

LEGISLATIVE BILL 1126

Approved by the Governor April 7, 1988

Introduced by Barrett, 39

AN ACT relating to marriage; to amend sections 33-110, 42-104, and 42-121, Revised Statutes Supplement, 1986; to provide a fee as prescribed; to provide certain requirements for the obtaining and use of marriage licenses as prescribed; to eliminate certain restrictions relating to marriage licenses; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 33-110, Revised Statutes Supplement, 1986, be amended to read as follows:

33-110. County clerks shall receive no fee for the performance of the following services: For issuing certificates of election; for performing the duties of clerk of the county board; for taking acknowledgments of claims against the county; for attesting or certifying any document authorized by the county board or required by the departments of the state; or for recording Army or Navy discharges or furnishing certified copies thereof to be used in connection with any claim for compensation or disability. A charge of twenty-five cents shall be made for each certificate and seal not herein excepted. Such fees collected shall be credited to the county general fund. County clerks shall receive a fee of ten dollars for the entire proceedings of issuing a marriage license, administering the related oaths or affirmations, and recording a marriage certificate. An additional fee of five dollars shall be made for each certified copy of a marriage record on file in the office of the county clerk. Both such fees Such fee shall be deposited in the county general fund.

Sec. 2. That section 42-104, Revised Statutes Supplement, 1986, be amended to read as follows:

42-104. Prior to the solemnization of any marriage in this state, a license for that purpose ~~must~~ shall be obtained from a county clerk in the State of Nebraska. Applications for a marriage license made with the county court prior to January 1, 1987, shall be processed and licenses shall be issued by the county

court according to the law and procedures in effect on the date each application was made. No marriage hereafter contracted shall be recognized as valid unless such license has been previously obtained and used within one year from the date of issuance and unless such marriage is solemnized by a person authorized by law to solemnize marriages. The license shall state the county in which the marriage is to be solemnized, and the marriage shall be solemnized only in that county.

Application for a marriage license shall be made at least two days before a license shall be issued. Each party shall present satisfactory documentary proof of and shall swear or affirm to the application giving: (1) Full name of each applicant and residence; and (2) the place, date, and year of birth of each.

Sec. 3. That section 42-121, Revised Statutes Supplement, 1986, be amended to read as follows:

42-121. Before any county clerk shall issue a marriage license, each female applicant for such license shall file with him or her a certificate which shall state whether the such female applicant has laboratory evidence of immunological response to rubella, commonly known as German measles. The certificate shall not be required to contain such evidence of response to rubella when the female applicant (1) is over fifty years of age, (2) has had a surgical sterilization, or (3) presents laboratory evidence of a prior test declaring her immunity to rubella.

If the laboratory evidence indicates a negative immunological response to rubella, the female applicant shall be notified in writing of an opportunity for counseling in regard to the significance of the absence of antibodies to rubella or shall be sent written material indicating such significance. The results of all tests shall be reported to the laboratory of the Department of Health. All laboratory notifications shall be confidential and shall not be open to public inspection, except that the Director of Health or some person appointed by him or her may discuss the notification with the attending physician.

Sec. 4. That original sections 33-110, 42-104, and 42-121, Revised Statutes Supplement, 1986, are repealed.