

This Document can be made available
in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1740**

March 16, 2009

Authored by Winkler, Kelliher, Loeffler, Kahn, Lillie and others
The bill was read for the first time and referred to the Committee on Civil Justice

1.1 A bill for an act
1.2 relating to marriage; recognizing certain marriages performed in other states;
1.3 amending Minnesota Statutes 2008, sections 517.03, subdivision 1; 517.20.

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

1.5 Section 1. Minnesota Statutes 2008, section 517.03, subdivision 1, is amended to read:

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

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

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

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

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

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

1.20 Sec. 2. Minnesota Statutes 2008, section 517.20, is amended to read:

1.21 **517.20 APPLICATION.**

1.22 ~~Except as provided in section 517.03, subdivision 1, paragraph (b),~~ (a) All marriages
1.23 contracted within this state prior to March 1, 1979, or outside this state that were valid

2.1 at the time of the contract or subsequently validated by the laws of the place in which
2.2 they were contracted or by the domicile of the parties are valid in this state. A marriage
2.3 recognized as valid pursuant to this section shall be treated as a marriage between a
2.4 husband and wife for purposes of Minnesota law.

2.5 (b) A marriage contracted between persons of the same sex shall be valid in this
2.6 state only if the marriage was contracted in another state or territory of the United States.

2.7 **Sec. 3. EFFECTIVE DATE.**

2.8 This act is effective August 1, 2009, and applies to marriages contracted before, on,
2.9 or after that date. Any rights, benefits, or obligations of a marriage recognized by this act
2.10 shall vest as of the date of the marriage contract or August 1, 2009, whichever is later.