

House Research Act Summary

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TOPIC: Civil Marriage

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Overview

This act changes the term “marriage” to “civil marriage” and authorizes the marriage and divorce of two persons, regardless of gender, and recognizes for purposes of Minnesota law marriages performed in other jurisdictions, regardless of the gender of the persons in the marriage. The act also contains provisions protecting religious institutions from liability in denying goods and services related to the solemnization of a marriage.

This act is effective August 1, 2013.

Section

- 1 Exemption based on religious association (Human Rights Act).** Adds an exemption to the Minnesota Human Rights Act that permits churches and other religious associations to refuse any action related to the solemnization or celebration of marriage including providing goods, services, facilities, or accommodations that are in violation of that church or association’s religious beliefs.
- 2 Marriage a civil contract.** Adds the term “civil” to “marriage” to clarify that the marriage under state law is a “civil marriage” and changes the legal definition of marriage from “between a man and a woman” to “between two persons.” This section also eliminates related language specifying that a legal marriage may only be between persons of the opposite sex.
- 3 General; prohibited marriages.** Eliminates the prohibition of marriage between persons of the same sex, and removes the prohibition on recognizing marriages between persons of the same sex that were legally entered into in another state or foreign jurisdiction. This section also updates language related to prohibited marriages between relatives to reflect the changes

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in this act.

4 Form for marriage application. Updates terms on the application for a marriage license to reflect the changes in this bill.

5 Solemnization.

Subd. 1. General. Updates terms.

Subd. 2. Refusal to solemnize; protection of religious doctrine.

Provides that each religious association has the ability to choose who may marry within the association's faith and that the association may refuse to solemnize a marriage without risk of a fine, penalty, or civil liability.

Subd. 3. Refusal to participate or support solemnization; protection religious belief. Provides that religious organizations, religious associations, and religious societies and their employees and agents who refuse to provide goods and services at the solemnization or celebration of a marriage are protected from civil liability and loss of government benefits, including tax exempt status, if doing so would cause them to violate a sincerely held religious belief. This protection would not apply if the religious institution is engaged in a secular business activity unrelated to its religious or educational purpose.

6 Relationship to other law; rules of construction.

Subd. 1. Religious freedom; Human Rights Act. Provides that nothing in chapter 517, Marriage, affects the protections or exemptions under the Human Rights Act for a religious association, educational institution, business, labor organization, place of public accommodation, employer, or other person, and clarifies that nothing in chapter 517 affects the way in which religious associations provide adoption, foster care, or other social services if they are not organized for private profit and are not receiving public funds for providing those services.

Subd. 2. Rules of construction. Provides that gender specific terminology in the law should be construed in a gender neutral manner when applying those terms to a same-sex marriage.

7 Meaning of Civil Marriage. Provides that wherever the term "marriage," "marital," "marry," or "married" is used in Minnesota law that term includes the term "civil marriage" and all the rights and obligations in a civil marriage contract under Minnesota Statute 517.

8 Residence of parties. Expands jurisdiction for divorces to allow a case to be filed in Minnesota even when the parties are no longer residing in the state, if the parties were married in Minnesota and are unable to be divorced in the state they are residing in because of the sex or sexual orientation of the spouses.

This section also provides a presumption that the state in which the married couple resides

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will not accept jurisdiction over a divorce if it does not recognize the marriage, and provides that the laws of Minnesota related to divorce will apply to the divorce of non-residents under this section.

- 9** **Revisor's instruction.** Requires the revisor of statutes to change the term "marriage" and "marriages" to "civil marriage" or "civil marriages" wherever they appear in Minnesota Statute chapter 517.