

**SUBSTITUTE FOR
HOUSE BILL NO. 4086**

A bill to amend 1846 RS 83, entitled
"Of marriage and the solemnization thereof,"
by amending sections 7 and 16 (MCL 551.7 and 551.16), section 7 as
amended by 1983 PA 64.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 7. (1) Marriages may be solemnized by any of the
2 following:

3 (a) A judge of the district court, in the district in which
4 the judge is serving.

5 (b) A district court magistrate, in the district in which the
6 magistrate serves.

7 (c) A municipal judge, in the city in which the judge is
8 serving or in a township over which a municipal court has

1 jurisdiction ~~pursuant~~ **ACCORDING** to section 9928 of ~~Act No. 236~~
 2 ~~of the Public Acts of 1961, being section 600.9928 of the Michigan~~
 3 ~~Compiled Laws~~ **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL**
 4 **600.9928.**

5 (d) A judge of probate, in the county or probate court
 6 district in which the judge is serving.

7 (e) A judge of a federal court.

8 (f) A mayor of a city, in the city in which the mayor serves.

9 (g) The county clerk of a county ~~having more than 2,000,000~~
 10 ~~inhabitants~~ **IN THE COUNTY IN WHICH THE CLERK SERVES** or, **IN A**
 11 **COUNTY HAVING MORE THAN 2,000,000 INHABITANTS,** an employee of the
 12 clerk's office designated by the county clerk ~~—~~ in the county in
 13 which the clerk serves.

14 (h) A minister of the gospel **OR CLERIC OR RELIGIOUS**
 15 **PRACTITIONER,** anywhere in the state, if the minister **OR CLERIC OR**
 16 **RELIGIOUS PRACTITIONER** is ordained or authorized to solemnize
 17 marriages according to the usages of the denomination. ~~—, and is a~~
 18 ~~pastor of a church in this state, or continues to preach the gospel~~
 19 ~~in this state.~~

20 (i) A minister of the gospel **OR CLERIC OR RELIGIOUS**
 21 **PRACTITIONER,** anywhere in the state, if the minister **OR CLERIC OR**
 22 **RELIGIOUS PRACTITIONER** is not a resident of this state but is
 23 authorized to solemnize marriages under the laws of the state in
 24 which the minister **OR CLERIC OR RELIGIOUS PRACTITIONER** resides.

25 (2) A person authorized by this act to solemnize a marriage
 26 shall keep proper records and make returns as required by section 4
 27 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~

1 ~~section 551.104 of the Michigan Compiled Laws 1887 PA 128, MCL~~
2 ~~551.104.~~

3 (3) If a mayor of a city solemnizes a marriage, the mayor
4 shall charge and collect a fee to be determined by the council of
5 that city, which shall be paid to the city treasurer and deposited
6 in the general fund of the city at the end of the month.

7 (4) If the county clerk of a county ~~having more than~~
8 ~~2,000,000 inhabitants~~ or, **IN A COUNTY HAVING MORE THAN 2,000,000**
9 **INHABITANTS**, an employee of the clerk's office designated by the
10 county clerk solemnizes a marriage, the county clerk shall charge
11 and collect a fee to be determined by the commissioners of that
12 county, which shall be paid to the county treasurer and deposited
13 in the general fund of the county at the end of the month.

14 (5) **AS USED IN THIS ACT, "MINISTER OF THE GOSPEL OR CLERIC OR**
15 **RELIGIOUS PRACTITIONER" MEANS A PRIEST, MINISTER, RABBI, CHRISTIAN**
16 **SCIENCE PRACTITIONER, OR OTHER RELIGIOUS PRACTITIONER OR SIMILAR**
17 **FUNCTIONARY OF A CHURCH, TEMPLE, RELIGIOUS BODY, DENOMINATION, OR**
18 **SIMILAR ORGANIZATION EXEMPT FROM TAXATION UNDER SECTION 501(C)(3)**
19 **OF THE INTERNAL REVENUE CODE OF 1986, 26 USC 501.**

20 Sec. 16. A marriage solemnized before ~~a person~~ **AN INDIVIDUAL**
21 professing to be a district judge, common pleas court judge,
22 district court magistrate, municipal judge, judge of probate, judge
23 of a federal court, **OR** mayor, the county clerk of a county ~~having~~
24 ~~more than 2,000,000 inhabitants~~ or, **IN A COUNTY HAVING MORE THAN**
25 **2,000,000 INHABITANTS**, an employee of the county clerk designated
26 by the clerk to solemnize marriages, or a minister of the gospel **OR**
27 **CLERIC OR RELIGIOUS PRACTITIONER** shall not be considered or

1 adjudged to be void, nor shall the validity of the marriage be
2 affected, on account of ~~any~~ **A** want of jurisdiction or authority
3 ~~in the supposed judge, magistrate, mayor, clerk, employee, or~~
4 ~~minister~~ **BY THAT INDIVIDUAL** if the marriage was consummated with a
5 full belief on the part of the ~~persons~~ **INDIVIDUALS** married, or
6 either of them, that they were lawfully joined in marriage.