

1999 DRAFTING REQUEST

Bill

Received: **06/02/1999**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Tony Staskunas (608) 266-0620**

By/Representing: **Adrienne**

This file may be shown to any legislator: NO

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Dom. Rel. - marriage**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Requiring premarital counseling to get a marriage license

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
I?	kahlepj 06/02/1999	chanaman 06/02/1999		_____			
/1			martykr 06/03/1999	_____	l r b - d o c a d m i n 06/03/1999		
/2	kahlepj 09/30/1999	chanaman 10/03/1999	hhagen 10/03/1999	_____	lrb-docadmin 10/03/1999	lrb-docadmin 10/12/1999	

FE Sent For:

<END>

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FE Sent For:			#10/3	cm/10/3			
				<END>			

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FE Sent For:							

<END>

Kahler.Pam

From: Ramirez, Adrienne
Sent: Wednesday, June 02, 1999 11:54 AM
To: Kahler, Pam
Subject: Bill drafting request

Pamela -

In March you drafted two amendments to AB 83 for Representative Staskunas that he would now like to have drafted as two independent bill drafts.

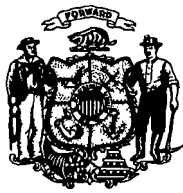
The first is **LRBa0150**, which relates to premarital counseling requirements. It can be drafted in its current form.

The second is **LRBa0152**, which relates to post-marital counseling. However, Tony would like an additional exemption in this legislation for people under 767.11 (8)(b) items 1 through 4. He doesn't want to require counseling in cases of child or spousal abuse.

Please feel free to contact me if you have questions regarding either one of these drafting requests.

Thank you for your help.

Adrienne
Office of Rep. Staskunas
6-0620



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3161/1

PJK.....

CMM

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

D-note

gen cut

1 AN ACT ~~relating to~~; relating to: requiring premarital counseling to obtain a marriage
2 license.

Analysis by the Legislative Reference Bureau

Under current law, a county clerk may issue a marriage license to individuals who apply and present proof of identification and residence. The application must contain the social security numbers of the individuals, as well as other information required by the department of health and family services. Any individual who is under the age of 30 years must show the county clerk a certified copy of his or her birth certificate. If an individual has been previously married, he or she must submit to the clerk a copy of a divorce judgment or a copy of his or her former spouse's death certificate.

This bill provides that a county clerk may not issue a marriage license to individuals who apply unless, in addition to all the other requirements under current law, they have received at least two hours of premarital counseling. The individuals must present to the clerk a notarized attestation of the person who provided the counseling, which the clerk attaches to any marriage license issued. Counseling may be provided by a marriage and family therapist, a professional counselor, a member of the clergy or a person designated by a member of the clergy. At least one hour of

instruction in
the counseling must be ~~related to~~ the parenting of children and at least one hour
must be related to marriage issues.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 →

(END)

Susant 2-1

note



**ASSEMBLY AMENDMENT,
TO 1999 ASSEMBLY BILL 83**

Insert 2-1

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 4: after "marriage" insert ", requiring premarital counseling to
3 **obtain** a marriage license".

4 **2.** Page 3, line 1: before that line insert:

5 **SECTION 1c.** 765.09 (title) of the statutes is amended to read:

6 765.09 (title) **Identification of parties; statement of qualifications;**
7 **proof of premarital counseling.**

8 **3.** Page 3, line 1: delete "SECTION 1" and substitute "SECTION 1g".

9 **4.** Page 4, line 3: after that line insert:

10 **SECTION 1h.** 765.09 (3a) of the statutes is created to read:

11 765.09 (3a) ~~Subject to s. 185.18(1)(b)(ii)~~ the clerk may not issue a marriage
12 license unless the parties have received at least 2 hours of premarital counseling and
13 present to the clerk a notarized attestation, signed by the person who provided the

(over)



Ins. 2-1 cont'd

1 counseling, confirming that the parties received the counseling required under this
 2 subsection. The counseling may be provided by a marriage and family therapist, a
 3 professional counselor, a member of the clergy or a person designated by a member
 4 of the clergy and shall include at least one hour of instruction related to the parenting
 5 of children and at least one hour of instruction related to marriage issues. If the clerk
 6 issues a marriage license to the parties under s. 765.12, the clerk shall attach the
 7 attestation to the marriage license."

8 **5.** Page 7, line 13: after that line insert:
 9 "(bm) If the person who provided the counseling under par. (b) 2. also provided
 10 the counseling required under s. 765.09 (3m), the parties may submit to the clerk for
 11 attachment to the marriage license one notarized attestation that confirms that the
 12 counseling provided to the parties satisfies both requirements."
 13 **6.** Page 13, line 13: after that line insert:

14 ~~SECTION 16m.~~ **Initial applicability.**

15 (1) **PREMARITAL COUNSELING REQUIREMENT.** *This act*
 16 *amends* (title) and (3m) of the statute first applies to marriage licenses applied for on the
 17 effective date of this subsection."

18 (END) *Op ins. 2-1)*

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3161/1/dn
PJK.....

cm H

Do you think that the counseling topics should be more customized or not specified at all? For example, two individuals in their 50's who have both been married previously might not benefit that much from instruction in the parenting of children.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3161/1dn
PJK:cmh:km

June 3, 1999

Do you think that the counseling topics should be more customized or not specified at all? For example, two individuals in their 50's who have both been married previously might not benefit that much from instruction in the parenting of children.

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Senior Legislative Attorney
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E-mail: Pam.Kahler@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 6/3/99

To: Representative Staskunas

Relating to LRB drafting number: LRB-3 161

Topic

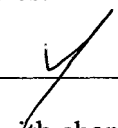

Requiring premarital counseling to get a marriage license

Subject(s)

Dom. Rel. - marriage

1. **JACKET** the draft for introduction _____

in the Senate ____ **or the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached   _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Pamela J. Kahler, Senior Legislative Attorney
Telephone: (608) 266-2682

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3161/1dn
PJK:cmh:km

June 3, 1999

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Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: Pam.Kahler@legis.state.wi.us

MEMORANDUM

September 28, 1999

To: Pam Kahler

From: Adrienne Ramirez,
Office of Rep. Staskunas

Re: LRB-3161/l, relating to requiring premarital counseling to obtain a marriage license.

When you drafted this LRB, you included a drafter's note regarding including specific topics for counseling.

Tony decided he would like language similar to "counseling may discuss these topics; faith, money, work, sex children and extended families and any other factors which are relevant to that particular marriage."

This would be instead of lines 10 - 12 on page 2 'shall include at least one hour of instruction related to parenting of children and at least one hour of instruction related to marriage issues.'

Please let me know if you have any questions on this re-draft request.

Thank you.



1999 BILL

*repeal
cut*

1 **AN ACT** to amend 765.09 (title); and to create 765.09 (4) of the statutes; relating
2 to: requiring premarital counseling to obtain a marriage license.

Analysis by the Legislative Reference Bureau

Under current law, a county clerk may issue a marriage license to individuals who apply and present proof of identification and residence. The application must contain the social security numbers of the individuals, as well as other information required by the department of health and family services. Any individual who is under the age of 30 years must show the county clerk a certified copy of his or her birth certificate. If an individual has been previously married, he or she must submit to the clerk a copy of a divorce judgment or a copy of his or her former spouse's death certificate.

This bill provides that a county clerk may not issue a marriage license to individuals who apply unless, in addition to all the other requirements under current law, they have received at least two hours of premarital counseling. The individuals must present to the clerk a notarized attestation of the person who provided the counseling, which the clerk attaches to any marriage license issued. Counseling may be provided by a marriage and family therapist, a professional counselor, a member of the clergy or a person designated by a member of the clergy. At least one hour of the counseling must be instruction in the parenting of children and at least one hour must be related to marriage issues.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

and may address various issues or topics that are relevant to the particular marriage

At least one hour of the counseling must be instruction in the parenting of children and at least one hour must be related to marriage issues.

BILL

1 SECTION 1. 765.09 (title) of the statutes is amended to read:

2 765.09 (title) **Identification of parties; statement of qualifications;**
3 **proof of premarital counseling.**

4 SECTION 2. 765.09 (4) of the statutes is created to read:

5 765.09 (4) The clerk may not issue a marriage license unless the parties have
6 received at least 2 hours of premarital counseling and present to the clerk a notarized
7 attestation, signed by the person who provided the counseling, confirming that the
8 parties received the counseling required under this subsection. The counseling may
9 be provided by a marriage and family therapist, a professional counselor, a member
10 of the clergy or a person designated by a member of the clergy and ~~shall include at~~

10

11

least one hour of instruction related to the parenting of children and at least one hour
12 of instruction related to marriage issues. *insert 2-12* If the clerk issues a marriage license to the

12

13 parties under s. 765.12, the clerk shall attach the attestation to the marriage license.

14 SECTION 3. **Initial applicability.**

15 (1) **PREMARITAL COUNSELING REQUIREMENT.** This act first applies to marriage
16 licenses applied for on the effective date of this subsection.

17

(END)

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3161/2ins
PJK:cmh:km

INSERT 2-12

such issues as
may address faith, money, work, sex, children, *and* extended families *or* any other
issues or topics that are relevant to the particular marriage

(END OF INSERT 2-12)

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