



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 153 (as reported without amendment)
Sponsor: Senator Morris Hood
Committee: Judiciary

(enacted version)

Date Completed: 2-27-13

RATIONALE

In addition to authorizing all county clerks to solemnize marriages, in a county having a population of more than 2 million, Michigan law allows the clerk to designate an employee who may conduct wedding ceremonies within that county. Historically, this has applied to Wayne County, the State's largest county. In the 2010 Federal Decennial Census, however, Wayne County's population fell below the statutory population threshold. In order to continue to permit the Wayne County clerk to delegate the responsibility of conducting wedding ceremonies, it has been suggested that the minimum population requirement be reduced.

CONTENT

The bill would amend Chapter 83 of the Revised Statutes of 1846, which provides for the solemnization of marriages, to allow an employee designated by the county clerk of Wayne County to solemnize marriages in that county.

Chapter 83 of the Revised Statutes of 1846 lists the officials who may solemnize a marriage in Michigan. Among those officials are county clerks and, for a county having more than 2 million inhabitants, an employee of the clerk's office designated by the clerk. County clerks may solemnize a marriage in the county in which they serve, or in another county with the written authorization of the clerk of the other county. A designated employee of a county clerk in a county with more than 2 million people may solemnize a marriage only in the county in which the clerk serves. Under the

bill, a designated employee of the county clerk's office, in a county having more than 1.5 million inhabitants, could solemnize a marriage in the county in which the clerk served.

(In the 2000 Federal Decennial Census, Wayne County's population was 2,061,162, but by the 2010 Census it had fallen to 1,820,584. The next-largest Michigan county, Oakland County, had a population of 1,210,145.)

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

According to testimony by the Wayne County clerk before the Senate Judiciary Committee, her office conducts an average of 137 weddings per month, which can be a heavy burden for one person. Historically, the Wayne County clerk has been able to designate an employee to solemnize marriages within the county, thereby relieving the clerk of the direct responsibility of conducting wedding ceremonies in addition to all of the clerk's other tasks. Since Wayne County has fallen below the population threshold that triggers the clerk's authority to designate an employee to solemnize marriages, the ability to delegate that responsibility is no longer available. By reducing the county population criterion for that authority from 2 million to 1.5 million, the bill would allow the Wayne County Clerk

to continue the practice of having a designated employee conduct wedding ceremonies in that county.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local 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.