

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2169

(SENATE AUTHORS: FRENTZ, Clausen and Newton)

DATE
03/16/2017

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to marriage; recognizing certain marriages between persons of the same
1.3 sex under prior law; amending Minnesota Statutes 2016, section 517.01.

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

1.5 Section 1. Minnesota Statutes 2016, section 517.01, is amended to read:

1.6 **517.01 CIVIL MARRIAGE CONTRACT.**

1.7 Subdivision 1. General requirements. A civil marriage, so far as its validity in law is
1.8 concerned, is a civil contract between two persons, to which the consent of the parties,
1.9 capable in law of contracting, is essential. Except as provided in subdivision 2, a lawful
1.10 civil marriage may be contracted only when a license has been obtained as provided by law
1.11 and when the civil marriage is contracted in the presence of two witnesses and solemnized
1.12 by one authorized, or whom one or both of the parties in good faith believe to be authorized,
1.13 so to do. Marriages subsequent to April 26, 1941, not so contracted shall be null and void.

1.14 Subd. 2. Exception to license and solemnization requirements in certain cases. (a)
1.15 A civil marriage between two persons who were prohibited by law from marrying before
1.16 August 1, 2013, because they were persons of the same sex, who met the requirements of
1.17 this paragraph, and who subsequently were unable to meet the license and solemnization
1.18 requirements of subdivision 1 because of the death of one of the persons, is recognized to
1.19 the extent provided for under paragraph (b). The two persons must have:

1.20 (1) agreed by mutual, present consent to be spouses;

1.21 (2) lived together continuously under that agreement; and

1.22 (3) made a public declaration or held themselves out to the public as spouses.

2.1 (b) If the requirements of paragraph (a) are met, the two persons are considered married
2.2 for purposes of eligibility for burial or memorial benefits under state or federal law. Proof
2.3 of a civil marriage for purposes of this paragraph may be made by a verified affidavit
2.4 executed by the surviving person.

2.5 **EFFECTIVE DATE.** This section is effective the day following final enactment.