

SENATE 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

1 serving or in a township over which a municipal court has
 2 jurisdiction ~~pursuant~~ **ACCORDING** to section 9928 of ~~Act No. 236~~
 3 ~~of the Public Acts of 1961, being section 600.9928 of the Michigan~~
 4 ~~Compiled Laws~~ **THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL**
 5 **600.9928.**

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

8 (e) A judge of a federal court.

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

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

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

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

26 (2) A person authorized by this act to solemnize a marriage
 27 shall keep proper records and make returns as required by section 4

1 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~
2 ~~section 551.104 of the Michigan Compiled Laws 1887 PA 128, MCL~~
3 ~~551.104.~~

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

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

15 Sec. 16. A marriage solemnized before ~~a person~~ **AN INDIVIDUAL**
16 professing to be a district judge, common pleas court judge,
17 district court magistrate, municipal judge, judge of probate, judge
18 of a federal court, mayor, the county clerk ~~of a county having~~
19 ~~more than 2,000,000 inhabitants~~ or, **IN A COUNTY HAVING MORE THAN**
20 **2,000,000 INHABITANTS**, an employee of the county clerk designated
21 by the clerk to solemnize marriages, or a minister of the gospel **OR**
22 **CLERIC OR RELIGIOUS PRACTITIONER** shall not be considered or
23 adjudged to be void, nor shall the validity of the marriage be
24 affected, on account of ~~any~~ **A** want of jurisdiction or authority
25 ~~in the supposed judge, magistrate, mayor, clerk, employee, or~~
26 ~~minister~~ **BY THAT INDIVIDUAL** if the marriage was consummated with a
27 full belief on the part of the ~~persons~~ **INDIVIDUALS** married, or

1 either of them, that they were lawfully joined in marriage.