

HOUSE BILL NO. 282

INTRODUCED BY B. BENNETT

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO MARRIAGE TO PROVIDE FOR MARRIAGE BETWEEN PERSONS OF THE SAME SEX; AMENDING SECTIONS 40-1-103 AND 40-1-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 40-1-103, MCA, is amended to read:

"40-1-103. Formalities. Marriage is a personal relationship between ~~a man and a woman~~ two persons arising out of a civil contract to which the consent of the parties is essential. A marriage licensed, solemnized, and registered as provided in this chapter is valid in this state. A marriage may be contracted, maintained, invalidated, or dissolved only as provided by the law of this state."

Section 2. Section 40-1-401, MCA, is amended to read:

"40-1-401. Prohibited marriages -- contracts. (1) The following marriages are prohibited:

- (a) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;
- (b) a marriage between an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood, or between first cousins; and
- (c) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood;
- ~~(d) a marriage between persons of the same sex.~~

(2) Parties to a marriage prohibited under this section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

(3) Children born of a prohibited marriage are legitimate.

~~(4) A contractual relationship entered into for the purpose of achieving a civil relationship that is prohibited under subsection (1) is void as against public policy."~~

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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