a Public Hearing In the Matter of the Proposed Adoption of Rules Relating to Subdivided Lands by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules.

A copy of the proposed rules is attached.

Rose T. Weiner
ROSE T. WEINER

Subscribed and sworn to before me this
11th day of January, 1985.

Nancy I. Link
Notary Public

NANCY I. LINK
NOTARY PUBLIC-MINNESOTA
Ramsey County
MY COMMISSION EXPIRES JANUARY 9, 1990

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Land (RD656)

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 83.38 . Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard Gomsrud Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice.

Copies of this Notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2810.3200 BLANKET ENCUMBRANCES.

The subdivider shall not sell lots, units, parcels, or interests within a subdivision subject to a blanket encumbrance unless one or more of the following conditions are met:

A. and B. [Unchanged.]

C. A bond, cash, or certified check~~, or irrevocable bank letter of credit issued by a bank authorized to do business in this state~~ is furnished to the commissioner in the name of the state for the benefit and protection of purchasers of the lots, units, parcels, or interest, in such amount and subject to terms as approved by the commissioner. The bond shall be executed by a surety company authorized to do business in this state and which has given consent to be sued in this state. The bond or agreement accompanying the cash, or certified check~~, or irrevocable bank letter of credit~~ shall provide for the return of ~~moneys~~ money paid or advanced by any purchaser, on account of purchase of any lot, unit, parcel, or interest if the title contracted for is not delivered and a full release from each blanket encumbrance is not obtained. If it is determined that the purchaser by reason of default or otherwise, is not entitled to the return of the ~~moneys~~ money, or any portion thereof, then the bond, cash, or certified check~~, or irrevocable letter of credit~~ may be released by the commissioner in the amount of ~~moneys~~ money to which the purchaser of a lot, unit, parcel, or interest is not entitled.

D. and E. [Unchanged.]

2810.9930 FORMAT OF PUBLIC OFFERING STATEMENT.

1. to 21. [Unchanged.]

22. State whether the subdivider offers a resale program for those purchasers who wish to resell their lot. Yes or No _____. State how the purchaser will resell his lot in the absence of such a program. List any factors which may limit or affect the purchaser's ability to resell his lot.

~~The purchaser's reference to financial statements and the~~

APPROVED REVISOR OFFICE

signature lines should be added to the format, as follows:

PURCHASER SHOULD CAREFULLY REVIEW THE ATTACHED FINANCIAL STATEMENTS OF THE SUBDIVIDER (SEE EXHIBIT A).

Signatures of the Senior Executive Officer of the Subdivider:

(Title) (Date)

Minnesota addendum.

In addition to the information required above, Public Offering Statements authorized for use in the State of Minnesota shall include the following:

1. A statement whether the subdivider holds any options to purchase adjacent properties, and if so, a description of such options and the location and zoning of the adjacent properties.

2. A statement indicating whether there is as of the date of registration an existing market for resale of any properties sold pursuant to this offering.

3. The material terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the subdivided lands and each unit or lot, a statement of the subdivider's efforts to remove such lien or encumbrance, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the subdivided lands.

4. (a) PURCHASER SHOULD CAREFULLY REVIEW THE ATTACHED FINANCIAL STATEMENTS OF THE SUBDIVIDER (SEE EXHIBIT A).

(b) 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 should be attached hereto as Exhibit A, 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 should be attached to this as Exhibit B.

(c) All registration statements filed with the Commissioner shall include a manually signed and dated consent of the accountant to the use of his name and his report in the public offering statement.

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

5. ~~ALL~~ ALL SIGNATURES REQUIRED BY THESE RULES MUST BE MANUAL SIGNATURES.

6. 5. The name, principal address and telephone number of the subdivider and of its offices and agents in this state.

7. 6. 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.

2810.9940 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section 83.23

This form is to be prepared and filed pursuant to Minnesota Statutes, section 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. State the condition of title to the land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORED BY ~~A LICENSED PRACTICING~~ AN ATTORNEY WHO IS ~~NOT A SALARIED EMPLOYEE, PARTNER, OFFICER, OR DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER, AND THE ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT THE ATTORNEY ENJOYS SUCH A STATUS,~~ LICENSED TO PRACTICE IN THE STATE IN WHICH THE LAND TO BE SUBDIVIDED IS LOCATED OR BY A TITLE INSURANCE COMPANY

ACCEPTABLE TO THE COMMISSIONER.

9. to 15. [Unchanged.]

16. Attach an irrevocable appointment of the commissioner to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

BY ITS _____

Subscribed and sworn to before me
this _____ day of _____

_____

A $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Adoption of
Rules Relating to Subdivided Lands (RD 656)

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 11th day of January, 1985.

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ROSE T. WEINER

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STATE REGISTER

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CONTENTS

MCAR AMENDMENTS AND ADDITIONS

Issues 27-29, inclusive ... 1592

MINNESOTA RULES AMENDMENTS AND ADDITIONS

Issues 27-29, inclusive ... 1593

PROPOSED RULES

Agriculture Department
Planning Division; and
Soil and Water Conservation Board
Proposed Amendments to the Soil and Water Conservation Board's Cost Share Program Rules ... 1594

Commerce Department
Proposed Rules Governing Credit Unions ... 1606
Proposed Rules Governing Filing Fees for Insurance Policy Rates and Forms ... 1607
Proposed Rules Relating to Subdivided Land ... 1609

Economic Security Department
Proposed Rules Governing Fees Charged to Qualified Rehabilitation Consultants and Approved Vendors for Rehabilitation Services ... 1612

Energy and Economic Development Department
Energy and Economic Development Authority
Proposed Emergency Rules Relating to the Technology Product Loan Program ... 1612

Higher Education Coordinating Board
Proposed Rules Relating to State Scholarships and Grants; Adding Eligible Schools ... 1613

ADOPTED RULES

Energy and Economic Development Department
Energy and Economic Development Authority
Adopted Rules Governing School Energy Conservation Investment Loans ... 1614
Emergency Adopted Rules Relating to General Procedures, Small Business Development Loan Program, and Minnesota Fund Loans ... 1614

Labor and Industry Department
Adopted Rules Governing Workers' Compensation; Medical Fees ... 1619

OFFICIAL NOTICES

Human Services Department
Mental Retardation Division
Outside Opinion Sought Concerning Grants to County Boards for Semi-Independent Living Services (SILS) for Persons with Mental Retardation ... 1619

Human Services Department
Professional Services Section
Outside Opinion Sought Concerning Rules Governing Prior Authorization for Health Services and Second Surgical Opinion as a Condition for MA and GAMC Reimbursement ... 1620

Pollution Control Agency
Solid and Hazardous Waste Division
Outside Opinions Sought Concerning Proposed Amendments to Minnesota Hazardous Waste Rules Governing the Regulation of High pH Waste Which is Reused or Recycled ... 1620
Outside Opinion Sought Regarding Amendments to Minn. Rules Parts 7001.0650, 7045.0135 and 7045.0214 Governing the Management of Hazardous Waste ... 1621

Public Safety Department
Driver and Vehicle Services Division
Outside Opinion Sought Regarding Proposed Revision of Rules of the State Department of Public Safety Governing Deputy Registrars ... 1621

Secretary of State's Office
Notice of Unscheduled Vacancies in Multi-member State Agencies ... 1622

State Planning Agency
Human Services Division
Developmental Disabilities Program
Announcement of Meeting of Institutional Care and Economic Impact Planning Board ... 1622

Teachers Retirement Association
Meeting Notice, Board of Trustees ... 1623

STATE CONTRACTS

Administration Department
Office Space Wanted for the Department of Corrections ... 1623

Administration Department
Procurement Division
Commodities Contracts and Requisitions Currently Open for Bidding ... 1623

Economic Security Department
State Job Training Office
Request for Proposals for Conversion of Data System for Use in Minnesota ... 1624

Energy and Economic Development
Energy Division
Alternate Energy Engineering
Request for Proposals for Development of Fiber Fuel Burner Equipment Information ... 1624
Request for Proposals for Development of Fiber Fuel Equipment Buyers' Guide ... 1625

Hennepin County
Department of Environment Energy
Request for Submission of Qualifications and Proposals for Monitoring Air Quality in Downtown Minneapolis Area ... 1626

Housing Finance Agency
Home Improvement Division
Notice of Funding Availability for Residential Rental Energy Conservation ... 1626

Labor and Industry Department
State Employees' Workers' Compensation Fund
Request for Proposals for Discount Pricing System on Volume Referrals from Rehabilitation Firms ... 1627
Request for Proposals for Pilot Project to Design and Implement Cost Control Plan for State Agencies—Rehabilitation, Ergonomics, and Safety Industrial Hygiene ... 1627

Public Safety Department
Communications Advisory Committee
Request for Proposals for Radio Communications Project Planning and Project Management Assistance ... 1627

Ramsey County
Request for Proposals for a Classification and Job Evaluation Study ... 1628

State Designer Selection Board
Request for Proposals for State Projects ... 1628

Vocational-Technical Education Board
Economic Security Department
State Job Training Office
Request for Proposals for JTPA—Education Coordination Services for Special Needs Groups ... 1631

TAX COURT

Decisions Filed January 3-4, 1985 ... 1631

B. Related endorsements, riders, applications, or other forms submitted as a single filing, when the policy or contract is not being filed, are subject to one filing fee.

C. Each rate filing or rate revision is subject to a filing fee.

D. Group insurance policy filings, including related certificates, applications, or other forms are subject to a single filing fee.

F. Filings made by the Minnesota Comprehensive Health Association are subject to filing fees.

F. When an insurer or the Minnesota Comprehensive Health Association fails to respond to an objection or inquiry within 90 days, a resubmission is required if action by the Department of Commerce is subsequently requested. An additional filing fee is required for the resubmission.

2605.0400 PROVISIONS APPLICABLE TO ALL POLICY FORM AND RATE FILINGS.

The provisions in items A to L apply to all insurance policy form and rate filings required by statute.

A. A multipurpose form which can be used with more than one kind of policy, is subject to one filing fee.

B. Filings made to comply with law changes are subject to filing fees.

C. Filings made solely to change a company name or officer signature, correct printing errors, or make editorial changes are subject to filing fees.

D. Filings made for the sole purpose of withdrawing forms or rates are not subject to filing fees.

E. Exhibits and supporting data are not subject to filing fees.

F. Subsequent correspondence initiated by the Department of Commerce relating to a specific filing does not require a separate fee, nor does any amended rate or form resulting from the correspondence.

G. Filing fees are not refundable.

H. In unusual situations not specifically covered by parts 2605.0100 to 2605.0400, the application or nonapplication of a filing fee will be determined by the commissioner of commerce.

I. A filing consisting of a policy form, an application, and for endorsements are subject to a filing fee of $10.

J. Rates and rules submitted together with the filing described in item A are subject to an additional $10 filing fee, for a total of $20.

K. A group of three companies submitting identical filings are subject to a $10 filing fee for each company for a total of $30.

L. A filing for nonadoption or only changing the effective date of a prior rate service organization filing are subject to a $10 filing fee. If the same filing also includes three endorsements replacing those filed on their behalf by the rate service organization, the filing fee remains the same.

Department of Commerce

Proposed Rules Relating to Subdivided Land

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Department of Commerce proposes to adopt the above-entitled rules without a public hearing. The Commissioner of Commerce has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes, section 14.21.

Persons interested in these rules shall have 30 days to submit comments in support of or in opposition to the rules. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

No public hearing will be held unless twenty-five (25) or more persons make a written request for a hearing within the 30-day comment period. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes, section 14.14, subd. 1.

Persons who wish to submit comments or a written request for a public hearing should submit them to Richard Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Any person requesting a public hearing should state her/his name and address, identify the portion of the proposed rule addressed, the reason for the request and any change proposed and send this information to the above address.

Authority for the adoption of these rules is contained in Minnesota Statutes, section 83.38. Additionally, a Statement of Need and Reasonableness describing the need for and reasonableness of each provision and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard Gomsrud, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this notice.

Copies of this notice and the proposed rules are available and may be obtained by contacting Rose Weiner at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

2810.3200 BLANKET ENCUMBRANCES.

The subdivider shall not sell lots, units, parcels, or interests within a subdivision subject to a blanket encumbrance unless one or more of the following conditions are met:

A. and B. [Unchanged.]

C. A bond, cash, or certified check~~, or irrevocable bank letter of credit issued by a bank authorized to do business in this state~~ is furnished to the commissioner in the name of the state for the benefit and protection of purchasers of the lots, units, parcels, or interest, in such amount and subject to terms as approved by the commissioner. The bond shall be executed by a surety company authorized to do business in this state and which has given consent to be sued in this state. The bond or agreement accompanying the cash, or certified check~~, or irrevocable bank letter of credit~~ shall provide for the return of ~~moneys~~ money paid or advanced by any purchaser, on account of purchase of any lot, unit, parcel, or interest if the title contracted for is not delivered and a full release from each blanket encumbrance is not obtained. If it is determined that the purchaser by reason of default or otherwise, is not entitled to the return of the ~~moneys~~ money, or any portion thereof, then the bond, cash, or certified check~~, or irrevocable letter of credit~~ may be released by the commissioner in the amount of ~~moneys~~ money to which the purchaser of a lot, unit, parcel, or interest is not entitled.

D. and E. [Unchanged.]

2810.9930 FORMAT OF PUBLIC OFFERING STATEMENT.

1. to 21. [Unchanged.]

22. State whether the subdivider offers a resale program for those purchasers who wish to resell their lot. Yes or No. _____. State how the purchaser will resell his lot in the absence of such a program. List any factors which may limit or affect the purchaser's ability to resell his lot.

~~The purchaser's reference to financial statements and the signature lines should be added to the format, as follows:~~

~~PURCHASER SHOULD CAREFULLY REVIEW THE ATTACHED FINANCIAL STATEMENTS OF THE SUBDIVIER (SEE EXHIBIT A).~~

Signatures of the Senior Executive Officer of the Subdivider:

_____ _____

(Title) (Date)

Minnesota addendum.

In addition to the information required above, Public Offering Statements authorized for use in the State of Minnesota shall include the following:

1. A statement whether the subdivider holds any options to purchase adjacent properties, and if so, a description of such options and the location and zoning of the adjacent properties.

2. A statement indicating whether there is as of the date of registration an existing market for resale of any properties sold pursuant to this offering.

3. The material terms of any encumbrances, easements, liens, and restrictions, including zoning and other regulations affecting the subdivided lands and each unit or lot, a statement of the subdivider's efforts to remove such lien or encumbrance, and a statement of all existing taxes and existing or proposed special taxes or assessments which affect the subdivided lands.

4. ~~(a) PURCHASER SHOULD CAREFULLY REVIEW THE ATTACHED FINANCIAL STATEMENTS OF THE SUBDIVIDER (SEE EXHIBIT A).~~

~~(b) 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 should be attached hereto as Exhibit A; 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 should be attached to this as Exhibit B.~~

~~(c) All registration statements filed with the Commissioner shall include a manually signed and dated consent of the accountant to the use of his name and his report in the public offering statement.~~

~~5.~~ ALL SIGNATURES REQUIRED BY THESE RULES MUST BE MANUAL SIGNATURES.

~~6.~~ 5. The name, principal address and telephone number of the subdivider and of its offices and agents in this state.

~~7.~~ 6. 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.

2810.9940 FORMAT FOR REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION.

File No. _____
Date Approved _____
Date Denied _____
Examiner _____
Commissioner _____

REGISTRATION OF SUBDIVIDED LANDS BY NOTIFICATION

Minnesota Statutes, section 83.23

This form is to be prepared and filed pursuant to Minnesota Statutes, section 83.23 and mailed to:

State of Minnesota
Department of Commerce
Registration and Licensing Division
5th Floor, Metro Square Bldg.
Saint Paul, Minnesota 55101

1. to 7. [Unchanged.]

8. State the condition of title to the land to be subdivided, including, but not limited to, a statement reflecting all encumbrances, deed restrictions, and covenants applicable to the title and state the condition of the title as recorded as of a date 30 days prior to the filing of this application. THE STATEMENTS REQUIRED BY THIS PARAGRAPH MUST BE AUTHORORED BY ~~A LICENSED PRACTICING~~ AN ATTORNEY WHO IS ~~NOT A SALARIED EMPLOYEE, PARTNER, OFFICER, OR DIRECTOR OF THE SUBDIVIDER OR AN AGENT OF THE SUBDIVIDER, AND THE ATTORNEY SHALL CERTIFY AS PART OF THE STATEMENT THAT THE ATTORNEY ENJOYS SUCH A STATUS;~~ LICENSED TO PRACTICE IN THE STATE IN WHICH THE LAND TO BE SUBDIVIDED IS LOCATED OR BY A TITLE INSURANCE COMPANY ACCEPTABLE TO THE COMMISSIONER.

KEY: **PROPOSED RULES SECTION** — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

9. to 15. [Unchanged.]

16. Attach an irrevocable appointment of the commissioner to receive service of any lawful process, any civil proceeding arising under this act against the subdivider, or his personal representative, in accordance with part 2810.9920.

THE SUBDIVIDER CONSENTS TO PERMIT INSPECTION OF THE LOTS, PARCELS, UNITS OR INTERESTS TO BE OFFERED AND FURTHER TO PERMIT INSPECTION OF ITS BOOKS, RECORDS, ACCOUNTS, AND FILES BY THE COMMISSIONER OF COMMERCE OR HIS DESIGNEE WITH REFERENCE TO THE SALE OF THE SUBDIVIDED LANDS DESCRIBED HEREIN, AND AGREES TO PROVIDE THE COMMISSIONER WITH SUCH ADDITIONAL INFORMATION WITH RESPECT TO THE SALE OF THESE SUBDIVIDED LANDS AS HE MAY REQUIRE.

The undersigned certifies that he has read the contents of the above form and the exhibits appended hereto and certifies that he has personal knowledge of the contents hereof and knows the responses set forth are true and accurate.

Dated this _____ day of _____

_____
SUBDIVIDER

BY ITS _____

Subscribed and sworn to before me this _____ day of _____

_____

A $100 fee must be filed with this application. Make check payable to Treasurer, State of Minnesota.

Department of Economic Security

Proposed Rules Governing Fees Charged to Qualified Rehabilitation Consultants and Approved Vendors for Rehabilitation Services

Notice of Withdrawal of Proposed Rules

Notice is hereby given that the Department of Economic Security has withdrawn the above-entitled proposed rules (MN Rules 3325.0010-.0040) which were published in the *State Register* on Monday, October 15, 1984 (9 S.R. 762).

Barbara Beerhalter
Commissioner

Department of Energy and Economic Development Energy and Economic Development Authority

Proposed Emergency Rules Relating to the Technology Product Loan Program

Notice is hereby given that the Minnesota Energy and Economic Development Authority is proposing to adopt emergency rules for the Technology Product Loan Program. The agency is authorized by Minnesota Statutes 116M.03, subdivision 4, to adopt emergency rules for its financial assistance programs. This notice supercedes the notice published at *State Register*, Volume 9, #28, pages 1544-48, on January 7, 1985 [SR 1544].

All interested parties have 25 days from the day of publication of this notice in the *State Register* to submit written comments to the agency in support of or in opposition to the proposed emergency rules, and comments are encouraged. Any comments received in response to the January 7, 1985 notice will become part of the record in this matter. With publication of this notice in the January 14, 1985, *State Register*, written comments must be received by the agency no later than 4:30 p.m. on February 8, 1985. Written comments should be sent to:

Rosemary T. Fruehling, Director
Office of Software/Courseware
Technology Development
900 American Center Building
150 East Kellogg Boulevard
St. Paul, Minnesota 55101
Telephone: 612-297-1554

Please be advised that the proposed emergency rules may be modified as a result of the comments received. Any written material received by the agency will become part of the record in this matter.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption and Amendment of Rules and Forms Relating to Minnesota Statutes Chapter 83 (Subdivided Lands)

STATEMENT OF NEED AND REASONABLENESS

The Minnesota Subdivided Land Sales Practices Act, Minn. Stat. § 83.21 (Supp. 1984) entrusts with the Commissioner of Commerce (hereinafter "Commissioner") authority to administer the Minnesota Subdivided Land Sales Practices Act, MSA §§ 83.20 to 83.42 (Supp. 1984), amended by Chapter 452 (1984). The Commissioner is given authority to adopt rules regarding the Minnesota Subdivided Land Practice Act by Minn. Stat § 83.38.The Commissioner presents herein his statement of the need for and reasonableness of adoption of the new rules and amendments to the Minnesota Rules §§ 2810.1100 to 2810.9950 (1984).

The new rules and amendments are made to reflect a change in statutory language and numbering. They are intended to streamline certain registration provision, and to make the Minnesota Rules Sections consistent with each other.

The Commissioner has determined that the adoption of the new rules and the amendments to the existing rules are reasonable and necessary to carry out and make effective the provisions of the Minnesota Subdivided Land Sales Practices Act, Minn. Stat. Chap. 83 (Supp. 1984), as amended, Chapter 452 (1984).

SMALL BUSINESS CONSIDERATION IN RULEMAKING

Minnesota Statutes 14.115 -- The Commissioner has determined that the following rules are in compliance with Minn. Stat. Section 14.115 regarding small business impact. Chapter 83, the Subdivided Land Sales Practices Act, is a consumer protection law as well as a disclosure law. Protection of Minnesota purchasers must be insured whether the purchased land is in a small or large development. Existing rules for registration are addressed to small and large subdividers. No modification of the proposed rules for small businesses was deemed feasible as such modifications would reduce the protection of the consumers that the Act was intended to accomplish. It would also be counter-productive for small businesses as consumers might feel reluctant to deal with them if they felt they were less protected than if they were dealing with a large developer. A separate format for registration, which does not put an undue burden on the small developer while still ensuring the protection of the Minnesota purchaser, has been in place since the Rules for Chapter 83 were initially promulgated and there are no substantive changes in this regard.

The need for and reasonableness of each of the new rules and amendments to the existing rules is as follows:

Minnesota Rules §§ 2810.3200

In the text of the rule, section c, all references to the irrevocable bank letter of credit are deleted because the nautre of an irrevocable letter of credit is such that it would not offer the same protection to the purchaser as the other alternative.

Minnesota Rules §§ 2810.9930

In the text of the rule, the purchaser's reference to financial statements and to Exhibit A is deleted because the statute has been changed. This reference and attachment A are no longer required because of the amendment of Minn. Stat. § 83.24, Subd. 2, 8 (Supp. 1984) by Chapter 452, Laws of Minnesota 1984.

In the text of the addendum to the public offering statement, items 4(b), 4(C) and 5 are deleted because of the statutory changes encompassed in Chapter 452, Laws of Minnesota 1984.

Minnesota Rules §§ 2810.9940

The requirement that the title opinion be authored by a "licensed practicing attorney who is not a salaried employee, partner, officer or director of the subdivider through the word status" is deleted and "The statement required by this paragraph must be authored by an attorney who is licensed to practice in the state in which the land to be subdivided is located" is substituted. This language has been changed because of the statutory changes encompassed in Chapter 452, Laws of Minnesota 1984.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed
Adoption of Rules Relating to
Subdivided Land

CERTIFICATE
OF COMPLIANCE

I, GREGORY P. HUWE, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the rulemaking record, and that, based on my examination, the Administrative Procedure Act and the rules of the Attorney General have been followed. Any exceptions are noted below.

Dated: June 19, 1985.

Gregory P. Huwe

GREGORY P. HUWE
Special Assistant
Attorney General

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Rules Relating to Subdivided Land

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Richard G. Gomsrud, being first duly sworn, deposes and says:

That he is Department Counsel for the Department of Commerce.

That part of his duties is the promulgation and adoption of departmental rules, including those captioned above.

That to date, no person has requested notice of submission of the rules in the above-entitled matter to the Attorney General.

Richard G. Gomsrud

RICHARD G. GOMSRUD
Department Counsel, Department of Commerce

Subscribed and sworn to before me this
14th day of June, 1985.

Nancy I. Link

NANCY I. LINK
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
MY COMMISSION EXPIRES DECEMBER 3, 1990