2019 DRAFTING REQUEST

For:

Robert Wittke (608) 266-0731

Drafter:

swalkenh

By:

Terri

Secondary Drafters:

Date:

12/18/2019

May Contact:

Same as LRB:

Submit via email:

YES

Requester's email:

Rep.Wittke@legis.wisconsin.gov

Carbon copy (CC) to:

sarah.walkenhorstbarber@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allowing marriage document to be filed in any county

Instructions:

See attached

Drafting History:

Vers.	Drafted	Reviewed .	Submitted	<u>Jacketed</u>	Required
/?	swalkenh 12/18/2019	anienaja 12/18/2019			
/P1	swalkenh 12/27/2019		dwalker 12/18/2019		
/P2	swalkenh 1/3/2020	anienaja 12/27/2019	lparisi 12/27/2019		
/P3	swalkenh 1/3/2020	anienaja 1/3/2020	dwalker 1/3/2020		
/1		anienaja	dwalker	dwalker	

Vers.DraftedReviewed
1/3/2020Submitted
1/3/2020Jacketed
1/3/2020Required
1/3/2020

FE Sent For: <END>

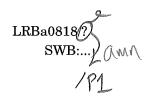


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Per Ambor (LC) and Terri (Rep. Witke)
Draft amendment to include the Pollawing
1) Delay effective date to January 1, 2021
2) Amend 765.19 to allow maritage document to be
returned to any rainty, notiust where marriage
ceremoney takes place
Perterri
Doas row Simple amendment



State of Misconsin 2019 - 2020 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT, TO ASSEMBLY BILL 457



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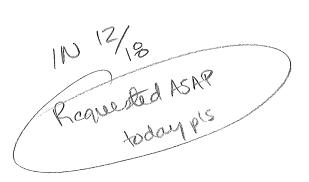
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1 At the locations indicated, amend the bill as follows:

1. Page 4, line 20: after that line insert:

"Section 6m. 765.19 of the statutes is amended to read:

765.19 Delivery and filing of marriage document. The marriage document, legibly and completely filled out with unfading black ink, shall be returned by the officiating person, or, in the case of a marriage ceremony performed without an officiating person, then by the parties to the marriage contract, or either of them, to the register of deeds of the any county in which the marriage was performed this state within 3 days after the date of the marriage."

2. Page 6, line 2: after that line insert:

"Section 8m. 765.30 (4) (a) of the statutes is amended to read:

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765.30 (4) (a) Penalty for failure to file marriage certificate. Every officiating person, or persons marrying without the presence of an officiating person, as provided by s. 765.16 (1m) (c), who neglect or refuse to transmit the original marriage certificate, solemnized by the officiating person or the persons marrying, to the register of deeds of the <u>any</u> county in which the marriage was performed this state within 3 days after the date of the marriage.".

History: 1977 c. 418; 1979 c. 32 ss. 48, 92 (2); 1979 c. 176; Stats. 1979 s. 765.30; 1981 c. 20, 390; 1983 a. 221; 1993 a. 486; 1997 a. 283; 2001 a. 109; 2013 a. 372.

- **3.** Page 6, line 8: after that line insert:
- 8 "Section 10. Effective date.
 - (1) This act takes effect on January 1, 2021.".
- 10 (END)

Walkenhorst Barber, Sarah

From:

Griffiths, Terri

Sent:

Thursday, December 26, 2019 1:49 PM

To:

Walkenhorst Barber, Sarah

Subject:

RE: Draft review: LRB a0818/P1

Hi Sarah,

I don't believe I emailed you this request. Let's make the change in 765.13 as you refer to below. Thank you. I believe the executive session will take place the first full week in January so I'll need this in a form for introduction. Thank you.

Terri

From: Walkenhorst Barber, Sarah <Sarah.WalkenhorstBarber@legis.wisconsin.gov>

Sent: Wednesday, December 18, 2019 12:27 PM

To: Griffiths, Terri < Terri. Griffiths@legis.wisconsin.gov>

Subject: FW: Draft review: LRB a0818/P1

Hi Terri,

Attached is a PDF copy of a preliminary version of LRB 19a818 (the new amendment).

One other note: While working on this amendment, I found one more provision in chapter 765 that has the same language about social security numbers that we modified in s. 765.09:

765.13 Form of marriage document. The marriage document shall consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party, as well as any other information items that the department of health services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. The county clerk shall transmit the marriage license worksheet to the state registrar within 5 days after the date of issuance of the marriage license.

For consistency, you could modify this language to parallel that in s. 765.09 (adding, after "each party" the words "who has a social security number"). Because this is a different provision (s. 765.13 vs. 765.09), I don't think it is absolutely necessary, but I thought I'd raise it for you to consider while you have this amendment in the works.

Let me know if you have any questions or would like to make changes.

Best, Sarah

Sarah Walkenhorst Barber

Senior Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037 (608) 504-5826 sarah.walkenhorstbarber@legis.wisconsin.gov

From: LRB.Legal < lrblegal@legis.wisconsin.gov > Sent: Wednesday, December 18, 2019 12:09 PM

To: Walkenhorst Barber, Sarah < Sarah. Walkenhorst Barber@legis.wisconsin.gov >

Subject: Draft review: LRB a0818/P1

Draft Requester: Rep. Robert Wittke

Following is the PDF version of draft LRB a0818/P1.



State of Misconsin 2019 - 2020 LEGISLATURE

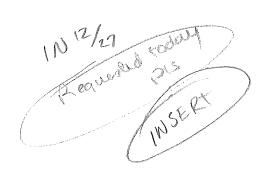
TO ASSEMBLY BILL 457

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

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1. Page 4, line 20: after that line insert:

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765.19 Delivery and filing of marriage document. The marriage document, legibly and completely filled out with unfading black ink, shall be returned by the officiating person, or, in the case of a marriage ceremony performed without an officiating person, then by the parties to the marriage contract, or either of them, to the register of deeds of the <u>any</u> county in which the marriage was performed this state within 3 days after the date of the marriage."

2. Page 6, line 2: after that line insert:

"Section 8m. 765.30 (4) (a) of the statutes is amended to read:

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person, or persons marrying without the presence of an officiating person, as
provided by s. $765.16(1\mathrm{m})(c)$, who neglect or refuse to transmit the original marriage
certificate, solemnized by the officiating person or the persons marrying, to the
register of deeds of the any county in which the marriage was performed this state
within 3 days after the date of the marriage.".
within 3 days after the date of the marriage.".

- **3.** Page 6, line 8: after that line insert:
- 8 "Section 10. Effective date.
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10 (END)



2019-2020 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

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INSERT 1-2

1.	Page 4,	line	11:	after	that	line	insert:
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"Section 5m. 765.13 of the statutes is amended to read:

×765.13 Form of marriage document. The marriage document shall consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party who has a social security number, as well as any other information items that the department of health services determines are necessary and shall agree in the main with the standard form recommended by the federal agency responsible for national vital statistics. The county clerk shall transmit the marriage license worksheet to the state registrar within 5 days after the date of issuance of the marriage license.".

History: 1977 c. 418; 1979 c. 32 s. 48; Stats. 1979 s. 765.13; 1981 c. 20; 1995 a. 27 s. 9126 (19); 1997 a. 191; 2001 a. 16; 2007 a. 20 s. 9121 (6) (a).

(END INSERT 1-2)

Walkenhorst Barber, Sarah

From:

Rep.Wittke

Sent:

Thursday, January 02, 2020 4:35 PM

To: Subject: Walkenhorst Barber, Sarah FW: Draft review: LRB a0818/P2

Attachments:

19a0818/P2.pdf

Sarah,

One additional change for this amendment. With regard to the "unobtainable" language.

We believe by adding language to clarify the county clerk will determine if a document is unobtainable or not would be helpful. The applicant would still have recourse if they disagree with the ruling of the county clerk by going to another county.

Can this be added in to the attached amendment?

Finally, I'll need the amendment for a scheduled exec on January 7th.

Thank you.

Terri

From: LRB.Legal < Irblegal@legis.wisconsin.gov> Sent: Friday, December 27, 2019 3:35 PM

To: Rep.Wittke <Rep.Wittke@legis.wisconsin.gov>

Subject: Draft review: LRB a0818/P2

Following is the PDF version of draft LRB a0818/P2.



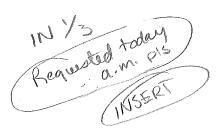
State of Misconsin 2019 - 2020 LEGISLATURE

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT,

TO ASSEMBLY BILL 457



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At the locations indicated, amend the bill as follows:

1. Page 4, line 11: after that line insert:

"Section 5m. 765.13 of the statutes is amended to read:

765.13 Form of marriage document. The marriage document shall consist of the marriage license and the marriage license worksheet. The marriage license shall contain a notification of the time limits of the authorization to marry, a notation that the issue of the marriage license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the signature of the county clerk, who shall acquire the information for the marriage document and enter it in its proper place when the marriage license is issued. The marriage license worksheet shall contain the social security number of each party who has a social security number, as well as any other

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3. Page 6, line 2: after that line insert:

"Section 8m. 765.30 (4) (a) of the statutes is amended to read:

765.30 (4) (a) Penalty for failure to file marriage certificate. Every officiating person, or persons marrying without the presence of an officiating person, as provided by s. 765.16 (1m) (c), who neglect or refuse to transmit the original marriage certificate, solemnized by the officiating person or the persons marrying, to the register of deeds of the any county in which the marriage was performed this state within 3 days after the date of the marriage."

4. Page 6, line 8: after that line insert:

"Section 10. Effective date.

1 (1) This act takes effect on January 1, 2021.".

2 (END)

2019-2020 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

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INSERT 1-2

1	1. Page 4, line 1: before that line insert:
2	"Section 4m. 765.09 (3) (c) of the statutes is created to read:
3	×765.09 (3) (c) For purposes of par. (b), the clerk shall have discretion to determine whether a birth record, death record, or judgment is unobtainable.".
4	determine whether a birth record, death record, or judgment is unobtainable.".
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WISCONSIN LEGISLATIVE REFERENCE BUREAU

Information Services 608-266-0341—Legal Services 608-266-3561



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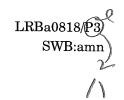
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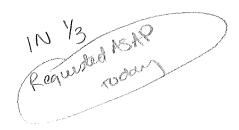
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State of Misconsin 2019 - 2020 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION ASSEMBLY AMENDMENT.

TO ASSEMBLY BILL 457



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5	determine whether a document is unobtainable.".
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within 3 days after the date of the marriage.".

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This act takes effect on January 1, 2021.".

(END)