03/04/15 REVISOR MLT/PT 15-3534 as introduced

SENATE STATE OF MINNESOTA EIGHTY-NINTH SESSION

A bill for an act

relating to data practices; allowing safe at home program participants to submit

notices affecting property records filed before the notice; amending Minnesota

S.F. No. 1472

(SENATE AUTHORS: FRANZEN, Goodwin, Dziedzic, Limmer and Latz)

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OFFICIAL STATUS

03/09/2015 601 Introduction and first reading Referred to Judiciary

Referred to Judiciary

1.4	Statutes 2014, section 13.045, subdivision 4a.
1.5	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.6	Section 1. Minnesota Statutes 2014, section 13.045, subdivision 4a, is amended to read:
1.7	Subd. 4a. Real property records. (a) If a program participant submits a notice to a
1.8	county recorder under subdivision 2, paragraph (b), the county recorder must not disclose
1.9	the program participant's identity data in conjunction with the property identified in the
1.10	written notice, unless:
1.11	(1) the program participant has consented to sharing or dissemination of the data for
1.12	the purpose identified in a writing acknowledged by the program participant;
1.13	(2) the data are subject to sharing or dissemination pursuant to court order under
1.14	section 13.03, subdivision 6; or
1.15	(3) the secretary of state authorizes the sharing or dissemination of the data under
1.16	subdivision 4b for the purpose identified in the authorization.
1.17	This subdivision does not prevent the county recorder from returning original documents
1.18	to the individuals that submitted the documents for recording. This subdivision does not
1.19	prevent the public disclosure of the participant's name and address designated under
1.20	chapter 5B in the county reception index if the participant's name and designated address
1.21	are not disclosed in conjunction with location data. Each county recorder shall establish
1.22	procedures for recording or filing documents to comply with this subdivision. These
1.23	procedures may include masking identity or location data and making documents or

certificates of title containing the data private and not viewable except as allowed by this

Section 1.

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paragraph. The procedure must comply with the requirements of chapters 386, 507, 508, and 508A and other laws as appropriate, to the extent these requirements do not conflict with this section. The procedures must provide public notice of the existence of recorded documents and certificates of title that are not publicly viewable and the provisions for viewing them under this subdivision. Notice that a document or certificate is private and viewable only under this subdivision or subdivision 4b is deemed constructive notice of the document or certificate.

- (b) A real property notice is notice only to the county recorder. A notice that does not conform to the requirements of a real property notice under subdivision 2, paragraph (b), is not effective as a notice to the county recorder. On receipt of a real property notice, the county recorder shall provide a copy of the notice to the person who maintains the property tax records in that county, and provide a copy to the secretary of state at the address specified by the secretary of state in the notice.
- (c) Paragraph (a) applies only to the records recorded or filed before or concurrently with the real property notice specified in subdivision 2, paragraph (b), and real property records affecting the same real property recorded subsequent to the county's receipt of the real property notice.
 - (d) The prohibition on disclosure in paragraph (a) continues until:
- (1) the program participant has consented to the termination of the real property notice in a writing acknowledged by the program participant;
 - (2) the real property notice is terminated pursuant to a court order;
- (3) the program participant no longer holds a record interest in the real property identified in the real property notice; or
- (4) the secretary of state has given written notice to the county recorder who provided the secretary of state with a copy of a participant's real property notice that the program participant's certification has terminated. Notification under this paragraph must be given by the secretary of state within 90 days of the termination.
- Upon termination of the prohibition of disclosure, the county recorder shall make publicly viewable all documents and certificates of title relative to the participant that were previously partially or wholly private and not viewable.

Section 1. 2