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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1644**

March 12, 2009

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

1.1 A bill for an act
1.2 relating to marriage; providing for gender-neutral marriage laws; amending
1.3 Minnesota Statutes 2008, sections 363A.27; 517.01; 517.03, subdivision 1;
1.4 517.08, subdivision 1a; 517.09.

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

1.6 Section 1. Minnesota Statutes 2008, section 363A.27, is amended to read:

1.7 **363A.27 CONSTRUCTION OF LAW.**

1.8 Nothing in this chapter shall be construed to:

1.9 (1) mean the state of Minnesota condones homosexuality or bisexuality or any
1.10 equivalent lifestyle;

1.11 (2) authorize or permit the promotion of homosexuality or bisexuality in education
1.12 institutions or require the teaching in education institutions of homosexuality or
1.13 bisexuality as an acceptable lifestyle; or

1.14 (3) authorize or permit the use of numerical goals or quotas, or other types
1.15 of affirmative action programs, with respect to homosexuality or bisexuality in the
1.16 administration or enforcement of the provisions of this chapter; ~~or.~~

1.17 ~~(4) authorize the recognition of or the right of marriage between persons of the~~
1.18 ~~same sex.~~

1.19 Sec. 2. Minnesota Statutes 2008, section 517.01, is amended to read:

1.20 **517.01 MARRIAGE A CIVIL CONTRACT.**

1.21 Marriage, so far as its validity in law is concerned, is a civil contract between
1.22 ~~a man and a woman~~ two persons, to which the consent of the parties, capable in law
1.23 of contracting, is essential. Lawful marriage may be contracted ~~only between persons~~

2.1 ~~of the opposite sex and~~ only when a license has been obtained as provided by law and
2.2 when the marriage is contracted in the presence of two witnesses and solemnized by one
2.3 authorized, or whom one or both of the parties in good faith believe to be authorized, so to
2.4 do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

2.5 Sec. 3. Minnesota Statutes 2008, section 517.03, subdivision 1, is amended to read:

2.6 Subdivision 1. **General.** ~~(a)~~ The following marriages are prohibited:

2.7 (1) a marriage entered into before the dissolution of an earlier marriage of one of
2.8 the parties becomes final, as provided in section 518.145 or by the law of the jurisdiction
2.9 where the dissolution was granted;

2.10 (2) a marriage between an ancestor and a descendant, or between ~~a brother and a~~
2.11 ~~sister~~ siblings, whether the relationship is by the half or the whole blood or by adoption;
2.12 and

2.13 (3) a marriage between an uncle ~~and a niece, between an~~ or aunt and a niece or
2.14 nephew, or between first cousins, whether the relationship is by the half or the whole blood,
2.15 except as to marriages permitted by the established customs of aboriginal cultures; ~~and.~~

2.16 ~~(4) a marriage between persons of the same sex.~~

2.17 ~~(b) A marriage entered into by persons of the same sex, either under common law or~~
2.18 ~~statute, that is recognized by another state or foreign jurisdiction is void in this state and~~
2.19 ~~contractual rights granted by virtue of the marriage or its termination are unenforceable in~~
2.20 ~~this state.~~

2.21 Sec. 4. Minnesota Statutes 2008, section 517.08, subdivision 1a, is amended to read:

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

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

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

2.26 (3) their full ages;

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

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

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

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

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

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

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

(11) notice that a party who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different surname after marriage except as authorized by section 259.13, and that doing so is a gross misdemeanor.

Sec. 5. Minnesota Statutes 2008, section 517.09, is amended to read:

517.09 SOLEMNIZATION.

Subdivision 1. General. No particular form is required to solemnize a marriage, except: the parties shall declare in the presence of a person authorized to solemnize marriages and two attending witnesses that they take each other as husband and wife or spouses; or the marriage shall be solemnized in a manner provided by section 517.18.

Subd. 2. Refusal to solemnize. A licensed or ordained minister or person participating in solemnizing a marriage in a manner provided by section 517.18 is not subject to any fine, penalty, or civil liability for failing or refusing to solemnize a marriage for any reason.

Sec. 6. **REVISOR'S INSTRUCTION.**

The revisor shall change any terms that specifically refer to husband or wife or male or female in the context of a marriage relationship to the gender-neutral term "spouse" and include that term wherever those terms occur in Minnesota Statutes or Minnesota Rules.