



State of Wisconsin

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STEPHEN R. MILLER
CHIEF

July 11, 2005

MEMORANDUM

To: Representative Schneider

From: Pamela J. Kahler, Sr. Legislative Attorney, (608) 266-2682

Subject: Technical Memorandum to **2005 AB-503** (LRB 05-0690/3)

We received the attached technical memorandum relating to your bill. This copy is for your information and your file. If you wish to discuss this memorandum or the necessity of revising your bill or preparing an amendment, please contact me.

Date: June 29, 2005

To: Pamela J. Kahler
Legislative Reference Bureau

From: Ellen Hadidian
Department of Health and Family Services

Re: Technical Note to AB 503

AB 503 creates chapter 770 of the Wisconsin Statutes, which establishes the institution of domestic partnership. The bill provides that individuals who enter this relationship must apply for a declaration of domestic partnership in the office of registrar of deeds in the county in which one of them lives. Once the declaration is notarized and submitted to the local registrar of deeds, the registrar is required to record the declaration and forward the original to the state registrar.

Provision is made in AB 503 for county clerks to charge, for the issuance of a domestic partnership declaration, a fee equivalent to the fee allowed in s.765.15 for issuance of a marriage license. Of this, \$25 is to be paid into the state treasury. No provision is made, however, in Chapter 69, which governs the management of other vital records, for the filing of domestic partner forms.

Under Chapter 69, the state registrar is required to accept for registration, assign a date of registration, and index and preserve original birth, death, marriage, and divorce documents. If the intent of AB 503 is to create an institution of domestic partnership which is legally equivalent to marriage, as seems to be indicated by this bill's creation of section 770.20, provision should be made to require the state registrar to treat the declarations of domestic partnership as vital records in the same manner as birth, death, marriage and divorce records.

A fee could be specified in Chapter 69 for recording the declarations of domestic partnership, as is the case with other vital records. This fee would support the costs of implementing this new procedure.