

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 533

Introduced by Cavanaugh, 6; Hansen, M., 26; Hunt, 8.

Read first time January 22, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to marriage; to amend sections 42-103, 42-109,
- 2 and 42-110, Reissue Revised Statutes of Nebraska; to change
- 3 terminology; and to repeal the original sections.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 42-103, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-103 Marriages are void (1) when either party has a spouse ~~husband~~
4 ~~or wife~~ living at the time of the marriage, (2) when either party, at the
5 time of marriage, is mentally incompetent to enter into the marriage
6 relation, and (3) when the parties are related to each other as parent
7 and child, grandparent and grandchild, brother and sister of half as well
8 as whole blood, first cousins when of whole blood, uncle and niece, and
9 aunt and nephew. This subdivision extends to children and relatives born
10 out of wedlock as well as those born in wedlock.

11 Sec. 2. Section 42-109, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 42-109 In the solemnization of marriage, no particular form shall be
14 required, except that the parties shall solemnly declare, in the presence
15 of the magistrate or minister and the attending witnesses, that they take
16 each other in marriage. ~~There as husband and wife; and in any case there~~
17 shall be at least two witnesses, ~~besides~~ the minister or magistrate
18 present at the ceremony.

19 Sec. 3. Section 42-110, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 42-110 Whenever a marriage has ~~shall have~~ been solemnized pursuant
22 to ~~the provisions of~~ sections 42-101 to 42-117, the minister or
23 magistrate who solemnized the marriage ~~same~~ shall give to each of the
24 parties, on request, a certificate signed by the minister or magistrate
25 ~~under his hand~~, specifying the names, ages, and places of residence of
26 the parties married, the names and residences of at least two witnesses
27 who were present at such marriage, and the time and place thereof.

28 Sec. 4. Original sections 42-103, 42-109, and 42-110, Reissue
29 Revised Statutes of Nebraska, are repealed.