



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-4064/1
SWB:jld

2015 SENATE BILL 465

December 18, 2015 - Introduced by Senator OLSEN, cosponsored by Representatives BALLWEG, E. BROOKS, MURPHY, MURSAU, OHNSTAD, A. OTT, SKOWRONSKI and TITTL. Referred to Committee on Elections and Local Government.

1 **AN ACT to amend** 46.03 (34), 765.12 (1) (a), 770.07 (1) (b) 2., 770.07 (2) and 770.10
2 of the statutes; **relating to:** declarations of domestic partnership and marriage
3 licenses.

Analysis by the Legislative Reference Bureau

This bill increases the maximum fee a county clerk may charge for issuing a declaration of domestic partnership less than five days after receiving an application; requires that individuals who apply for a declaration of domestic partnership complete and file the declaration within 30 days after the clerk issues the declaration; and requires that a clerk, when issuing a marriage license or declaration of domestic partnership, provide information, instead of a pamphlet, describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy.

Under current law, a county clerk generally may not issue a declaration of domestic partnership until at least five days after the clerk receives the application for the declaration of domestic partnership. However, at his or her discretion, the clerk may issue a declaration of domestic partnership less than five days after the application if the applicant pays an additional fee of not more than \$10 to cover any increased processing cost incurred by the county. This bill increases the maximum additional fee allowed for this discretionary service from \$10 to \$25.

In order to form the legal status of domestic partners, under current law, individuals are required to complete the declaration of domestic partnership, sign the declaration, have the signatures acknowledged before a notary, and submit the

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declaration to the register of deeds. The bill requires that these steps be taken within 30 days after the clerk issues the declaration of domestic partnership.

Finally, when a county clerk issues either a marriage license or a declaration of domestic partnership under current law, he or she must provide a pamphlet describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy. This bill requires the clerk to provide information describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the mother's use of drugs during pregnancy rather than specifying that the clerk provide a physical pamphlet with that information.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 46.03 (34) of the statutes is amended to read:

2 46.03 (34) FETAL ALCOHOL SYNDROME AND DRUG DANGER PAMPHLETS INFORMATION.

3 The department shall acquire, without cost if possible, ~~pamphlets~~ information that
4 describe describes the causes and effects of fetal alcohol syndrome and the dangers
5 to a fetus of from the mother's use of cocaine or other drugs during pregnancy and
6 shall distribute the ~~pamphlets~~ information free of charge to each county clerk in
7 sufficient quantities so that each county clerk may provide ~~pamphlets~~ information
8 to marriage license applicants under s. 765.12 (1) (a) and domestic partnership
9 applicants under s. 770.07 (2).

10 **SECTION 2.** 765.12 (1) (a) of the statutes is amended to read:

11 765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and
12 if there is no prohibition against or legal objection to the marriage, the county clerk
13 shall issue a marriage license. With each marriage license the county clerk shall
14 provide ~~a pamphlet~~ information describing the causes and effects of fetal alcohol
15 syndrome and the dangers to a fetus from the mother's use of cocaine or other drugs
16 during pregnancy.

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1 **SECTION 3.** 770.07 (1) (b) 2. of the statutes is amended to read:

2 770.07 (1) (b) 2. The county clerk may, at his or her discretion, issue a
3 declaration of domestic partnership less than 5 days after application if the applicant
4 pays an additional fee of not more than \$10 \$25 to cover any increased processing cost
5 incurred by the county. The county clerk shall pay this fee into the county treasury.

6 **SECTION 4.** 770.07 (2) of the statutes is amended to read:

7 770.07 (2) If sub. (1) and s. 770.05 are complied with, the county clerk shall
8 issue a declaration of domestic partnership. With each declaration of domestic
9 partnership the county clerk shall provide ~~a pamphlet~~ information describing the
10 causes and effects of fetal alcohol syndrome and the dangers to a fetus from the
11 mother's use of cocaine or other drugs during pregnancy. After the application for
12 the declaration of domestic partnership is filed, the clerk shall, upon the sworn
13 statement of either of the applicants, correct any erroneous, false, or insufficient
14 statement in the application that comes to the clerk's attention and shall notify the
15 other applicant of the correction, as soon as reasonably possible.

16 **SECTION 5.** 770.10 of the statutes is amended to read:

17 **770.10 Completion and filing of declaration.** In order to form the legal
18 status of domestic partners, the individuals shall, within 30 days after the clerk
19 issues a declaration of domestic partnership under s. 770.07 (2), complete the
20 declaration of domestic partnership, sign the declaration, having their signatures
21 acknowledged before a notary, and submit the declaration to the register of deeds of
22 the county in which they reside. The register of deeds shall record the declaration
23 and forward the original to the state registrar of vital statistics.

24 **SECTION 6. Initial applicability.**

