

81. CIVIL RIGHTS AND DOMESTIC PARTNERSHIPS

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81.01. Statement of Legislative Purpose and Intent. The City of Rochester recognizes that nationwide debate has advanced an expanded concept of familial relationships beyond traditional marital and blood relationships. This expanded concept recognizes the relationship of two non-married but committed adult partners. Recognizing this the Rochester Common Council hereby adopts a process to provide persons to declare themselves as domestic partners, thus providing convenience for employers in determining eligibility in providing benefits for such partners and their dependents as they deem applicable.

81.02 Definitions. Subdivision 1. For purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given herein.

Subd. 2. The term “Domestic Partner” means two adults who:

- A. Are not related by blood closer than permitted under the marriage laws of the State;
- B. Are not married or related by marriage;
- C. Are competent to enter into a contract;
- D. Have no other domestic partner with whom the household is shared or with whom the adult person has another domestic partner;
- E. Are jointly responsible to each other for the necessities of life; and
- F. Are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities.

(3976, 7/19/10)

Subd. 3. The term “Health Care Facility” means a hospital, sanitarium or other institution for the hospitalization or care of human beings licensed under Minn. Stat. §§144.50 to 144.56.

81.03. Registration of Domestic Partners. Subdivision 1. The city clerk shall accept an application to register as domestic partners from persons who state in such application that they meet the definition of domestic partners set out in section 81.02, subd. 2. Subsequent changes in address shall be promptly reported to the city clerk.

Subd. 2. The city clerk shall charge an application fee of \$50.00 for the registration of a domestic partnership and shall charge a reasonable fee per document for providing certified copies of registrations, amendments or notices of termination. There shall be no charge for filing amendments or notices of termination.

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Subd. 3 The city clerk shall provide each domestic partner with a registration certificate. The registration certificate shall not be issued prior to the third working day after the date of application.

Subd. 4. This application and certificate may be used as evidence of the existence of a domestic partners relationship.

Subd. 5. The city clerk shall keep a record of all registrations of domestic partnership, amendments to registrations and notices of termination received by the city clerk. The records shall be maintained so that amendments and notices of termination are filed with the registration of domestic partnership to which they pertain.

Subd. 6. Upon production of valid, government-issued documentation and only to the extent of the rights and responsibilities established therein or elsewhere in this Code, the terms "domestic partnership" and "registered domestic partnership" shall include, in addition to domestic partnerships registered with the City of Rochester, and regardless of whether partners in either circumstance have sought further registration with the City of Rochester:

- A. Any person who has a currently registered domestic partnership with a governmental body pursuant to state, local, or other law authorizing such registration. The term domestic partnership should be construed broadly to include same-sex civil unions or other such same-sex unions in which two same-sex individuals are committed to one another to the same extent as married persons are to each other, except for the traditional marital status and solemnities; and
- B. Marriages that would be legally recognized as a contract of lawful marriage in another local, state, or foreign jurisdiction.

81.04. Amendments. The city clerk may accept amendments for filing from persons who have domestic partnership application on file except amendments which would change the identity of the partners.

81.05. Termination of Domestic Partnerships. Subdivision 1. Either person in a domestic partnership may initiate termination of the domestic partnership relationship, by written notification to the city clerk. The city clerk shall promptly notify the other partner at the address of record by certified mail.

Subd. 2. A Domestic Partnership terminates when the earlier of the following occurs:

- A. One of the partners dies;

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- B. Forty-five days after one partner sends the other a written notice of termination that he or she has terminated the partnership by filing a notice of termination with the city clerk; or
- C. Forty-five days after the city clerk notified the non-filing partner of the filing of any notice of termination.

81.06. Visitation in Health Care Facilities. Subdivision 1. Patient Designation. Where a health care facility restricts a patient's visitors, the health care facility shall allow every patient to name those individuals whom the patient wishes to allow to visit unless:

- A. No visitors are allowed; or
- B. The facility determines that the presence of a particular visitor named by the patient would endanger the health or safety of a patient, or would endanger the primary operations of the facility.

Subd. 2. Domestic Partners Who Do Not Make Designations. If a patient with whom visiting is restricted has not made the designation provided for in subdivision 1, and if the patient has not indicated that she or he wishes no visitors, the facility must allow the patient's domestic partner, the children of the patient's domestic partner or the domestic partner of the patient's parent or child to visit unless:

- A. No visitors are allowed; or
- B. The facility determines that the presence of a particular visitor named by the patient would endanger the health or safety of a patient, or would endanger the primary operations of the facility.

(3975, 7/7/10; 3976, 7/19/10)