

SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION

S.F. No. 2106

(SENATE AUTHORS: BIGHAM and Mathews)

DATE	D-PG	OFFICIAL STATUS
03/15/2021	914	Introduction and first reading Referred to State Government Finance and Policy and Elections
03/17/2021	962	Withdrawn and re-referred to Civil Law and Data Practices Policy
03/22/2021	1130a	Comm report: To pass as amended and re-refer to State Government Finance and Policy and Elections
03/25/2021	1170	Motion did not prevail To withdraw from committee and place on General Orders

- 1.1 A bill for an act
- 1.2 relating to state government; modifying various provisions governing or
- 1.3 administered by the secretary of state; amending Minnesota Statutes 2020, sections
- 1.4 5B.02; 5B.05; 5B.10, subdivision 1; 13.045, subdivisions 1, 2, 3, 4a.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 5B.02, is amended to read:
- 1.7 **5B.02 DEFINITIONS.**
- 1.8 (a) For purposes of this chapter and unless the context clearly requires otherwise, the
- 1.9 definitions in this section have the meanings given them.
- 1.10 (b) "Address" means an individual's work address, school address, or residential street
- 1.11 address, as specified on the individual's application to be a program participant under this
- 1.12 chapter.
- 1.13 (c) "Applicant" means an adult, a parent or guardian acting on behalf of an eligible
- 1.14 minor, or a guardian acting on behalf of an incapacitated person, as defined in section
- 1.15 524.5-102.
- 1.16 (d) "Domestic violence" means an act as defined in section 518B.01, subdivision 2,
- 1.17 paragraph (a), and includes a threat of such acts committed against an individual in a domestic
- 1.18 situation, regardless of whether these acts or threats have been reported to law enforcement
- 1.19 officers.
- 1.20 (e) "Eligible person" means an adult, a minor, or an incapacitated person, as defined in
- 1.21 section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a
- 1.22 victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible

2.1 person fears for the person's safety, the safety of another person who resides in the same
2.2 household, or the safety of persons on whose behalf the application is made. An individual
2.3 must reside in Minnesota in order to be an eligible person. A person registered or required
2.4 to register as a predatory offender under section 243.166 or 243.167, or the law of another
2.5 jurisdiction, is not an eligible person.

2.6 (f) "Mail" means first class letters and flats delivered via the United States Postal Service,
2.7 including priority, express, and certified mail, and excluding ~~packages, parcels, (1)~~
2.8 ~~periodicals, and catalogues, and (2) packages and parcels~~ unless they are clearly identifiable
2.9 as nonrefrigerated pharmaceuticals or clearly indicate that they are sent by the federal
2.10 government or a state or county government agency of the continental United States, Hawaii,
2.11 District of Columbia, or United States territories.

2.12 (g) "Program participant" means an individual certified as a program participant under
2.13 section 5B.03.

2.14 (h) "Harassment" or "stalking" means acts criminalized under section 609.749 and
2.15 includes a threat of such acts committed against an individual, regardless of whether these
2.16 acts or threats have been reported to law enforcement officers.

2.17 Sec. 2. Minnesota Statutes 2020, section 5B.05, is amended to read:

2.18 **5B.05 USE OF DESIGNATED ADDRESS.**

2.19 (a) When a program participant presents the address designated by the secretary of state
2.20 to any person or entity, that address must be accepted as the address of the program
2.21 participant. The person may not require the program participant to submit any address that
2.22 could be used to physically locate the participant either as a substitute or in addition to the
2.23 designated address, or as a condition of receiving a service or benefit, unless the service or
2.24 benefit would be impossible to provide without knowledge of the program participant's
2.25 physical location. Notwithstanding a person's or entity's knowledge of a program participant's
2.26 physical location, the person or entity must use the program participant's designated address
2.27 for all mail correspondence with the program participant.

2.28 (b) A program participant may use the address designated by the secretary of state as
2.29 the program participant's work address.

2.30 (c) The Office of the Secretary of State shall forward all mail sent to the designated
2.31 address to the proper program participants.

2.32 (d) If a program participant has notified a person in writing, on a form prescribed by the
2.33 program, that the individual is a program participant and of the requirements of this section,

3.1 the person must not knowingly disclose the program participant's name, home address, work
 3.2 address, or school address, unless the person to whom the address is disclosed also lives,
 3.3 works, or goes to school at the address disclosed, or the participant has provided written
 3.4 consent to disclosure of the participant's name, home address, work address, or school
 3.5 address for the purpose for which the disclosure will be made. This paragraph applies to
 3.6 the actions and reports of guardians ad litem, except that guardians ad litem may disclose
 3.7 the program participant's name. This paragraph does not apply to records of the judicial
 3.8 branch governed by rules adopted by the supreme court or government entities governed
 3.9 by section 13.045.

3.10 Sec. 3. Minnesota Statutes 2020, section 5B.10, subdivision 1, is amended to read:

3.11 Subdivision 1. **Display by landlord.** If a program participant has notified the program
 3.12 participant's landlord in writing that the individual is a program participant and of the
 3.13 requirements of this section, a local ordinance ~~or the landlord~~ must not require the display
 3.14 of, and the landlord shall not display, the program participant's name at an address otherwise
 3.15 protected under this chapter.

3.16 Sec. 4. Minnesota Statutes 2020, section 13.045, subdivision 1, is amended to read:

3.17 Subdivision 1. **Definitions.** As used in this section:

3.18 (1) "program participant" has the meaning given in section 5B.02, paragraph (g);

3.19 (2) "location data" means ~~any data~~ the participant specifies that may be used to physically
 3.20 locate a program participant, ~~including but not limited to~~ such as the program participant's
 3.21 residential address, work address, ~~and~~ or school address, and that is collected, received, or
 3.22 maintained by a government entity prior to the date a program participant's certification
 3.23 expires, or the date the entity receives notice that the program participant has withdrawn
 3.24 from the program, whichever is earlier;

3.25 (3) "identity data" means data that may be used to identify a program participant,
 3.26 including the program participant's name, phone number, e-mail address, address designated
 3.27 under chapter 5B, Social Security number, or driver's license number, and that is collected,
 3.28 received, or maintained by a government entity before the date a program participant's
 3.29 certification expires, or the date the entity receives notice that the program participant has
 3.30 withdrawn from the program, whichever is earlier;

4.1 (4) "county recorder" means the county official who performs the functions of the county
 4.2 recorder or registrar of titles to record a document as part of the county real estate document
 4.3 recording system, regardless of title or office; and

4.4 (5) "real property records" means any record of data that is maintained ~~by a county~~ as
 4.5 part of the county real estate document recording system for use by the public, data on
 4.6 assessments, data on real or personal property taxation, and other data on real property.

4.7 Sec. 5. Minnesota Statutes 2020, section 13.045, subdivision 2, is amended to read:

4.8 Subd. 2. **Notification of certification.** (a) A program participant may ~~submit a notice,~~
 4.9 ~~in writing, to~~ notify the responsible authority of any government entity other than the county
 4.10 recorder in writing, on a form prescribed by the secretary of state, that the participant is
 4.11 certified in the Safe at Home address confidentiality program pursuant to chapter 5B. The
 4.12 notice must include the program participant's name, ~~names of other program participants~~
 4.13 ~~in the household,~~ date of birth, address designated under chapter 5B, program participant
 4.14 signature, signature of the participant's parent or guardian if the participant is a minor, date
 4.15 the program participant's certification in the program expires, and any other information
 4.16 specified by the secretary of state. A program participant may submit a subsequent notice
 4.17 of certification, if the participant's certification is renewed. The contents of the notification
 4.18 of certification are private data on individuals. A notice provided pursuant to this paragraph
 4.19 is a request to protect location data unless the participant requests that specific identity data
 4.20 also be protected.

4.21 (b) To affect real property records, ~~including but not limited to documents maintained~~
 4.22 ~~in a public recording system, data on assessments and taxation, and other data on real~~
 4.23 ~~property,~~ a program participant must submit a real property notice in writing to the county
 4.24 recorder in the county where the property identified in the real property notice is located.
 4.25 To affect real property records maintained by any other government entity, a program
 4.26 participant must submit a real property notice in writing to the other government entity's
 4.27 responsible authority. A real property notice must be on a form prescribed by the secretary
 4.28 of state and must include:

4.29 (1) the full legal name of the program participant, including middle name;

4.30 (2) the last four digits of the program participant's Social Security number;

4.31 (3) the participant's date of birth;

4.32 ~~(3)~~ (4) the designated address of the program participant as assigned by the secretary of
 4.33 state, including lot number;

5.1 ~~(4) the date the program participant's certification in the program expires;~~

5.2 (5) the legal description and street address, if any, of the real property affected by the
5.3 notice;

5.4 (6) the address of the Office of the Secretary of State; and

5.5 (7) the signature of the program participant.

5.6 Only one parcel of real property may be included in each notice, but more than one notice
5.7 may be presented ~~to the county recorder. The county recorder~~ The recipient of the notice
5.8 may require a program participant to provide additional information necessary to identify
5.9 the records of the program participant or the real property described in the notice. A program
5.10 participant must submit a subsequent real property notice for the real property if the
5.11 participant's ~~certification is renewed~~ legal name changes. The real property notice is private
5.12 data on individuals.

5.13 Sec. 6. Minnesota Statutes 2020, section 13.045, subdivision 3, is amended to read:

5.14 Subd. 3. **Classification of identity and location data; amendment of records; sharing**
5.15 **and dissemination.** (a) Identity and location data ~~on~~ for which a program participant ~~who~~
5.16 ~~submits a notice~~ seeks protection under subdivision 2, paragraph (a), that are not otherwise
5.17 classified by law are private data on individuals. ~~Notwithstanding any provision of law to~~
5.18 ~~the contrary, private or confidential location data on a program participant who submits a~~
5.19 ~~notice under subdivision 2, paragraph (a), may not be shared with any other government~~
5.20 ~~entity or nongovernmental entity except as provided in paragraph (b).~~

5.21 (b) ~~Private or confidential location data on a program participant must not be shared or~~
5.22 ~~disclosed by a government entity~~ Notwithstanding any provision of law to the contrary,
5.23 private or confidential location data on a program participant who submits a notice under
5.24 subdivision 3, paragraph (a), may not be shared with any other government entity or
5.25 nongovernmental entity unless:

5.26 (1) the program participant has expressly consented in writing to sharing or dissemination
5.27 of the data for the purpose for which the sharing or dissemination will occur;

5.28 (2) the data are subject to sharing or dissemination pursuant to court order under section
5.29 13.03, subdivision 6;

5.30 (3) the data are subject to sharing pursuant to section 5B.07, subdivision 2;

6.1 (4) the location data related to county of residence are needed to provide public assistance
 6.2 or other government services, or to allocate financial responsibility for the assistance or
 6.3 services;

6.4 (5) the data are necessary to perform a government entity's health, safety, or welfare
 6.5 functions, including the provision of emergency 911 services, the assessment and
 6.6 investigation of child or vulnerable adult abuse or neglect, or the assessment or inspection
 6.7 of services or locations for compliance with health, safety, or professional standards; or

6.8 (6) the data are necessary to aid an active law enforcement investigation of the program
 6.9 participant.

6.10 (c) Data disclosed under paragraph (b), clauses (4) to (6), may be used only for the
 6.11 purposes authorized in this subdivision and may not be further disclosed to any other person
 6.12 or government entity. Government entities receiving or sharing private or confidential data
 6.13 under this subdivision shall establish procedures to protect the data from further disclosure.

6.14 (d) Real property record data are governed by subdivision 4a.

6.15 (e) Notwithstanding sections 15.17 and 138.17, a government entity may amend records
 6.16 to replace a participant's location data with the participant's designated address.

6.17 Sec. 7. Minnesota Statutes 2020, section 13.045, subdivision 4a, is amended to read:

6.18 Subd. 4a. **Real property records.** (a) If a program participant submits a notice ~~to a~~
 6.19 ~~county recorder~~ under subdivision 2, paragraph (b), the ~~county recorder~~ government entity
 6.20 must not disclose the program participant's identity data in conjunction with the property
 6.21 identified in the written notice in the entity's real property records, unless:

6.22 (1) the program participant has consented to sharing or dissemination of the data for the
 6.23 purpose identified in a writing acknowledged by the program participant;

6.24 (2) the data are subject to sharing or dissemination pursuant to court order under section
 6.25 13.03, subdivision 6; ~~or~~

6.26 (3) the secretary of state authorizes the sharing or dissemination of the data under
 6.27 subdivision 4b for the purpose identified in the authorization; or

6.28 (4) the data is shared with a government entity subject to this chapter for the purpose of
 6.29 administering assessment and taxation laws.

6.30 This subdivision does not prevent ~~the~~ a county recorder from returning original documents
 6.31 to the individuals that submitted the documents for recording. This subdivision does not
 6.32 prevent the public disclosure of the participant's name and address designated under chapter

7.1 5B in the county reception index if the participant's name and designated address are not
7.2 disclosed in conjunction with location data. Each ~~county recorder~~ government entity shall
7.3 establish procedures for recording or filing documents to comply with this subdivision.
7.4 These procedures may include masking identity or location data and making documents or
7.5 certificates of title containing the data private and not viewable except as allowed by this
7.6 paragraph. The procedure must comply with the requirements of chapters 386, 507, 508,
7.7 and 508A and other laws as appropriate, to the extent these requirements do not conflict
7.8 with this section. The procedures must provide public notice of the existence of recorded
7.9 documents and certificates of title that are not publicly viewable and the provisions for
7.10 viewing them under this subdivision. Notice that a document or certificate is private and
7.11 viewable only under this subdivision or subdivision 4b is deemed constructive notice of the
7.12 document or certificate.

7.13 (b) A real property notice is notice only to the county recorder. A notice that does not
7.14 conform to the requirements of a real property notice under subdivision 2, paragraph (b),
7.15 is not effective as a notice to the county recorder. On receipt of a real property notice, the
7.16 ~~county recorder~~ government entity shall provide a copy of the notice to the person who
7.17 maintains the property tax records in that ~~county~~ jurisdiction, to the county's or municipality's
7.18 responsible authority, and provide a copy to the secretary of state at the address specified
7.19 by the secretary of state in the notice.

7.20 (c) Paragraph (a) applies only to the records recorded or filed concurrently with the real
7.21 property notice specified in subdivision 2, paragraph (b), and real property records affecting
7.22 the same real property created or recorded subsequent to the county's government entity's
7.23 receipt of the real property notice.

7.24 (d) The prohibition on disclosure in paragraph (a) continues until:

7.25 (1) the program participant has consented to the termination of the real property notice
7.26 in a writing acknowledged by the program participant. Notification under this paragraph
7.27 must be given by the government entity to the secretary of state within 90 days of the
7.28 termination;

7.29 (2) the real property notice is terminated pursuant to a court order. Notification under
7.30 this paragraph must be given by the government entity to the secretary of state within 90
7.31 days of the termination;

7.32 (3) the program participant no longer holds a record interest in the real property identified
7.33 in the real property notice. Notification under this paragraph must be given by the government
7.34 entity to the secretary of state within 90 days of the termination; or

8.1 (4) the secretary of state has given written notice to the ~~county recorder~~ government
8.2 entity who provided the secretary of state with a copy of a participant's real property notice
8.3 that the program participant's certification has terminated. Notification under this paragraph
8.4 must be given by the secretary of state within 90 days of the termination.

8.5 Upon termination of the prohibition of disclosure, the ~~county recorder~~ government entity
8.6 shall make publicly viewable all documents and certificates of title relative to the participant
8.7 that were previously partially or wholly private and not viewable.