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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1116

02/23/2015 Authored by Zerwas, Cornish and Considine

The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to taxation; property; modifying rules for restrictions on transfer for
1.3 divided lands; amending Minnesota Statutes 2014, sections 272.16, subdivision
1.4 2; 272.162.

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

1.6 Section 1. Minnesota Statutes 2014, section 272.16, subdivision 2, is amended to read:

1.7 Subd. 2. **Specific part conveyed after execution of a lender's lien.** (a)

1.8 Notwithstanding the provisions of sections 272.12, 272.121, and 272.162, a lender that
1.9 acquires, through execution of a lien, any part less than the whole of any parcel of land,
1.10 as charged in the tax lists, may convey that part upon payment of the proper proportion
1.11 of taxes due and owing on that part. The county auditor shall determine the proper
1.12 proportion of taxes to be paid. The lender shall be required to provide the county auditor
1.13 with instruments that document the lender's lien and the acquisition of the part.

1.14 (b) Notwithstanding paragraph (a), a lender described in paragraph (a) is subject to
1.15 the restrictions on transfers in section 272.162 if the part conveyed appears within the area
1.16 of application of county regulations adopted and filed under section 394.35.

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

1.18 Sec. 2. Minnesota Statutes 2014, section 272.162, is amended to read:

1.19 **272.162 RESTRICTIONS ON TRANSFERS OF SPECIFIC PARTS.**

1.20 Subdivision 1. **Conditions restricting transfer.** When a deed or other instrument
1.21 conveying a parcel of land is presented to the county auditor for transfer or division under
1.22 sections 272.12, 272.16, and 272.161, the auditor shall not transfer or divide the land or its

2.1 net tax capacity in the official records and shall not certify the instrument as provided in
2.2 section 272.12, if:

2.3 (a) The land conveyed is less than a whole parcel of land as charged in the tax lists;

2.4 (b) The part conveyed appears within the area of application of municipal
2.5 subdivision or county regulations adopted and filed under section 462.36, subdivision
2.6 1 or section 394.35; and

2.7 (c) The part conveyed is part of or constitutes a subdivision as defined in section
2.8 394.25, subdivision 7, paragraph (a), or 462.352, subdivision 12.

2.9 Subd. 2. **Conditions allowing transfer.** (a) Notwithstanding the provisions of
2.10 subdivision 1, the county auditor may transfer or divide the land and its net tax capacity
2.11 and may certify the instrument if the instrument contains a certification by the clerk of
2.12 the municipality or designated county planning official:

2.13 ~~(a)~~ (1) that the municipality's or county's subdivision regulations do not apply;

2.14 ~~(b)~~ (2) that the subdivision has been approved by the governing body of the
2.15 municipality or county; or

2.16 ~~(c)~~ (3) that the restrictions on the division of taxes and filing and recording have
2.17 been waived by resolution of the governing body of the municipality or county in the
2.18 particular case because compliance would create an unnecessary hardship and failure to
2.19 comply would not interfere with the purpose of the regulations.

2.20 (b) If any of the conditions for certification by the municipality or county as provided
2.21 in this subdivision exist and the municipality or county does not certify that they exist
2.22 within 24 hours after the instrument of conveyance has been presented to the clerk of
2.23 the municipality or designated county planning official, the provisions of subdivision 1
2.24 do not apply.

2.25 (c) If an unexecuted instrument is presented to the municipality or county and
2.26 any of the conditions for certification by the municipality or county as provided in
2.27 this subdivision exist, the unexecuted instrument must be certified by the clerk of the
2.28 municipality or the designated county planning official.

2.29 Subd. 3. **Applicability of restrictions.** (a) This section does not apply to the
2.30 exceptions set forth in section 272.12.

2.31 (b) This section applies only to land within municipalities or counties which choose
2.32 to be governed by its provisions. A municipality or county may choose to have this
2.33 section apply to the property within its boundaries by filing a certified copy of a resolution
2.34 of its governing body making that choice with the auditor and recorder of the county in
2.35 which it is located.

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