A bill for an act

relating to marriage; providing for gender-neutral marriage laws; enacting the Marriage and Family Protection Act; amending Minnesota Statutes 2008, sections 363A.27; 517.01; 517.03, subdivision 1; 517.08, subdivision 1a; 517.09.

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

Section 1. **CITATION.**

This act shall be known as the "Marriage and Family Protection Act."

Sec. 2. **LEGISLATIVE FINDINGS.**

(a) The legislature makes the findings and declarations in paragraphs (b) to (h).

(b) Marriage is a legal institution recognized by the state to promote stable relationships and to protect people in those relationships and their children.

(c) Minnesota's current marriage law discriminates against same-sex couples, denying them and their families rights and responsibilities, including the right to pension and Social Security survivor's benefits, the right to family and medical leave, and numerous other benefits and obligations.

(d) The state has an interest in encouraging stable relationships regardless of the gender or sexual orientation of the partners and the entire community benefits when couples undertake the mutual obligations of marriage.

(e) Despite long-standing discrimination against lesbian, gay, bisexual, and transgender Minnesotans, many have formed lasting, committed, and caring relationships with persons of the same sex. These couples share lives together, participate in their communities together, and many raise children and care for dependent family members

together. Permitting same-sex couples to marry would further Minnesota's interest in promoting family relationships and protecting family members during life crises.

(f) Fundamental fairness requires that same-sex couples be permitted to marry on the same terms as heterosexual couples.

(g) Minnesota's exclusion of same-sex couples from marriage serves no legitimate government purpose and is contrary to the public interest. The discrimination and harm caused by the prohibition of same-sex marriage cannot be remedied except by permitting those couples to marry.

(h) The state should not interfere with the religious beliefs of its people. Just as a church or religious denomination that objects to same-sex marriage has the right to refuse to solemnize those marriages, a church or religious denomination that believes in the value of same-sex marriage should have the right to solemnize those marriages.

Sec. 3. Minnesota Statutes 2008, section 363A.27, is amended to read:

363A.27 CONSTRUCTION OF LAW.

Nothing in this chapter shall be construed to:

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

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

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

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

Sec. 4. Minnesota Statutes 2008, section 517.01, is amended to read:

517.01 MARRIAGE A CIVIL CONTRACT.

Marriage, so far as its validity in law is concerned, is a civil contract between ~~a man and a woman~~ two persons, to which the consent of the parties, capable in law of contracting, is essential. Lawful marriage may be contracted ~~only between persons of the opposite sex and~~ only when a license has been obtained as provided by law and when the marriage is contracted in the presence of two witnesses and solemnized by one authorized, or whom one or both of the parties in good faith believe to be authorized, so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

Sec. 5. Minnesota Statutes 2008, section 517.03, subdivision 1, is amended to read:

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

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

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

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

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

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

Sec. 6. Minnesota Statutes 2008, section 517.08, subdivision 1a, is amended to read:

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

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

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

(3) their full ages;

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

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

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

(7) the name and date of birth of any child of which both parties are parents, born before the making of the application, unless their parental rights and the parent and child 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. 7. Minnesota Statutes 2008, section 517.09, is amended to read:

517.09 SOLEMNIZATION.

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 spouse; or the marriage shall be solemnized in a manner provided by section 517.18.

Sec. 8. **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" or to include that term wherever those terms occur in Minnesota Statutes or Minnesota Rules.