

2019 DRAFTING REQUEST**Assembly Amendment (AA-AB457)**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:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	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. Drafted

Reviewed
1/3/2020

Submitted
1/3/2020

Jacketed
1/3/2020

Required

FE Sent For:

<END>



Per Amber (LC) and Terri (Rep. Wittke)

Draft amendment to include the following

1) Delay effective date to January 1, 2021

2) Amend 765.19 to allow marriage document to be returned to any county, not just where marriage ceremony takes place

Per Terri

Do as new simple amendment



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0818?
SWB:...Lamm
/P1

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

SA
Xref
Pwf

11/12/18
Requested ASAP
today pls

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 4, line 20: after that line insert:
- 3 **"SECTION 6m.** 765.19 of the statutes is amended to read:
- 4 **765.19 Delivery and filing of marriage document.** The marriage
- 5 document, legibly and completely filled out with unfading black ink, shall be
- 6 returned by the officiating person, or, in the case of a marriage ceremony performed
- 7 without an officiating person, then by the parties to the marriage contract, or either
- 8 of them, to the register of deeds of the any county in ~~which the marriage was~~
- 9 performed this state within 3 days after the date of the marriage."
- 10 **2.** Page 6, line 2: after that line insert:
- 11 **"SECTION 8m.** 765.30 (4) (a) of the statutes is amended to read:

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.WalkenhorstBarber@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 Wisconsin
2019 - 2020 LEGISLATURE

LRBa0818/P1
SWB:amn

1P2
RMK

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

SA-
Rwf-

1/10/27
Requested today
PLS
INSERT

INS
1-2

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

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

3 **"SECTION 6m.** 765.19 of the statutes is amended to read:

4 **765.19 Delivery and filing of marriage document.** The marriage
5 document, legibly and completely filled out with unfading black ink, shall be
6 returned by the officiating person, or, in the case of a marriage ceremony performed
7 without an officiating person, then by the parties to the marriage contract, or either
8 of them, to the register of deeds of the any county in which the marriage was
9 performed this state within 3 days after the date of the marriage.".

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

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

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

7 **3.** Page 6, line 8: after that line insert:

8 **“SECTION 10. Effective date.**

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

10

(END)

SA
Xref

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0818/P2ins
SWB:amn

INSERT 1-2

1 **1.** Page 4, line 11: after that line insert:
2 “**SECTION 5m.** 765.13 of the statutes is amended to read:
3 × **765.13 Form of marriage document.** The marriage document shall consist
4 of the marriage license and the marriage license worksheet. The marriage license
5 shall contain a notification of the time limits of the authorization to marry, a notation
6 that the issue of the marriage license shall not be deemed to remove or dispense with
7 any legal disability, impediment or prohibition rendering marriage between the
8 parties illegal, and the signature of the county clerk, who shall acquire the
9 information for the marriage document and enter it in its proper place when the
10 marriage license is issued. The marriage license worksheet shall contain the social
11 security number of each party who has a social security number, as well as any other
12 information items that the department of health services determines are necessary
13 and shall agree in the main with the standard form recommended by the federal
14 agency responsible for national vital statistics. The county clerk shall transmit the
15 marriage license worksheet to the state registrar within 5 days after the date of
16 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: Walkenhorst Barber, Sarah
Subject: 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 <lrblegal@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 Wisconsin
2019 - 2020 LEGISLATURE

LRBa0818/P2
SWB:amn

P3
RMR

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

IN 1/3
Requested today
a.m. pls
INSERT

INS
1-2

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

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

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

4 **765.13 Form of marriage document.** The marriage document shall consist
5 of the marriage license and the marriage license worksheet. The marriage license
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7 that the issue of the marriage license shall not be deemed to remove or dispense with
8 any legal disability, impediment or prohibition rendering marriage between the
9 parties illegal, and the signature of the county clerk, who shall acquire the
10 information for the marriage document and enter it in its proper place when the
11 marriage license is issued. The marriage license worksheet shall contain the social
12 security number of each party who has a social security number, as well as any other

1 information items that the department of health services determines are necessary
2 and shall agree in the main with the standard form recommended by the federal
3 agency responsible for national vital statistics. The county clerk shall transmit the
4 marriage license worksheet to the state registrar within 5 days after the date of
5 issuance of the marriage license.”.

6 **2.** Page 4, line 20: after that line insert:

7 “**SECTION 6m.** 765.19 of the statutes is amended to read:

8 **765.19 Delivery and filing of marriage document.** The marriage
9 document, legibly and completely filled out with unfading black ink, shall be
10 returned by the officiating person, or, in the case of a marriage ceremony performed
11 without an officiating person, then by the parties to the marriage contract, or either
12 of them, to the register of deeds of the any county in which the marriage was
13 performed this state within 3 days after the date of the marriage.”.

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

15 “**SECTION 8m.** 765.30 (4) (a) of the statutes is amended to read:

16 **765.30 (4) (a) *Penalty for failure to file marriage certificate.*** Every officiating
17 person, or persons marrying without the presence of an officiating person, as
18 provided by s. 765.16 (1m) (c), who neglect or refuse to transmit the original marriage
19 certificate, solemnized by the officiating person or the persons marrying, to the
20 register of deeds of the any county in which the marriage was performed this state
21 within 3 days after the date of the marriage.”.

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

23 “**SECTION 10. Effective date.**

2019-2020 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0818/P3ins
SWB:amn

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
4 determine whether a birth record, death record, or judgment ^{document} is unobtainable.”

(END INSERT 1-2)

WISCONSIN LEGISLATIVE REFERENCE BUREAU

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



Per Terri (phone)

1/3

* Modify amendment to make effective date July 1, 2021

* Do as / 1 introducible



State of Wisconsin
2019 - 2020 LEGISLATURE

LRBa0818/P3
SWB:amn

2
1
RMR

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

IN 1/3
Requested ASAP
today

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- 2 **1.** Page 4, line 1: before that line insert:
- 3 **"SECTION 4m.** 765.09 (3) (c) of the statutes is created to read:
- 4 765.09 (3) (c) For purposes of par. (b), the clerk shall have discretion to
- 5 determine whether a document is unobtainable."
- 6 **2.** Page 4, line 11: after that line insert:
- 7 **"SECTION 5m.** 765.13 of the statutes is amended to read:
- 8 **765.13 Form of marriage document.** The marriage document shall consist
- 9 of the marriage license and the marriage license worksheet. The marriage license
- 10 shall contain a notification of the time limits of the authorization to marry, a notation
- 11 that the issue of the marriage license shall not be deemed to remove or dispense with
- 12 any legal disability, impediment or prohibition rendering marriage between the

1 parties illegal, and the signature of the county clerk, who shall acquire the
2 information for the marriage document and enter it in its proper place when the
3 marriage license is issued. The marriage license worksheet shall contain the social
4 security number of each party who has a social security number, as well as any other
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6 and shall agree in the main with the standard form recommended by the federal
7 agency responsible for national vital statistics. The county clerk shall transmit the
8 marriage license worksheet to the state registrar within 5 days after the date of
9 issuance of the marriage license.”.

10 **3.** Page 4, line 20: after that line insert:

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

18 **4.** Page 6, line 2: after that line insert:

19 “**SECTION 8m.** 765.30 (4) (a) of the statutes is amended to read:

20 765.30 (4) (a) *Penalty for failure to file marriage certificate.* Every officiating
21 person, or persons marrying without the presence of an officiating person, as
22 provided by s. 765.16 (1m) (c), who neglect or refuse to transmit the original marriage
23 certificate, solemnized by the officiating person or the persons marrying, to the

1 register of deeds of the any county in which the marriage was performed this state
2 within 3 days after the date of the marriage.”.

3 **5.** Page 6, line 8: after that line insert:

4 **“SECTION 10. Effective date.**

5 (1) This act takes effect on January ^{July} 1, 2021.”.

6 (END)