

SENATE BILL NO. 296

INTRODUCED BY VAN VALKENBURG

IN THE SENATE

January 30, 1979	Introduced and referred to Committee on Judiciary.
February 8, 1979	Committee recommend bill do pass. Report adopted.
February 9, 1979	Printed and placed on members' desks.
February 10, 1979	Second reading, do pass.
February 12, 1979	Considered correctly engrossed.
February 13, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 14, 1979	Introduced and referred to Committee on Judiciary.
March 6, 1979	Committee recommend bill be not concurred in.
March 7, 1979	Objection raised to adverse committee report. Bill placed on second reading.
March 8, 1979	Second reading, concurred in.
March 10, 1979	Third reading, concurred in.

IN THE SENATE

March 12, 1979	Returned from second house. Concurred in. Sent to enrolling.  Reported correctly enrolled.
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1 *Sen. Talkington* BILL NO. *296*  
 2 INTRODUCED BY *Sen. Talkington*  
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION  
 5 40-1-301, MCA, TO SPECIFICALLY INCLUDE TRIBAL JUDGES ON THE  
 6 LIST OF OFFICIALS AUTHORIZED TO SOLEMNIZE MARRIAGE."  
 7

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 40-1-301, MCA, is amended to read:

10 "40-1-301. Solemnization and registration. (1) A  
 11 marriage may be solemnized by a judge of a court of records,  
 12 by a public official whose powers include solemnization of  
 13 marriages, by a mayor or justice of the peace, by a tribal  
 14 judge, or in accordance with any mode of solemnization  
 15 recognized by any religious denomination, Indian nation or  
 16 tribe, or native group. Either the person solemnizing the  
 17 marriage or, if no individual acting alone solemnized the  
 18 marriage, a party to the marriage shall complete the  
 19 marriage certificate form and forward it to the clerk of the  
 20 district court.

21 (2) If a party to a marriage is unable to be present  
 22 at the solemnization, he may authorize in writing a third  
 23 person to act as his proxy. If the person solemnizing the  
 24 marriage is satisfied that the absent party is unable to be  
 25 present and has consented to the marriage, he may solemnize

1 the marriage by proxy. If he is not satisfied, the parties  
 2 may petition the district court for an order permitting the  
 3 marriage to be solemnized by proxy.

4 (3) The solemnization of the marriage is not  
 5 invalidated by the fact that the person solemnizing the  
 6 marriage was not legally qualified to solemnize it, if  
 7 either party to the marriage believed him to be so  
 8 qualified."

-End-

Approved by Committee  
on Judiciary

SENATE BILL NO. 296

INTRODUCED BY

*Sen. Tolking*

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 40-1-301, MCA, TO SPECIFICALLY INCLUDE TRIBAL JUDGES ON THE LIST OF OFFICIALS AUTHORIZED TO SOLEMNIZE MARRIAGE."

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Section 1. Section 40-1-301, MCA, is amended to read:

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(2) If a party to a marriage is unable to be present at the solemnization, he may authorize in writing a third person to act as his proxy. If the person solemnizing the marriage is satisfied that the absent party is unable to be present and has consented to the marriage, he may solemnize

the marriage by proxy. If he is not satisfied, the parties may petition the district court for an order permitting the marriage to be solemnized by proxy.

(3) The solemnization of the marriage is not invalidated by the fact that the person solemnizing the marriage was not legally qualified to solemnize it, if either party to the marriage believed him to be so qualified."

-End-

1 *Amended* BILL NO. *296*  
 2 INTRODUCED BY *Van Valkenburg*  
 3

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SB 296  
 THIRD READING

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