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BILL ANALYSIS

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House Bill 4086 (Substitute H-2 as passed by the House)
Sponsor: Representative Shelley Goodman Taub
House Committee: Judiciary
Senate Committee: Judiciary

Date Completed: 9-1-06

CONTENT

The bill would amend Chapter 83 of the Revised Statutes of 1846 to extend the authority to solemnize marriages to all county clerks (rather than only the Wayne County clerk); allow a cleric or religious practitioner, as well as a minister of the gospel, to solemnize marriages; and define "minister of the gospel or cleric or religious practitioner".

Chapter 83 authorizes certain individuals to solemnize marriages. These include the county clerk of a county with more than 2.0 million inhabitants (i.e., Wayne County), or a designated employee of the clerk's office, in that county. Under the bill, marriages could be solemnized by a county clerk in the county in which the clerk serves, or, in Wayne County, by a designated employee of the clerk's office. Under Chapter 83, if the Wayne County clerk or his or her employee solemnizes a marriage, he or she must charge and collect a fee determined by the county commissioners, which must be paid to the county treasurer and deposited into the county's general fund at the end of the month. The bill would extend this requirement to all county clerks.

Chapter 83 also allows marriages to be solemnized by a minister of the gospel, anywhere in the State, if he or she is ordained or authorized to solemnize marriages according to the usages of the denomination, and is a pastor of a church in Michigan, or continues to preach the gospel in Michigan. A nonresident minister of the gospel who is authorized to solemnize marriages under the law of the state in which he or she resides also may solemnize marriages anywhere in Michigan. The bill would refer to "a minister of the gospel or cleric or religious practitioner" in these provisions.

Under the bill, "minister of the gospel or cleric or religious practitioner" would mean a priest, minister, rabbi, Christian Science practitioner, or other religious practitioner or similar functionary of a church, temple, religious body, denomination, or similar organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

Under Chapter 83, a marriage solemnized before an individual professing to be authorized to solemnize marriages is not considered void, and the validity of the marriage is not affected, due to the individual's lack of jurisdiction or authority, if either or both of the individuals married fully believed that they lawfully were joined in marriage. The bill would include an individual professing to be a cleric or religious practitioner in this provision.

MCL 551.7 & 551.16

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would increase local unit revenue by an unknown and likely negligible amount. While the bill would expand the number of individuals authorized to perform marriages, the number of marriages performed is likely to remain essentially unchanged. Consequently, the bill could change the distribution of fees or contributions among those individuals authorized to solemnize marriages. The actual amount of the change would depend upon the number of individuals using a county clerk to solemnize a marriage, as well as the fees set by the county commissioners.

The bill would have no fiscal impact on State government.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.