

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1464

(SENATE AUTHORS: MAGNUS, Harrington, Daley, Hann and Parry)

DATE	D-PG	OFFICIAL STATUS
05/21/2011	3047	Introduction and first reading Referred to Judiciary and Public Safety

1.1A bill for an act

1.2relating to family law; allowing recovery of a portion of the marriage license fee

1.3for members of the armed forces who complete premarital education after the

1.4license is issued; amending Minnesota Statutes 2010, section 517.08, subdivision

1.51b.

1.6BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7Section 1. Minnesota Statutes 2010, section 517.08, subdivision 1b, is amended to read:

1.8Subd. 1b. **Term of license; fee; premarital education.** (a) The local registrar

1.9shall examine upon oath the parties applying for a license relative to the legality of the

1.10contemplated marriage. If one party is unable to appear in person, the party appearing may

1.11complete the absent applicant's information. The local registrar shall provide a copy of the

1.12marriage application to the party who is unable to appear, who must verify the accuracy of

1.13the party's information in a notarized statement. The marriage license must not be released

1.14until the verification statement has been received by the local registrar. If at the expiration

1.15of a five-day period, on being satisfied that there is no legal impediment to it, including the

1.16restriction contained in section 259.13, the local registrar shall issue the license, containing

1.17the full names of the parties before and after marriage, and county and state of residence,

1.18with the county seal attached, and make a record of the date of issuance. The license shall

1.19be valid for a period of six months. Except as provided in paragraph (c), the local registrar

1.20shall collect from the applicant a fee of \$115 for administering the oath, issuing, recording,

1.21and filing all papers required, and preparing and transmitting to the state registrar of vital

1.22statistics the reports of marriage required by this section. If the license should not be used

1.23within the period of six months due to illness or other extenuating circumstances, it may

1.24be surrendered to the local registrar for cancellation, and in that case a new license shall

1.25issue upon request of the parties of the original license without fee. A local registrar who

knowingly issues or signs a marriage license in any manner other than as provided in this section shall pay to the parties aggrieved an amount not to exceed \$1,000.

(b) In case of emergency or extraordinary circumstances, a judge of the district court of the county in which the application is made may authorize the license to be issued at any time before expiration of the five-day period required under paragraph (a). A waiver of the five-day waiting period must be in the following form:

STATE OF MINNESOTA, COUNTY OF (insert county name)
APPLICATION FOR WAIVER OF MARRIAGE LICENSE WAITING PERIOD:
..... (legal names of the applicants)

Represent and state as follows:

That on (date of application) the applicants applied to the local registrar of the above-named county for a license to marry.

That it is necessary that the license be issued before the expiration of five days from the date of the application by reason of the following: (insert reason for requesting waiver of waiting period)

.....
.....
.....

WHEREAS, the applicants request that the judge waive the required five-day waiting period and the local registrar be authorized and directed to issue the marriage license immediately.

Date:
.....
.....

(Signatures of applicants)
Acknowledged before me on this day of
.....

NOTARY PUBLIC
COURT ORDER AND AUTHORIZATION:

STATE OF MINNESOTA, COUNTY OF (insert county name)

After reviewing the above application, I am satisfied that an emergency or extraordinary circumstance exists that justifies the issuance of the marriage license before the expiration of five days from the date of the application. IT IS HEREBY ORDERED that the local registrar is authorized and directed to issue the license forthwith.

.....
..... (judge of district court)

..... (date).

(c) The marriage license fee for parties who have completed at least 12 hours of premarital education is \$40. Except as provided in paragraph (f), in order to qualify for the reduced license fee, the parties must submit at the time of applying for the marriage license a statement that is signed, dated, and notarized or marked with a church seal from the person who provided the premarital education on their letterhead confirming that it was received. The premarital education must be provided by a licensed or ordained minister or the minister's designee, a person authorized to solemnize marriages under section 517.18, or a person authorized to practice marriage and family therapy under section 148B.33. The education must include the use of a premarital inventory and the teaching of communication and conflict management skills.

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

"I, (name of educator), confirm that (names of both parties) received at least 12 hours of premarital education that included the use of a premarital inventory and the teaching of communication and conflict management skills. I am a licensed or ordained minister, a person authorized to solemnize marriages under Minnesota Statutes, section 517.18, or a person licensed to practice marriage and family therapy under Minnesota Statutes, section 148B.33."

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

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

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

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

(f) If either of the parties is on active duty with the armed forces at the time of applying for the marriage license and the parties complete the premarital education within three months after the license is issued, either party may submit the statement under paragraph (d). Upon receipt of the statement, the local registrar shall refund \$75

S.F. No. 1464, as introduced - 87th Legislative Session (2011-2012) [11-3477]

- 4.1 of the original license fee paid by the parties, which must be deducted from the amounts
- 4.2 otherwise payable to the commissioner of management and budget under subdivision 1c.