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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **3133**

February 22, 2010

Authored by Loeffler, Hornstein, Clark, Kelliher, Sertich and others

The bill was read for the first time and referred to the Higher Education and Workforce Development Finance and Policy Division

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to employment; modifying benefits; amending Minnesota Statutes 2008,
1.3 section 181.58.

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

1.5 Section 1. Minnesota Statutes 2008, section 181.58, is amended to read:

1.6 **181.58 SURVIVING SPOUSE OR DOMESTIC PARTNER PAID WAGES**
1.7 **DUE.**

1.8 Subdivision 1. **Employer.** For the purposes of this section the word "employer"
1.9 includes every person, firm, partnership, corporation, the state of Minnesota, all political
1.10 subdivisions, and all municipal corporations.

1.11 Subd. 2. **Domestic partners.** "Domestic partners" means two persons who:

1.12 (1) are the same sex;

1.13 (2) are adults and mentally competent to enter into legally binding contracts;

1.14 (3) have assumed responsibility for each other's basic common welfare, financial
1.15 obligations, and well-being;

1.16 (4) share a common domicile and primary residence with each other on a permanent
1.17 basis;

1.18 (5) have a committed interdependent relationship with each other, intend to continue
1.19 that relationship indefinitely, and do not have this type of relationship with any other
1.20 person;

1.21 (6) are not married to another person and have not entered into a domestic
1.22 partnership arrangement with another person that is currently in effect; and

1.23 (7) are not related by blood or adoption so that a marriage between them would be
1.24 prohibited under section 517.03, subdivision 1, paragraph (a), clause (2) or (3).

2.1 Subd. 3. **Paid wages due.** If, at the time of the death of any person, an employer
2.2 is indebted to the person for work, labor, or services performed, and no personal
2.3 representative of the person's estate has been appointed, such employer shall, upon the
2.4 request of the surviving spouse or domestic partner, forthwith pay this indebtedness,
2.5 in such an amount as may be due, not exceeding the sum of \$10,000, to the surviving
2.6 spouse or domestic partner. The employer may in the same manner provide for payment
2.7 to the surviving spouse or domestic partner of accumulated credits under the vacation or
2.8 overtime plan or system maintained by the employer. The employer shall require proof
2.9 of claimant's relationship to decedent by affidavit, and require claimant to acknowledge
2.10 receipt of such payment in writing. Any payments made by the employer pursuant
2.11 to the provisions of this section shall operate as a full and complete discharge of the
2.12 employer's indebtedness to the extent of the payment, and no employer shall thereafter be
2.13 liable therefor to the decedent's estate or the decedent's personal representative thereafter
2.14 appointed. Any amounts so received by a spouse or domestic partner shall be considered
2.15 in diminution of the allowance to the spouse or domestic partner under section 524.2-403.
2.16 Subd. 4. **Notice.** An employee must provide the name, address, and telephone
2.17 number of a domestic partner to the employer prior to any payment under this section.