



# Notice of Public Meeting

*to be held*

**June 16, 2016 at 11:15 a.m.**

**OBC Conference Room—2nd Floor  
Norbert Hill Center**

The Oneida Licensing Department is hosting this Public Meeting to gather feedback from the community regarding two proposed rules to the Marriage Law:

## ***Topic: Marriage License Fee Schedule***

- ◆ This rule sets the fee schedule for acquiring a marriage license:
  - ◆ *Filing fee.* A standard filing fee for a marriage license. This fee amount shall be one hundred dollars (\$100).
  - ◆ *Waiver fee.* A fee for the waiver of the initial waiting period. This fee amount shall be twenty-five dollars (\$25).
  - ◆ *Correction fee.* A fee for correcting a marriage license application after it has been submitted to the Department. This fee amount shall be ten dollars (\$10).

## ***Topic: Marriage Law Fine Schedule***

- ◆ This rule sets the fine schedule for violations of the Marriage Law:
  - ◆ Any person who swears to a false statement to obtain a marriage license or to help another obtain a marriage license shall be fined no less than five hundred dollars (\$500.00).
  - ◆ Any person who is not an officiating person under the Marriage Law who solemnizes a marriage ceremony shall be fined no less than one hundred dollars (\$100.00).
  - ◆ The parties to a marriage and/or the officiating person(s) of a marriage conducted without a valid marriage license or without the presence of two (2) competent adult witnesses shall be fined no less than one hundred dollars (\$100.00).
  - ◆ Any person who goes to another jurisdiction to avoid this law and contracts a marriage prohibited under this law shall be fined no less than five hundred dollars (\$500.00).
  - ◆ Any person who violates any other provision of this law shall be fined no less than one hundred dollars (\$100.00).

**All community members are invited to attend this meeting to learn more about this proposal and/or to submit comments concerning this proposal.**

### **Public Comment Period—Open until May 23, 2016**

During the Public Comment Period, all interested persons may submit written comments regarding this legislative proposal. Written comments must be submitted to the Licensing Department in person or by U.S. mail, interoffice mail, e-mail or fax.

For more information about the public meeting process, or to obtain copies of the Public Meeting documents for this proposal, please visit <https://oneida-nsn.gov/government/register/> or hard copies are available with the Oneida Licensing Department which is located at the Skenadoah Complex at 909 Packerland Drive Green Bay, Wisconsin 54303.

Mail: **Oneida Licensing Department**  
**PO Box 365**  
**Oneida, WI 54155**

Phone: **(920) 496-5311**  
E-Mail:  
Fax: **(920) 496-7491**

MARRIAGE LAW  
Rule No. 1 – Marriage License Fee Schedule

**1.1 Purpose and Effective Date**

1.1-1. *Purpose.* The purpose of this rule is to establish a fee schedule for marriage licenses under the Marriage Law.

1.1-2. *Delegation.* The Marriage Law delegated the Oneida Licensing Department rulemaking authority pursuant to the Administrative Rulemaking law.

**1.2. Adoption and Authority**

1.2-1. This rule was adopted by the \_\_\_\_\_ in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed by the \_\_\_\_\_ pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Marriage Law.

**1.3. Definitions**

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Department” means the Licensing Department.

**1.4. Fees**

1.4-1. The following list identifies the various fees that are, or may be, applicable to acquiring a marriage license:

(a) *Filing fee.* A standard filing fee for a marriage license. This fee amount shall be one hundred dollars (\$100).

(b) *Waiver fee.* A fee for the waiver of the initial waiting period. This fee amount shall be twenty-five dollars (\$25).

(c) *Correction fee.* A fee for correcting a marriage license application after it has been submitted to the Department. This fee amount shall be ten dollars (\$10).

1.4-2. All fees shall be paid to the Department.

*End.*

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Original effective date:

**MARRIAGE LAW**  
**Rule No. 1 – Marriage License Fee Schedule**

**Summary Report**

Name of rule:	Marriage License Fee Schedule	
Interprets:	Marriage Law, section 71.5-1	
Rule number	Rule No. 1	
Affected laws/rules:	None	
Brief Summary:	The rule is to establish a new fee schedule for marriage licenses.	
Statement of Effect:	Attached.	
<b>Financial Analysis:</b>	<b>Description</b>	<b>Dollar Amount</b>
Startup Costs	Included in FY '16 budget	\$0
Personnel	Existing	\$0
Office	No additional space required	\$0
Documentation Costs	Estimated annual cost	(\$1,500)
An estimate of the amount of time necessary for an individual or Agency to comply with the Rule after implementation.	Immediately	
Other, please explain	Estimated increased revenue utilizing 102 marriage licenses at the \$100 annually. Other fees are indeterminate.	\$10,200
<b>Total</b>	<b>Net revenue annually</b>	<b>\$8,700</b>

# Oneida Nation Legislative Reference Office

## Legislative Reference Office

P.O. Box 365  
Oneida, WI 54155  
(920) 869-4376  
(800) 236-2214  
<http://oneida-nsn.gov/LOC>



## Committee Members

Brandon Stevens, Chairperson  
Tehassi Hill, Vice Chairperson  
Fawn Billie, Councilmember  
David P. Jordan, Councilmember  
Jennifer Webster, Councilmember

## Statement of Effect

### MARRIAGE LAW

#### Rule 1 – Marriage License Fee Schedule

### Summary

This rule provides a new fee schedule for acquiring marriage licenses under the Marriage Law.

*By Douglass A. McIntyre, Staff Attorney, Legislative Reference Office*

### Analysis from Legislative Reference Office

This proposed rule provides a new fee schedule for acquiring marriage licenses under the Marriage Law. This authority is delegated to the Oneida Licensing Department through section 71.5-1 of the Marriage Law. The rule sets the following fees:

- *Standard fee.* A standard filing fee for a marriage license. This fee amount shall be one hundred dollars (\$100).
- *Waiver fee.* A fee for the waiver of the initial waiting period. This fee amount shall be twenty-five dollars (\$25).
- *Correction fee.* A fee for correcting a marriage license application after it has been submitted to the Department. This fee amount shall be ten dollars (\$10).

The current fee schedule was set through resolution by the Oneida Business Committee on May 11, 2016. With the recent amendments to the Marriage Law, the Oneida Licensing Department has been given rulemaking authority to establish a new fee schedule. The Department is proposing that the current fee schedule be replaced with the fee schedule found in the proposed rule. Both have been placed into the following chart for easy reference:

	Current Fee Schedule	Proposed Rule Fee Schedule
Standard Fee	\$50	\$100
Waiver Fee	\$25	\$25
Amendment Fee (the name is changed to “Correction fee” under the proposed rule)	\$10	\$10

There are two changes from the proposed and current fee schedules. First, the proposed rule would make a name change of the “Amendment fee” to a “Correction fee”. This would only be a change in the name as the purpose would remain the same. Second, the proposed rule would increase the Standard fee from the current amount of fifty dollars (\$50) to one-hundred dollars (\$100). The Department has provided several reasons for this decision;

- to cover some of the costs of staff time;
- to cover the cost of processing the licenses; and
- to make the cost comparable to the cost of a license under the State.

The Department reports that only a handful of Wisconsin counties have a fifty dollar (\$50) fee and that most of the counties have a fee ranging from eighty dollars (\$80) to one-hundred dollars (\$100). The proposed fee is less than the one-hundred and fifteen dollar (\$115) cost for Brown County.

The proposed rule is within the authority delegated from the Marriage Law. The proposed rule has no effect on any other law or rules. A public meeting is currently scheduled for June 16, 2016.

### ***Conclusion***

There are no legal bars to adopting the rule.

MARRIAGE LAW  
Rule No. 2 - Marriage Law Fine Schedule

**2.1 Purpose and Effective Date**

2.1-1. *Purpose.* The purpose of this rule is to establish the fines for violations of the Marriage Law.

2.1-2. *Delegation.* The Marriage Law delegated the Oneida Licensing Department rulemaking authority pursuant to the Administrative Rulemaking law.

**2.2. Adoption and Authority**

2.2-1. This rule was adopted by the \_\_\_\_\_ in accordance with the procedures of the Administrative Rulemaking law.

2.2-2. This rule may be amended or repealed by the \_\_\_\_\_ pursuant to the procedures set out in the Administrative Rulemaking law.

2.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements relating to the Marriage Law.

**2.3. Definitions**

2.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Department" means the Licensing Department.

(b) "Officiating person" means the person or persons who perform the marriage ceremony.

**2.4. Fines**

2.4-1. A person who knowingly violates the Marriage Law may be penalized as follows:

(a) Any person who swears to a false statement to obtain a marriage license or to help another obtain a marriage license shall be fined no less than five hundred dollars (\$500.00).

(b) Any person who is not an officiating person under the Marriage Law who solemnizes a marriage ceremony shall be fined no less than one hundred dollars (\$100.00).

(c) The parties to a marriage and/or the officiating person(s) of a marriage conducted without a valid marriage license or without the presence of two (2) competent adult witnesses shall be fined no less than one hundred dollars (\$100.00).

(d) Any person who goes to another jurisdiction to avoid this law and contracts a marriage prohibited under this law shall be fined no less than five hundred dollars (\$500.00).

(e) Any person who violates any other provision of this law shall be fined no less than one hundred dollars (\$100.00).

2.4-2. All fines shall be paid to the Department.

*End.*

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Original effective date:

**MARRIAGE LAW**  
**Rule No. – Marriage Law Fine Schedule**

**Summary Report**

Name of rule:	Marriage Law Fine Schedule	
Interprets:	Marriage Law, section 71.7-1	
Rule number	Rule No. 2	
Affected laws/rules:	None	
Brief Summary:	The rule is to establish a fine schedule for violation of the Marriage Law.	
Statement of Effect:	Attached.	
<b>Financial Analysis:</b>	<b>Description</b>	<b>Dollar Amount</b>
Startup costs	Included in FY '16 budget	\$0
Personnel	Existing personnel	\$0
Office	No additional space needed	\$0
Documentation costs	No additional costs	\$0
An estimate of the amount of time necessary for an individual or Agency to comply with the Rule after implementation.	Immediately	
Other, please explain	Revenue from fines	Indeterminate
<b>Total</b>		<b>Indeterminate</b>

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## Committee Members

Brandon Stevens, Chairperson  
Tehassi Hill, Vice Chairperson  
Fawn Billie, Councilmember  
David P. Jordan, Councilmember  
Jennifer Webster, Councilmember

## Statement of Effect

### MARRIAGE LAW

#### Rule 2 – Marriage Law Fine Schedule

### Summary

This rule provides a fine schedule for violations of the Marriage Law.

*By Douglass A. McIntyre, Staff Attorney, Legislative Reference Office*

### Analysis from Legislative Reference Office

This proposed rule provides a new fine schedule for violations of the Marriage Law. This authority is delegated to the Oneida Licensing Department through section 71.7-1 of the Marriage Law. The rule established the following fines:

- Any person who swears to a false statement to obtain a marriage license or to help another obtain a marriage license shall be fined no less than five hundred dollars (\$500.00).
- Any person who is not an officiating person under the Marriage Law who solemnizes a marriage ceremony shall be fined no less than one hundred dollars (\$100.00).
- The parties to a marriage and/or the officiating person(s) of a marriage conducted without a valid marriage license or without the presence of two (2) competent adult witnesses shall be fined no less than one hundred dollars (\$100.00).
- Any person who goes to another jurisdiction to avoid this law and contracts a marriage prohibited under this law shall be fined no less than five hundred dollars (\$500.00).
- Any person who violates any other provision of this law shall be fined no less than one hundred dollars (\$100.00).

During the last amendments, the Legislative Operating Committee determined that fines for the violation of the Marriage Law would be better addressed directly by the Department through rulemaking authority as rules may be developed much quicker than changes to the law. The fine schedule was removed from the law and a section allowing the Department to promulgate rules was added.

The Department has determined that it would be best to use the same fine schedule that was previously found in the Marriage Law. The proposed rule uses the exact same language

previously found at section 71.7-1.

The proposed rule is within the authority delegated from the Marriage Law. The proposed rule has no effect on any other law or rules. A public meeting has been scheduled for June 16, 2016.

***Conclusion***

There are no legal bars to adopting the rule.