



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 667 (Substitute S-2 as passed by the Senate)
Sponsor: Senator Cameron S. Brown
Committee: Judiciary

(as enacted)

Date Completed: 12-20-07

RATIONALE

Chapter 83 of the Revised Statutes of 1846 authorizes certain individuals to solemnize, or perform, marriages. Public Act 419 of 2006 amended Chapter 83 to allow marriages to be performed by a county clerk in the county in which he or she serves. Previously, the clerk of a county with a population over 2 million (Wayne County), or a designated employee of that clerk's office, could solemnize a marriage. Public Act 419 extended this authority to all county clerks. The Michigan Association of County Clerks now reports that its members sometimes are asked by friends, relatives, or constituents to perform a marriage ceremony that will take place in a county other than that in which the clerk serves. Some people believe that this should be allowed, with permission from the clerk of the county where the wedding will take place.

CONTENT

The bill would amend Chapter 83 of the Revised Statutes of 1846 to authorize a county clerk to solemnize a marriage in a county other than the one in which he or she serves, with the written authorization of the clerk of that county.

Under Chapter 83, if a county clerk, or a designated employee in a county with a population over 2 million, solemnizes a marriage, the clerk must charge and collect a fee determined by the commissioners of that county. The fee must be paid to the county treasurer and deposited in the county's general fund. The bill specifies that the fee would have to be determined by the commissioners of the county in which the clerk served, be paid to the treasurer for the

county in which the clerk served, and be deposited in the general fund of that county.

MCL 551.7

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Public Act 419 of 2006 extended to every county clerk the authority to solemnize marriages, but only in the county in which the clerk serves, and requires the clerk to charge and collect a fee determined by the county commission. The fee must be paid to the county treasurer and deposited into the county's general fund. Since the Act took effect in September 2006, some county clerks reportedly have been asked by friends, family members, or constituents to conduct weddings scheduled for locations outside of the clerks' home counties. A relative may live in a different county, for instance, or a friend or constituent might want to be married on Mackinac Island or a Lake Michigan beach. Unless the wedding takes place in the county in which the clerk serves, however, he or she cannot legally perform the service.

Senate Bill 667 (S-2) would address these situations by authorizing a county clerk to solemnize a marriage in a county other than the one in which he or she serves, as long as the clerk had written authorization from the clerk of the county where the wedding occurred. The bill also would address the question of what fee to charge and where to deposit that money, by specifying that the

clerk performing the wedding would have to charge the fee prescribed by his or her county commission, and that the fee would have to be paid to the treasurer of the county in which the clerk served for deposit into that county's general fund.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could alter the distribution of local unit revenue by an unknown and likely negligible amount. While the bill would expand the number of individuals authorized to perform marriages in a given location, the number of marriages performed is likely to remain essentially unchanged. Consequently, the bill could change the distribution of fees or contributions among the local units that have individuals authorized to solemnize marriages. The actual amount of the change would depend upon the number of individuals using a clerk to solemnize a marriage outside of the clerk's respective county, as well as the fees set by the local units.

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.