

1981 Assembly Bill 173

Date published: March 30, 1982

CHAPTER 142 , Laws of 1981

AN ACT to amend 59.07 (90), 765.05, 765.08 (2) and 765.17 of the statutes, relating to marriage licenses and duties of county clerks.

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

SECTION 1. 59.07 (90) of the statutes is amended to read:

59.07 (90) MILWAUKEE COUNTY; FEE FOR CERTAIN MARRIAGE CEREMONIES. In counties having a population of 500,000 or more, enact an ordinance imposing a fee ~~not to exceed \$15~~ to be paid in advance to the county ~~treasurer~~ clerk for each marriage ceremony performed by a judge or a court commissioner specified in s. 765.16 (5) in the courthouse, safety building or children's court center during hours when any office in those public buildings is open for the transaction of business. The amount of the fee shall be determined by the county board.

SECTION 2. 765.05 of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

**765.05 Marriage license; by whom issued.** No person may be joined in marriage within this state until a marriage license has been obtained for that purpose from the county clerk of the county in which one of the parties has resided for at least 30 days immediately prior to making application therefor. If both parties are nonresidents of the state, the marriage license may be obtained from the county clerk of the county where the marriage ceremony is to be performed. If one of the persons is a nonresident of the county where the marriage license is to issue, the nonresident's part of the application may be completed and sworn to (or affirmed) before the person authorized to accept such applications in the county and state in which the nonresident resides.

~~Your marriage license will be issued to you under the provisions of chapter 765 of the Wisconsin statutes. For your information and advice, section 765.001 includes the following provision:~~

SECTION 3. 765.08 (2) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

765.08 (2) The county clerk may, at his or her discretion, issue a marriage license within less than 5 days after application if the applicant pays an additional fee of not more than \$5 ~~\$10~~ to cover any increased processing cost incurred by the county. The county clerk shall pay this fee into the county treasury.

SECTION 4. 765.17 of the statutes is amended to read:

**765.17 (title) Nonresident officiating person; sponsorship.** ~~Before any clergyman, licentiate or appointee named in s. 765.16 is authorized to solemnize a marriage, the person shall file credentials of ordination, license or appointment, or other proof of such official character, with the clerk of the circuit court of some county in this state in which is located a church under his or her ministry, who shall record the same and give a certificate thereof, but any such Any clergyman, licentiate or appointee named in s. 765.16 who is not a resident of this state is likewise authorized to may solemnize marriages in this state upon filing such credentials or proof, together with if he or she possesses at the time of the marriage a letter of sponsorship from a clergyman of the same religious denomination or society who has a church in this state under his or her ministry, with the clerk of the circuit court of the county in which any such marriage is to be performed, and said clerk shall record the same and give a certificate thereof. The place where such credentials are recorded shall be indorsed upon each certificate of marriage by the officiating clergyman, licentiate or appointee and recorded with the same.~~

SECTION 5. **Nonstatutory provisions.** On or after the effective date of this act all credentials, proof and letters of sponsorship filed with the clerk of any circuit court under section 765.17 of the statutes may be destroyed.

SECTION 6. **Effective date.** This act takes effect on October 29, 1981, or the day after publication, whichever is later.

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