

HOUSE BILL NO. 60

Introduced: 01/03/83

Referred to Committee on Judiciary: 01/03/83

Hearing: 1/11/83

Report: 01/11/83

Bill Killed: 01/12/83

1                    HOUSE      BILL NO. 60  
2    INTRODUCED BY SHONTZ  
3  
4    A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING MINISTERS OF  
5    ANY RELIGIOUS DENOMINATION WHO WISH TO BE AUTHORIZED TO  
6    SOLEMNIZE MARRIAGES TO FILE A COPY OF THEIR CREDENTIALS WITH  
7    THE CLERK OF THE DISTRICT COURT OF ANY COUNTY; PROVIDING FOR  
8    A \$5 FILING FEE; AND PROVIDING THAT ANY PERSON WHO  
9    UNDERTAKES TO SOLEMNIZE A MARRIAGE KNOWING THAT HE IS NOT  
10   AUTHORIZED TO DO SO IS GUILTY OF A MISDEMEANOR PUNISHABLE BY  
11   A FINE OF NOT LESS THAN \$500 OR MORE THAN \$1,000; AMENDING  
12   SECTION 25-1-201, MCA."  
13  
14   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
15        NEW SECTION. Section 1. Authorization to solemnize  
16   marriage — penalty. (1) No minister of any religious  
17   denomination is authorized to solemnize a marriage unless he  
18   files a copy of his credentials of license or ordination  
19   with the clerk of the district court of any county in the  
20   state. Upon payment of a \$5 filing fee, the clerk shall  
21   record the minister's credentials and give him a certificate  
22   stating that his credentials have been recorded. The fact  
23   and the place of such recordation must be endorsed upon and  
24   recorded with each certificate of marriage executed by a  
25   minister.

1            (2) A person who undertakes to solemnize a marriage  
2   knowing that he is not authorized to do so is guilty of a  
3   misdemeanor and shall be punished by a fine of not less than  
4   \$500 or more than \$1,000.  
5        Section 2. Section 25-1-201, MCA, is amended to read:  
6        "25-1-201. Fees of clerk of district court. (1) The  
7   clerk of the district court shall collect the following  
8   fees:  
9        (a) at the commencement of each action or proceeding,  
10   from the plaintiff or petitioner, \$20; and for filing a  
11   complaint in intervention, from the intervenor, \$20;  
12        (b) from each defendant or respondent, on his  
13   appearance, \$10;  
14        (c) on the entry of judgment, from the prevailing  
15   party, \$10;  
16        (d) for preparing copies of papers on file in his  
17   office, 25 cents per page;  
18        (e) for each certificate, with seal, 50 cents;  
19        (f) for oath and jurat, with seal, 50 cents;  
20        (g) for administering oath, 25 cents;  
21        (h) for taking depositions, per folio, 20 cents;  
22        (i) for filing and docketing a transcript of judgment  
23   or abstract of judgment from all other courts, \$5;  
24        (j) for issuing an execution or order of sale on a  
25   foreclosure of a lien, \$2;

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1 (k) for transmission of records or files or transfer  
 2 of a case to another court, \$5;  
 3 (l) for filing and entering papers received by  
 4 transfer from other courts, \$10;  
 5 (m) for issuing a marriage license, \$30;  
 6 (n) on the filing of an application for informal,  
 7 formal, or supervised probate or for the appointment of a  
 8 personal representative or the filing of a petition for the  
 9 appointment of a guardian or conservator, from the applicant  
 10 or petitioner, \$35, which includes the fee for filing a will  
 11 for probate;  
 12 (o) for filing and certifying a copy of the  
 13 credentials of a minister pursuant to [section 1], \$5.  
 14 (2) Except as provided in subsection (3), 40% of all  
 15 fees collected by the clerk of the district court shall be  
 16 deposited in and credited to the general fund of the county.  
 17 The remaining portion of the fees shall be remitted to the  
 18 state to be deposited as provided in 19-5-404.  
 19 (3) In the case of a fee collected for issuing a  
 20 marriage license, \$14 must be deposited in and credited to  
 21 the state general fund, \$6.40 must be deposited in and  
 22 credited to the county general fund, and \$9.60 must be  
 23 remitted to the state to be deposited as provided in  
 24 19-5-404."  
 25 NEW SECTION. Section 3. Codification instruction.

1 Section 1 is intended to be codified as an integral part of  
 2 Title 40, chapter 1, and the provisions of Title 40, chapter  
 3 1, apply to section 1.

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