



# STATE OF MINNESOTA

## Office of Governor Tim Pawlenty

130 State Capitol ♦ 75 Rev. Dr. Martin Luther King Jr. Boulevard ♦ Saint Paul, MN 55155

May 15, 2010

The Honorable Senator James Metzen  
President of the Senate  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
322 State Capitol  
Saint Paul, Minnesota 55155

Dear President Metzen:

I have vetoed and am returning Chapter 355, Senate File 341.

The bill addresses the categories of individuals who under the law shall be given priority for purposes of determining the disposition of the remains of a deceased person. Currently a person can, by executing a will, designate who shall be empowered to control final disposition of his or her remains. This bill therefore addresses a nonexistent problem.

Similarly, the bill addresses the class of individuals who may present notice of a wrongful death claim to the State of Minnesota or municipalities. Currently, notice of these claims may be made by a personal representative, surviving spouse, or next of kin. Again, a person can currently designate the personal representative responsible for handling his or her estate's affairs via a will.

Finally, the bill adds to the class of individuals that may petition the court to appoint a trustee for purposes of commencing a wrongful death action, as well as who may be a beneficiary of such actions. Wrongful death actions currently may be brought in the name of, and for the benefit of, the surviving spouse and next of kin. "Next of kin" is a precisely-defined class of individuals under the law. The courts do not have discretion in determining this class of blood relatives. Senate File 341 expands this class of individuals who may petition for appointment of a trustee to commence, and recover pursuant to, a wrongful death action to include a "surviving domestic partner." The definition of "domestic partner" included in this bill includes subjective criteria that would ask the court to ascertain whether individuals "have a committed interdependent relationship with each other, intend to continue that relationship

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indefinitely, and do not have this type of relationship with any other person." A "domestic partner" would be afforded the same legal recognition for purposes of the wrongful death laws as a spouse.

Marriage – defined as between a man and woman – should remain elevated in our society at a special level, as it traditionally has been. I oppose efforts to treat domestic relationships as the equivalent of traditional marriage. Accordingly, I am opposed to this bill.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Pawlenty', with a long horizontal line extending to the right.

Tim Pawlenty  
Governor

- cc: Representative Margaret Anderson Kelliher, Speaker of the House  
Senator Lawrence J. Pogemiller, Majority Leader  
Senator David Senjem, Minority Leader  
Senator Yvonne Prettner Solon  
Representative Kurt Zellers, Minority Leader  
Representative Erin Murphy  
Mr. Peter S. Wattson, Secretary of the Senate (Legislative)  
Mr. Albin Mathiowetz, Chief Clerk of the House of Representatives  
Mr. Mark Ritchie, Secretary of State