

LEGISLATIVE BILL 728

Approved by the Governor May 7, 1971

Introduced by Roland A. Luedtke, 28th District

AN ACT to amend sections 42-102, 42-106, and 42-107, Reissue Revised Statutes of Nebraska, 1943, and section 42-104, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 42, Eighty-second Legislature, First Session, 1971, relating to marriage licenses; to remove certain disqualifications for marriage; to provide the time for making application for a marriage license and the contents of the application; to provide what information shall be in marriage records; to provide for refusal to grant a marriage license; to provide for furnishing forms of application, license and certificates of marriage and cost thereof; and to repeal the original sections, and also section 42-124, Reissue Revised Statutes of Nebraska, 1943.

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

Section 1. That section 42-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-102. At the time of the marriage the male must be of the age of eighteen years or upward, and the female of the age of sixteen years or upward, ~~when the female is pregnant and after satisfactory evidence has been given as to the condition of the female involved and when consent has been given as provided in section 42-105 and the county judge consents thereto.~~ No person who is afflicted with a venereal disease shall marry in this state. ~~No person who has been adjudged an imbecile, or a feeble-minded person, or a person who is or has been adjudged afflicted with hereditary insanity shall marry in this state, until after he or she has submitted to an operation for sterilization.~~

Sec. 2. That section 42-104, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 42, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

42-104. Previous to the solemnization of any

marriage in this state, a license for that purpose must be obtained from a county judge in the State of Nebraska, and no marriage hereafter contracted shall be recognized as valid unless such license has been previously obtained, 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 five 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 42-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-106. When application shall be made for a license to the county judge, he shall upon the granting of such license state therein the ~~Christian and surnames of the fathers of both parties; the Christian and maiden names of the mothers of both parties; the Christian and surnames of the parties; the residence of both parties; their places of birth; their respective ages; their color; which information contained in the application as provided in section 42-104.~~ The license shall, prior to the issuing thereof, be entered of record in the office of the county judge, in a suitable book to be provided for that purpose.

The forms for the application, license, and certificate of marriage shall be provided by the Bureau of Vital Statistics at actual cost as determined by the bureau.

Sec. 4. That section 42-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-107. ~~If, on such testimony being~~ the required proof is not given, or if it shall appear that either of the parties is legally incompetent to enter into such contract, or that there is any impediment in the way, or, if either party is a minor and the consent mentioned in section 42-105 shall not be given, the judge shall refuse to grant a license.

Sec. 5. That original sections 42-102, 42-106,

and 42-107, Reissue Revised Statutes of Nebraska, 1943, and section 42-104, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 42, Eighty-second Legislature, First Session, 1971, and also section 42-124, Reissue Revised Statutes of Nebraska, 1943, are repealed.