

CS for EHB 2144

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THE STATE SENATE
Thursday, March 23, 2000

Committee Substitute for
ENGROSSED
House Bill No. 2144

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2144 - By: DAVIS
of the House and SMITH of the Senate.

An Act relating to marriage and family; amending 43 O.S.
1991, Section 7, as last amended by Section 1, Chapter 305,
O.S.L. 1999 (43 O.S. Supp. 1999, Section 7), which relates
to the solemnization of marriages; clarifying who may
solemnize marriages; stating qualifications; and declaring
an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 43 O.S. 1991, Section 7, as last
amended by Section 1, Chapter 305, O.S.L. 1999 (43 O.S. Supp. 1999,
Section 7), is amended to read as follows:

Section 7. A. 1. All marriages must be contracted by a formal
ceremony ~~performed or~~ solemnized in the presence of at least two
adult, competent persons as witnesses, by a ~~judge or retired judge~~
~~of any court in this state, or an ordained or authorized preacher or~~
~~minister of the Gospel, priest or other ecclesiastical dignitary of~~
~~any denomination who has been duly ordained or authorized by the~~
~~church to which he or she belongs to preach the Gospel, or a rabbi~~
~~and who is at least eighteen (18) years of age~~ person authorized by
this subsection to perform marriages.

1 2. The following persons who are at least eighteen (18) years
2 of age are authorized to solemnize marriages:

3 a. a duly licensed or ordained clergy,

4 b. a judge of any court in this state,

5 c. a retired judge, and

6 d. a Justice of the United States Supreme Court.

7 B. 1. ~~The~~ A judge shall place ~~his or her~~ the order of
8 appointment on file with the office of the court clerk of the county
9 in which ~~he or she~~ the judge resides.

10 2. The ~~preacher, minister, priest, rabbi, or ecclesiastical~~
11 ~~dignitary~~ licensed or ordained clergy who is a resident of this
12 state shall have filed, in the office of the court clerk of the
13 county in which ~~he or she~~ such clergy resides, a copy of the
14 credentials or authority from ~~his or her~~ the church or synagogue
15 authorizing ~~him or her~~ that clergy to solemnize marriages.

16 3. The ~~preacher, minister, priest, rabbi, or ecclesiastical~~
17 ~~dignitary~~ licensed or ordained clergy who is not a resident of this
18 state, but has complied with the laws of the state of which ~~he or~~
19 ~~she~~ that clergy is a resident, shall have filed once, in the office
20 of the court clerk of the county in which ~~he or she~~ such clergy
21 intends to perform or solemnize a marriage, a copy of the
22 credentials or authority from ~~his or her~~ that church or synagogue
23 authorizing ~~him or her~~ that clergy to solemnize marriages.

1 4. The filing by resident or nonresident ~~preachers, ministers,~~
2 ~~priests, rabbis, ecclesiastical dignitaries~~ licensed or ordained
3 clergy or judges shall be effective in and for all counties of this
4 state; provided, no fee shall be charged for such recording.

5 C. No person ~~herein~~ authorized to ~~perform or~~ solemnize a
6 marriage ceremony pursuant to this section shall do so unless the
7 marriage license issued therefor be first delivered into ~~his or her~~
8 the possession of such person nor unless ~~he or she~~ such person has
9 good reason to believe the persons presenting themselves ~~before him~~
10 ~~or her~~ for marriage are the identical persons named in the license,
11 and for whose marriage the same was issued, and that there is no
12 legal objection or impediment to such marriage.

13 D. Marriages between persons belonging to the society called
14 Friends, or Quakers, the spiritual assembly of the Baha'is, or the
15 Church of Jesus Christ of Latter Day Saints, which have no ordained
16 minister, may be solemnized by the persons and in the manner
17 prescribed by and practiced in any such society, church, or
18 assembly.

19 E. For the purpose of this section, "licensed or ordained
20 clergy" includes but is not limited to ministers, priests, rabbis,
21 preachers, elders or other ecclesiastical dignitaries who by the
22 customs, practices, rules or regulations of a religious or apostolic
23 organization holding a valid exemption from federal income taxation

1 pursuant to Section 501(d) of the federal Internal Revenue Code are
2 ordained or are otherwise authorized or permitted to solemnize
3 marriages or to officiate at marriage ceremonies.

4 SECTION 2. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-21-00 - DO
9 PASS, As Amended.