

ALLOW COUNTY CLERKS TO SOLEMNIZE MARRIAGES

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House Bill 4086 (Substitute H-2)
Sponsor: Rep. Shelley Goodman Taub
Committee: Judiciary

Complete to 3-1-06

A SUMMARY OF HOUSE BILL 4086 AS REPORTED FROM COMMITTEE

The bill would amend Chapter 83 of the Revised Statutes of 1846 **to allow county clerks to solemnize marriages** (perform marriage ceremonies) in their own counties. Currently, the act only allows county clerks in a county with a population of over 2 million to solemnize marriages (Wayne County). The clerks could charge a fee as determined by county commissioners.

(In Wayne County, a designee of the clerk can also solemnize marriages; that would not be allowed by the bill in other counties.)

House Bill 4086 would also amend the portion of the act that allows "a minister of the Gospel" to solemnize marriages. The bill would refer in addition to a "cleric or religious practitioner." That term would be defined to refer to *a priest, minister, rabbi,, Christian Science practitioner, or other religious practitioner or similar functionary of a church, temple, religious body, or denomination, or similar organization exempt from taxation under the federal Internal Revenue Code [under Section 503 (c) (3)].*

MCL 551.7 and 551.16

BACKGROUND INFORMATION:

The act currently permits marriages to be solemnized by district court judges; district court magistrates; municipal judges; probate judges; Federal court judges; mayors; and ministers of the Gospel, in addition to the county clerk (or a designee) in counties over 2 million. Federal court judges and ministers can perform marriage ceremonies anywhere in the state; the other listed officials can solemnize marriages within their jurisdictions.

FISCAL IMPACT:

The bill would have an indeterminate fiscal impact. Any fiscal impact for a county would depend on the number of marriages solemnized, any administrative costs presented by those, and the amount of any fees charged.

POSITIONS:

The Michigan Association of County Clerks testified in support of the bill. (3-1-06)

The Michigan Association of Counties supports the bill in concept. (3-1-06)

Legislative Analyst: Chris Couch
Fiscal Analyst: Marilyn Peterson

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.