

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 533

FINAL READING

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, 42-106,
- 2 42-109, 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 42-106, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 42-106 When an application is made for a license to the county
14 clerk, he or she shall, upon the granting of such license, state in the
15 license the information contained in the application as provided in
16 section 42-104. The license shall, prior to the issuing thereof, be
17 entered of record in the office of the county clerk in a suitable book to
18 be provided for that purpose.

19 The forms for the application, license, and certificate of marriage
20 shall be provided by the Department of Health and Human Services at
21 actual cost as determined by the department. The forms for the
22 application, license, and certificate of marriage shall refer to the
23 parties using the designations Applicant 1 and Applicant 2.

24 Sec. 3. Section 42-109, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 42-109 In the solemnization of marriage, no particular form shall be
27 required, except that the parties shall solemnly declare, in the presence
28 of the magistrate or minister and the attending witnesses, that they take
29 each other in marriage. There as husband and wife; and in any case there
30 shall be at least two witnesses, besides the minister or magistrate
31 present at the ceremony.

1 Sec. 4. Section 42-110, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-110 Whenever a marriage has ~~shall~~ have been solemnized pursuant
4 to ~~the provisions of~~ sections 42-101 to 42-117, the minister or
5 magistrate who solemnized the marriage ~~same~~ shall give to each of the
6 parties, on request, a certificate signed by the minister or magistrate
7 ~~under his hand~~, specifying the names, ages, and places of residence of
8 the parties married, the names and residences of at least two witnesses
9 who were present at such marriage, and the time and place thereof.

10 Sec. 5. Original sections 42-103, 42-106, 42-109, and 42-110,
11 Reissue Revised Statutes of Nebraska, are repealed.