



**ASSEMBLY SUBSTITUTE AMENDMENT 3,
TO 1997 ASSEMBLY BILL 104**

May 13, 1997 - Offered by Representatives SERATTI, WOOD and GROTHMAN.

1 **AN ACT** *to amend* 765.001 (2); and *to create* 765.015 of the statutes; **relating**
2 **to:** marriage between one man and one woman.

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

3 **SECTION 1.** 765.001 (2) of the statutes is amended to read:
4 765.001 (2) **INTENT.** It is the intent of chs. 765 to 768 to promote the stability
5 and best interests of marriage and the family. It is the intent of the legislature to
6 recognize the valuable contributions of both spouses during the marriage and at
7 termination of the marriage by dissolution or death. Marriage is the institution that
8 is the foundation of the family and of society. Its stability is basic to morality and
9 civilization, and of vital interest to society and the state. The consequences of the
10 marriage contract are more significant to society than those of other contracts, and
11 the public interest must be taken into account always. The seriousness of marriage
12 makes adequate premarital counseling and education for family living highly

1 desirable and courses thereon are urged upon all persons contemplating marriage.
2 The impairment or dissolution of the marriage relation generally results in injury
3 to the public wholly apart from the effect upon the parties immediately concerned.
4 Under the laws of this state, marriage is a legal relationship between 2 equal
5 persons, a husband and wife, who owe to each other mutual responsibility and
6 support. Each spouse has an equal obligation in accordance with his or her ability
7 to contribute money or services or both which are necessary for the adequate support
8 and maintenance of his or her minor children and of the other spouse. No spouse may
9 be presumed primarily liable for support expenses under this subsection. It is the
10 public policy of this state that marriage may be contracted only between one man and
11 one woman, as husband and wife.

12 **SECTION 2.** 765.015 of the statutes is created to read:

13 **765.015 Who may marry. (1)** Marriage may be contracted only between one
14 man and one woman, as husband and wife.

15 **(2)** Regardless of whether s. 765.04 applies, a marriage, even if valid where
16 contracted, is void for all purposes in this state if it does not conform to sub. (1).

17 **(END)**