

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 696

Introduced by Christensen, 44; Burling, 33; Fulton, 29; Hansen, 42;
Karpisek, 32; Louden, 49; Pedersen, 39

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to marriage licenses; to amend section 33-110,
2 Reissue Revised Statutes of Nebraska; to provide an
3 increase in a fee and a waiting period if marriage
4 education requirements are not met as prescribed; to
5 provide powers and duties to county clerks; to provide an
6 operative date; and to repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 33-110, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 33-110 County clerks shall receive no fee for the
4 performance of the following services: For issuing certificates
5 of election; for performing the duties of clerk of the county
6 board; for taking acknowledgments of claims against the county; for
7 attesting or certifying any document authorized by the county board
8 or required by the departments of the state; or for recording Army
9 or Navy discharges or furnishing certified copies thereof to be
10 used in connection with any claim for compensation or disability. A
11 charge of twenty-five cents shall be made for any other certificate
12 and seal unless otherwise provided. The fees collected shall be
13 credited to the county general fund.

14 County clerks shall receive a fee of fifteen dollars for
15 the entire proceedings of issuing a marriage license, administering
16 the related oaths or affirmations, and recording a marriage
17 certificate. Such fee shall be increased to one hundred dollars
18 unless the couple requesting the marriage license has completed
19 the marriage education requirements in section 2 of this act. An
20 additional fee of five dollars shall be made for each certified
21 copy of a marriage record on file in the office of the county
22 clerk. Both such fees shall be deposited in the county general
23 fund.

24 Sec. 2. (1) Except as provided in subsection (2) of this
25 section, any couple or one person of a couple seeking a marriage

1 license in the State of Nebraska shall contact the county clerk in
2 the county in which they intend to obtain such marriage license, in
3 person or by telephone, at least thirty days before the date they
4 intend to marry in order to inform the county clerk of their intent
5 to marry and the date they intend to marry.

6 (2) The county clerk shall waive the thirty-day waiting
7 period under subsection (1) of this section and the fee increase in
8 section 33-110 at any point before or during such thirty days and
9 issue a marriage license:

10 (a) If the couple presents proof of completion of at
11 least eight hours of marriage education. Proof of completion shall
12 consist of a certificate signed by the provider of the marriage
13 education on the stationery or other form used by such provider,
14 program, or sponsoring institution of such provider indicating the
15 couple has completed at least eight hours of marriage education; or

16 (b) If a couple presents compelling circumstances,
17 including, but not limited to, pregnancy, terminal illness, or
18 imminent transfer to a combat zone. There shall be no public record
19 of the circumstances considered by the county clerk in waiving
20 the waiting period under this subdivision. The county clerk shall
21 have sole discretion as to the requirement, if any, of proof of
22 compelling circumstances.

23 (3) Marriage education may be provided by any of the
24 following:

25 (a) An official representative of a religious institution

1 or his or her designee;

2 (b) Any member of the clergy authorized to perform
3 marriages, or his or her designee, including mentor couples or
4 other lay volunteers if they are working in a clergy-supervised
5 program;

6 (c) Any marriage education provider or program approved
7 by the person performing the marriage; or

8 (d) Marriage education or skills training providers
9 listed in directories which shall be maintained by each county
10 clerk's office.

11 (4) Marriage education shall consist of at least eight
12 hours of instruction including, but not limited to, the following
13 topics:

14 (a) Conflict management in marriage;

15 (b) Communication skills;

16 (c) Financial responsibility; and

17 (d) Parenting skills.

18 Sec. 3. This act becomes operative on January 1, 2008.

19 Sec. 4. Original section 33-110, Reissue Revised Statutes
20 of Nebraska, is repealed.