

1999 SENATE BILL 401

February 23, 2000 – Introduced by Senators FITZGERALD, A. LASEE, HUELSMAN, SCHULTZ, ROESSLER, FARROW, DRZEWIECKI, ZIEN and LAZICH, cosponsored by Representatives GUNDRUM, LADWIG, MUSSER, SERATTI, ALBERS, GUNDERSON, GROTHMAN, LEIBHAM, F. LASEE, KESTELL, OWENS, JENSEN, PETTIS, GOETSCH, FREESE, NASS, SUDER, KREIBICH, VRAKAS, URBAN, PETROWSKI, HOVEN, HUEBSCH, WOOD and KLUSMAN. Referred to Committee on Judiciary and Consumer Affairs.

1 **AN ACT to renumber and amend** 765.01; and **to create** 765.01 (2), 990.01 (19p)
2 and 990.01 (39) of the statutes; **relating to:** marriage between one man and one
3 woman.

Analysis by the Legislative Reference Bureau

Current law provides that marriage is a civil contract that creates the legal status of husband and wife. The consent of the parties is essential, and the parties must have the legal capacity to enter into a contract. In addition, current law prohibits certain marriages, such as a marriage between persons who are nearer of kin than second cousins or a marriage in which at least one of the persons was divorced less than six months before the marriage. If a person who is prohibited from marrying in this state leaves the state for the purpose of contracting a marriage in a state where the marriage is valid, that marriage is void in this state. Such a person will be considered to have left this state for the purpose of marrying in the other state if he or she lived in this state within 12 months before marrying in the other state and resumed residence in this state within 18 months after leaving this state, or if he or she maintained a residence in this state the entire time that he or she was away.

This bill specifies that marriage is a civil contract between one man and one woman. The bill provides that only marriage between one man and one woman will be recognized as valid in this state, regardless of whether a marriage took place in a jurisdiction that defined marriage other than between one man and one woman as valid, and regardless of whether the statute regarding marrying in another state to circumvent the marriage laws of this state applies to a marriage. The bill also

