



February 26, 2026
House File 2959

Dear Co-Chair Scott and Co-Chair Liebling, Co-Vice Chair Hudson, Co-Vice Chair Finke,

Our organizations represent tens of thousands of residents, employers and property taxpayers across the state of Minnesota. Communities large and small rely on the taxes we pay to fund our schools, roads, and transit systems, to name a few.

We write to encourage you to support House File 2959. The bill fixes statutory language to reflect the legislative purpose and intent of classifying private data as nonpublic in court proceedings. Every moment this language goes unchecked, more private data is exposed – most of the time without the knowledge of the party impacted by the breach.

The nonpublic information made public in tax proceedings includes individual rental agreements, tenant improvement (TI) benefits, total income generated and reams of additional data. When this data is breached, it creates a competitive disadvantage to the taxpayer. It's the equivalent of giving away the secret 11 herbs and spices of KFC.

In reviewing this matter, the Minnesota Supreme Court Justice Paul Thissen (former Speaker of the Minnesota House), expressed concern that even allowing assessors to use third-party nonpublic data in their trial appraisal reports under the limited statutory exception relating to "assessor's records" was fundamentally inconsistent with the legislative purpose and intent of classifying the data as nonpublic and protecting it in the first place. It is for this reason, he recommended the Legislature fix the language to provide clarity for the future.

We ask you to act today to resolve this issue and keep nonpublic data private.

Sincerely,

Sarah Anderson, President, CEO BOMA Greater Minneapolis

Tina Gassman, President, CEO BOMA Greater Saint Paul

BOMA Duluth

Roz Peterson, Public Policy Director, NAIOP Minnesota

Brian Cook, Director, Tax, Fiscal and Elections Policy, Minnesota Chamber of Commerce



February 24, 2026

Peggy Scott
Co-Chair, Judiciary Finance and Civil Law Committee
Minnesota House of Representatives
2nd Floor, Centennial Office Building
St. Paul, MN 55155

Tina Liebling
Co-Chair, Judiciary Finance and Civil Law Committee
Minnesota House of Representatives
5th Floor, Centennial Office Building
St. Paul, MN 55155

RE: Ryan Law Firm, PLLC Support for HF 2959

Dear Madam Co-Chairwoman, Representatives Peggy Scott and Tina Liebling, and Members of the Committee:

Ryan Law Firm, PLLC appreciates the opportunity to submit written testimony in support of HF 2959. Our firm represents commercial property owners and lessees in ad valorem tax matters. We assist taxpayers and their representatives throughout the property tax appeal process, including helping them comply with the extensive administrative and procedural requirements necessary to secure their constitutional right to a fair and uniform assessment.

1. Proposed Amended Language to Minn. Stat. § 13.51

The proposed amendments to Minn. Stat. § 13.51 provide a necessary and meaningful update to the treatment of income property assessment data in litigation. Under the amended language, a responsible authority may no longer deny a lawful discovery request merely because the requested information is classified as private or nonpublic. This change ensures that essential valuation data cannot be withheld behind a data-classification shield, no longer allowing tax appeals to be decided on an incomplete and less accurate evidentiary record.

Equally important, the bill adds explicit safeguards preventing all parties from using or disseminating this sensitive information outside the legal proceeding. These provisions protect taxpayers from the risk of exposing proprietary business information simply because they seek judicial review of an assessment.

Ryan Law Firm, PLLC supports this amended language because it creates a balanced framework: assessors and taxpayers have full access to the information necessary to determine market value, while robust confidentiality protections remain firmly in place. The result is a more clear, balanced and efficient discovery process.

2. Proposed Amended Language to Minn. Stat. § 271.06

The amendments to Minn. Stat. § 271.06 enhance fairness and predictability in Tax Court proceedings by requiring the Tax Court to issue protective orders whenever private or nonpublic

income property assessment data is provided for purposes of resolving the appeal. This removes prior uncertainty, where protective orders were discretionary and applied unpredictably across cases, leaving taxpayers unsure whether sensitive information would remain confidential.

The new mandate ensures uniform treatment: confidential income data must be shielded from public disclosure, unauthorized use, or dissemination. The authorization for the Tax Court's in-camera review is strongly supported since it further ensures that only those directly involved in the litigation have access to the data.

Taxpayers, and their legal counsel, strongly support this statutory clarity. The amendments eliminate the historical tension between defending an assessment appeal and risking the exposure of confidential business information. With consistent protections in place, property owners can challenge improper assessments without compromising competitively sensitive information. This consistency strengthens trust in the Tax Court system and ensures valuation disputes are resolved on their merits.

3. Proposed Amended Language to Minn. Stat. § 278.05

The amendments to Minn. Stat. § 278.05 make important improvements to the property tax appeal process, especially regarding assessor records, confidentiality, and taxpayer disclosure requirements.

First, the expanded definition of “assessor’s records” ensures all income property assessment data—regardless of how it was stored or categorized—can be accessed during an appeal, subject to protective orders. This prevents narrow interpretations of what constitutes discoverable records and allows valuation disputes to be resolved using the full, relevant set of data necessary to determine true market value.

Second, consistent with amendments to § 271.06, the statute now requires the Tax Court to issue protective orders whenever private or nonpublic income data is involved. This provides uniform, predictable confidentiality protections throughout the entire appeal process.

Most significantly, the amendments to subdivision 6 bring fairness to the taxpayer disclosure process. Under current law, counties routinely seek dismissal of appeals based on minor or technical errors in a taxpayer’s income and expense submissions—preventing taxpayers from receiving a judicial determination of their property’s value. The new language introduces a fair and reasonable safeguard: before seeking dismissal, the assessor must notify the taxpayer in writing of any deficiency and allows for 30 days to correct any genuine deficiency. This ensures the right to appeal is not lost due to clerical mistakes or immaterial omissions.

Ryan Law Firm, PLLC strongly supports these amendments because they restore balance and proportionality to the appeal process. They preserve the assessor’s ability to obtain necessary information while ensuring dismissal is reserved only for genuine noncompliance—not inadvertent or trivial errors. These changes promote fairness, increase access to judicial review, and ensure appeals are resolved based on accurate market value evidence rather than procedural technicalities.

While HF 2959 takes an essential step toward improving Minn. Stat. § 278.05, Ryan Law Firm, PLLC also encourages the Legislature to further clarify the meaning of “unavailability of the information” within subdivision 6. A more precise definition would provide an additional safeguard for taxpayers and reduce unnecessary disputes over what constitutes unavailable information.

Thank you for taking the time to hear testimony regarding this important legislation, and thank you to Representative Scott for sponsoring this bill.

Very Truly Yours,

Thomas R. Wilhelmy

Reginald Snell

A handwritten signature in black ink, appearing to be 'JM' with a flourish.

Thomas R. Wilhelmy, Partner, Property Tax Group Leader - Minnesota
Reginald Snell, Attorney
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February 24, 2026

Minnesota Judiciary Finance & Civil Law Committee
Attn. Committee Chair Scott & Committee Members

Re: Support for HF 2959 - Safeguarding Due Process and Financial Privacy in Property Tax Appeals

Committee Chair Scott and Members of the Committee,

My name is Lane Thor. I am a Minnesota property tax professional with nearly two decades of experience in property tax valuation and administration, including service as both a licensed assessor in the public sector and a consultant representing taxpayers across Minnesota. Currently, I serve as a Principal for Ryan, a global business tax services and software provider.

I respectfully submit this letter in strong support of HF 2959, legislation that provides protections for sensitive income-producing property data in property tax appeals. HF 2959 also provides critical clarification and balance to Minnesota Statute §278.05, subdivision 6 — commonly known as the “August 1 Rule.”

At its’ core, HF 2959 addresses a simple but important principle: **Taxpayers should not be required to surrender their privacy to exercise their legal right to challenge a tax assessment and that challenges should be heard on the merits and not procedural perfection.**

Protecting Taxpayer Privacy

Under current practice, property owners appealing valuations on income producing parcels must disclose detailed financial information — rent rolls, lease terms, operating expenses, vacancy data, and projected income. These materials are not abstract numbers; they represent the operational blueprint of a business. HF 2959 appropriately classifies these materials as private or nonpublic data and ensures courts issue protective orders before such information becomes part of the public record.

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To understand why this matters, consider an analogy familiar to every taxpayer. Imagine if challenging a government determination required your complete income tax return — including every deduction, business expense, and source of income — to be placed in a public file for neighbors or competitors to review. Most Americans would view that requirement as unreasonable, intrusive, and fundamentally unfair. Yet, that is effectively the risk faced by owners of income-producing property today.

Property tax appeals should only allow the government to review sensitive financial information, but the public does not need access to it nor does it need to be shared with other government entities.

Without clear protections, disclosure can lead to unintended consequences:

- Competitive harm when lease terms or operating strategies become visible to competitors;
- Reputational embarrassment or public misunderstanding of financial performance;
- Reduced willingness of taxpayers to pursue legitimate appeals, undermining confidence in the fairness of the tax system.

Transparency in government decision-making is essential, but transparency must not become public exposure of private enterprise. HF 2959 strikes this balance by allowing courts and parties access to necessary information while preventing dissemination beyond those directly involved in the legal proceeding.

This bill does not conceal evidence. It does not limit discovery. It does not prevent assessors from performing their duties. Instead, it ensures that sensitive business information is treated with the same dignity and confidentiality afforded in nearly every other area of tax administration. HF 2959 recognizes that fair taxation should never require disclosure of business trade secrets as the price of due process.

Addressing the Need to Balance Minnesota Statute §278.05, Subdivision 6

HF 2959 also provides critical clarification and balance to Minnesota Statute §278.05, subdivision 6 — commonly known as the “August 1 Rule.” Although originally intended to promote early information sharing between petitioners and assessors, the statute has been interpreted by the Minnesota Tax Court as a strict, mandatory dismissal rule, regardless of whether any party suffers prejudice or whether the omitted information impacts valuation.

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Further, the Tax Court has labeled the August 1st Rule penalty as “Extraordinary”¹ and “Draconian”² and that it “leaves no doubt that the Legislature intends a harsh remedy for non-compliance and we have imposed that remedy when warranted.”³

As applied in practice, meritorious appeals can be dismissed for technical discrepancies such as a rent roll reflecting 11 units instead of 12 units or an unintended omission of a temporary/seasonal verbal lease. These outcomes conflict with the broader statutory directive that property tax appeals should disregard “technicalities and matters of form not affecting the merits.”⁴

Instead of encouraging efficient exchange of information, the current interpretation has transformed subdivision 6 into a procedural trap — one that resolves disputes without ever reaching the question of whether the tax assessment is correct. The result is a system where procedural perfection outweighs substantive fairness.

In closing, HF 2959 strengthens fairness in Minnesota property tax appeals by protecting confidential income and lease data from public disclosure and ensuring legitimate appeals are decided on their merits rather than dismissed for minor technical errors.

Thank you for your time and consideration.

Respectfully,

Lane Thor
Principal, Real Property Tax
Ryan
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Minneapolis, Minnesota 55402

¹ CWI, Inc., and Camping World RV Sales, LLC vs. County of Anoka (2022). p.5.

² Shores Resort Company vs. County of Lake (2024). p.4.

³ *id at 2*

⁴ Minnesota Statute §278.05, subdivision 1