

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1054
Version: As introduced

DATE: March 11, 2013

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Subject: Marriage between two persons

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Overview

This bill 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 bill also contains provisions which permit churches and religious associations to choose who can be married in their faith and to whom they will provide services, without the risk of liability.

Section

- 1 Exemption based on religious association (Human Rights Act).** Adds an exemption to the Minnesota Human Rights Acts 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.** Changes the legal definition of marriage from "between a man and a woman" to "between two persons" and removes a conforming requirement that a legal marriage can 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 in this bill.

Section

- 4 Form for marriage application.** Updates terms on the application for a marriage license to reflect the changes in this bill.
- 5 Solemnization.** Updates terms related to solemnization of a marriage and adds a subdivision providing that each religious association has the ability to choose who may marry within their faith and that they may refuse to solemnize a marriage without risk of a fine, penalty, or civil liability.
- 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 union, 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 receiving public funds for that purpose.
- Subd. 2. Federal law.** Adds that federal laws incorporated within the laws of Minnesota should be interpreted to treat spouses of the same sex in the same manner as spouses of the opposite sex.
- Subd. 3. Rules of construction.** Provides that gender specific terminology in the law should be construed in a gender neutral manner.
- 7 Residence of parties in a divorce.** 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 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.