

1 H.659

2 Introduced by Representative Webb of Shelburne

3 Referred to Committee on

4 Date:

5 Subject: Civil marriage records and licenses; persons authorized to solemnize
6 marriages

7 Statement of purpose of bill as introduced: This bill proposes to clarify that a
8 Native American Indian Tribe may determine who within the tribe may
9 solemnize marriages according to the traditions and customs of the tribe.

10 An act relating to solemnization of a marriage among Native American
11 Indian Tribes

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 18 V.S.A. § 5144 is amended to read:

14 § 5144. PERSONS AUTHORIZED TO SOLEMNIZE MARRIAGE

15 (a) Marriages may be solemnized by a ~~supreme court justice~~ Supreme
16 Court Justice, a ~~superior~~ Superior Court judge, a Probate Court judge ~~of~~
17 ~~probate~~, an assistant judge, a justice of the peace, a magistrate, an individual
18 who has registered as an officiant with the Vermont ~~secretary of state~~ Secretary
19 of State pursuant to section 5144a of this title, a member of the clergy residing
20 in this ~~state~~ State and ordained or licensed, or otherwise regularly authorized

1 thereunto by the published laws or discipline of the general conference,
2 convention, or other authority of his or her faith or denomination, or by such a
3 clergy person residing in an adjoining state or country, whose parish, church,
4 temple, mosque, or other religious organization lies wholly or in part in this
5 ~~state~~ State, or by a member of the clergy residing in some other state of the
6 United States or in the Dominion of Canada, provided he or she has first
7 secured from the ~~probate division of the superior court~~ Probate Division of the
8 Superior Court in the unit within which the marriage is to be solemnized a
9 special authorization, authorizing him or her to certify the marriage if the
10 ~~probate~~ Probate judge determines that the circumstances make the special
11 authorization desirable. Marriage among the Friends or Quakers, the
12 Christadelphian Ecclesia, ~~and~~ the Baha'i Faith, and Native American Indian
13 Tribes may be solemnized in the manner heretofore used in such societies.

14 (b) This section does not require a member of the clergy authorized to
15 solemnize a marriage as set forth in subsection (a) of this section, nor societies
16 of Friends or Quakers, the Christadelphian Ecclesia, ~~or~~ the Baha'i Faith, or
17 Native American Indian Tribes to solemnize any marriage, and any refusal to
18 do so shall not create any civil claim or cause of action.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.