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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 672

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to marriage; changing and clarifying certain terms and procedures;
1.3 requiring certain fees; amending Minnesota Statutes 2006, sections 517.03,
1.4 subdivision 2; 517.05; 517.07; 517.08, subdivisions 1a, 1b, 1c; 517.10; 517.13.

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

1.6 Section 1. Minnesota Statutes 2006, section 517.03, subdivision 2, is amended to read:

1.7 Subd. 2. **Developmentally disabled persons; consent by commissioner of**
1.8 **human services.** Developmentally disabled persons committed to the guardianship of
1.9 the commissioner of human services and developmentally disabled persons committed
1.10 to the conservatorship of the commissioner of human services in which the terms of
1.11 the conservatorship limit the right to marry, may marry on receipt of written consent
1.12 of the commissioner. The commissioner shall grant consent unless it appears from the
1.13 commissioner's investigation that the marriage is not in the best interest of the ward or
1.14 conservatee and the public. The ~~court administrator of the district court~~ local registrar in
1.15 the county where the application for a license is made by the ward or conservatee shall
1.16 not issue the license unless the ~~court administrator~~ local registrar has received a signed
1.17 copy of the consent of the commissioner of human services.

1.18 Sec. 2. Minnesota Statutes 2006, section 517.05, is amended to read:

1.19 **517.05 CREDENTIALS OF MINISTER.**

1.20 Ministers of any religious denomination, before they are authorized to solemnize a
1.21 marriage, shall file a copy of their credentials of license or ordination with the ~~court~~
1.22 ~~administrator of the district court~~ local registrar of a county in this state, who shall record
1.23 the same and give a certificate thereof. The local registrar shall collect from the registrant

2.1 a fee of \$20 for issuing a certificate of filing, recording, and filing all papers required.
2.2 The filing fee must be deposited into the county's general fund. The place where the
2.3 credentials are recorded shall be endorsed upon and recorded with each certificate of
2.4 marriage granted by a minister.

2.5 Sec. 3. Minnesota Statutes 2006, section 517.07, is amended to read:

2.6 **517.07 LICENSE.**

2.7 Before any persons are joined in marriage in Minnesota, a license ~~shall~~ must be
2.8 obtained from the local registrar of any county in Minnesota. The marriage need not take
2.9 place in the county where the license is obtained, but must take place in Minnesota.

2.10 Sec. 4. Minnesota Statutes 2006, section 517.08, subdivision 1a, is amended to read:

2.11 Subd. 1a. **Form.** Application for a marriage license shall be made upon a form
2.12 provided for the purpose and shall contain the following information:

2.13 (1) the full names of the parties and the sex of each party;

2.14 (2) their post office addresses and county and state of residence;

2.15 (3) their full ages;

2.16 (4) if either party has previously been married, the party's married name, and the
2.17 date, place and court in which the marriage was dissolved or annulled or the date and
2.18 place of death of the former spouse;

2.19 (5) if either party is a minor, the name and address of the minor's parents or guardian;

2.20 (6) whether the parties are related to each other, and, if so, their relationship;

2.21 (7) the name and date of birth of any child of which both parties are parents, born
2.22 before the making of the application, unless their parental rights and the parent and child
2.23 relationship with respect to the child have been terminated;

2.24 (8) address of the bride and groom after the marriage to which the court administrator
2.25 shall send a certified copy of the marriage certificate;

2.26 (9) the full names the parties will have after marriage and the parties' Social Security
2.27 numbers. The Social Security numbers must be collected for the application but must not
2.28 appear on the marriage license;

2.29 (10) if one or both of the parties to the marriage license has a felony conviction
2.30 under Minnesota law or the law of another state or federal jurisdiction, the parties shall
2.31 provide to the county proof of service upon the prosecuting authority and, if applicable,
2.32 the attorney general, as required by section 259.13; and

2.33 (11) notice that a party who has a felony conviction under Minnesota law or the
2.34 law of another state or federal jurisdiction may not use a different surname after a name

3.1 change through marriage except as authorized by section 259.13, and that doing so is a
3.2 gross misdemeanor.

3.3 Sec. 5. Minnesota Statutes 2006, section 517.08, subdivision 1b, is amended to read:

3.4 Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar
3.5 shall examine upon oath the party applying for a license relative to the legality of the
3.6 contemplated marriage. If at the expiration of a five-day period, on being satisfied that
3.7 there is no legal impediment to it, including the restriction contained in section 259.13, the
3.8 local registrar shall issue the license, containing the full names of the parties before and
3.9 after marriage, and county and state of residence, with the county seal attached, and make a
3.10 record of the date of issuance. The license shall be valid for a period of six months. In case
3.11 of emergency or extraordinary circumstances, a judge of the district court of the county in
3.12 which the application is made, may authorize the license to be issued at any time before
3.13 the expiration of the five days. Except as provided in paragraph (b), the local registrar shall
3.14 collect from the applicant a fee of ~~\$100~~ \$110 for administering the oath, issuing, recording,
3.15 and filing all papers required, and preparing and transmitting to the state registrar of vital
3.16 statistics the reports of marriage required by this section. If the license should not be used
3.17 within the period of six months due to illness or other extenuating circumstances, it may
3.18 be surrendered to the local registrar for cancellation, and in that case a new license shall
3.19 issue upon request of the parties of the original license without fee. A local registrar who
3.20 knowingly issues or signs a marriage license in any manner other than as provided in this
3.21 section shall pay to the parties aggrieved an amount not to exceed \$1,000.

3.22 (b) The marriage license fee for parties who have completed at least 12 hours of
3.23 premarital education is ~~\$30~~ \$40. In order to qualify for the reduced license fee, the
3.24 parties must submit at the time of applying for the marriage license a signed and dated
3.25 statement from the person who provided the premarital education confirming that it was
3.26 received. The premarital education must be provided by a licensed or ordained minister
3.27 or the minister's designee, a person authorized to solemnize marriages under section
3.28 517.18, or a person authorized to practice marriage and family therapy under section
3.29 148B.33. The education must include the use of a premarital inventory and the teaching of
3.30 communication and conflict management skills.

3.31 (c) The statement from the person who provided the premarital education under
3.32 paragraph (b) must be in the following form:

3.33 "I, (name of educator), confirm that (names of both parties) received at least 12
3.34 hours of premarital education that included the use of a premarital inventory and the
3.35 teaching of communication and conflict management skills. I am a licensed or ordained

4.1 minister, a person authorized to solemnize marriages under Minnesota Statutes, section
 4.2 517.18, or a person licensed to practice marriage and family therapy under Minnesota
 4.3 Statutes, section 148B.33."

4.4 The names of the parties in the educator's statement must be identical to the legal
 4.5 names of the parties as they appear in the marriage license application. Notwithstanding
 4.6 section 138.17, the educator's statement must be retained for seven years, after which
 4.7 time it may be destroyed.

4.8 (d) If section 259.13 applies to the request for a marriage license, the local registrar
 4.9 shall grant the marriage license without the requested name change. Alternatively, the local
 4.10 registrar may delay the granting of the marriage license until the party with the conviction:

4.11 (1) certifies under oath that 30 days have passed since service of the notice for a
 4.12 name change upon the prosecuting authority and, if applicable, the attorney general and no
 4.13 objection has been filed under section 259.13; or

4.14 (2) provides a certified copy of the court order granting it. The parties seeking the
 4.15 marriage license shall have the right to choose to have the license granted without the
 4.16 name change or to delay its granting pending further action on the name change request.

4.17 Sec. 6. Minnesota Statutes 2006, section 517.08, subdivision 1c, is amended to read:

4.18 Subd. 1c. **Disposition of license fee.** (a) Of the marriage license fee collected
 4.19 pursuant to subdivision 1b, paragraph (a), ~~\$15~~ \$25 must be retained by the county. The
 4.20 local registrar must pay \$85 to the commissioner of finance to be deposited as follows:

4.21 (1) \$50 in the general fund;

4.22 (2) \$3 in the special revenue fund to be appropriated to the commissioner of
 4.23 education for parenting time centers under section 119A.37;

4.24 (3) \$2 in the special revenue fund to be appropriated to the commissioner of health
 4.25 for developing and implementing the MN ENABL program under section 145.9255;

4.26 (4) \$25 in the special revenue fund is appropriated to the commissioner of
 4.27 employment and economic development for the displaced homemaker program under
 4.28 section 116L.96; and

4.29 (5) \$5 in the special revenue fund is appropriated to the commissioner of human
 4.30 services for the Minnesota Healthy Marriage and Responsible Fatherhood Initiative under
 4.31 section 256.742.

4.32 (b) Of the ~~\$30~~ \$40 fee under subdivision 1b, paragraph (b), ~~\$15~~ \$25 must be retained
 4.33 by the county. The local registrar must pay \$15 to the commissioner of finance to be
 4.34 deposited as follows:

4.35 (1) \$5 as provided in paragraph (a), clauses (2) and (3); and

5.1 (2) \$10 in the special revenue fund is appropriated to the commissioner of
 5.2 employment and economic development for the displaced homemaker program under
 5.3 section 116L.96.

5.4 (c) The increase in the marriage license fee under paragraph (a) provided for in Laws
 5.5 2004, chapter 273, and disbursement of the increase in that fee to the special fund for the
 5.6 Minnesota Healthy Marriage and Responsible Fatherhood Initiative under paragraph (a),
 5.7 clause (5), is contingent upon the receipt of federal funding under United States Code, title
 5.8 42, section 1315, for purposes of the initiative.

5.9 Sec. 7. Minnesota Statutes 2006, section 517.10, is amended to read:

5.10 **517.10 CERTIFICATE; WITNESSES.**

5.11 The person solemnizing a marriage shall prepare and sign ~~three certificates thereof~~
 5.12 a marriage certificate. ~~Each~~ The certificate ~~shall~~ must contain the full names before and
 5.13 after marriage and county and state of residences of the parties and the date and place of
 5.14 the marriage. ~~Each~~ The certificate ~~shall~~ must also contain the signatures of at least two
 5.15 of the witnesses present at the marriage who ~~shall~~ must be at least 16 years of age. The
 5.16 person solemnizing the marriage ~~shall give each of the parties one such certificate, and~~
 5.17 shall immediately make a record of ~~such~~ the marriage, and file ~~one such~~ the certificate
 5.18 with the local registrar ~~of the district court of~~ in the county in which the license was issued
 5.19 within five days after the ceremony. The local registrar shall ~~record such~~ file the certificate
 5.20 in a book or automated system kept for that purpose.

5.21 Sec. 8. Minnesota Statutes 2006, section 517.13, is amended to read:

5.22 **517.13 PENALTY FOR FAILURE TO ~~DELIVER AND~~ FILE CERTIFICATE.**

5.23 Every person solemnizing a marriage who neglects to ~~deliver to~~ file with the local
 5.24 registrar a certificate within the time set forth in section 517.10 shall forfeit a sum
 5.25 not exceeding \$100, and every local registrar who neglects to record a certificate shall
 5.26 forfeit a like sum.