

SENATE BILL No. 740

February 3, 2016, Introduced by Senators WARREN, SMITH and O'BRIEN and referred to the Committee on Judiciary.

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 2014 PA 278 and section 16 as amended by 2006 PA 419.

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~~ **ANY** court **IN THIS STATE**, anywhere
4 in this state.

5 (b) A district court magistrate, anywhere in this state.

6 ~~(c) A municipal judge, in the city in which the judge is~~
7 ~~serving or in a township over which a municipal court has~~
8 ~~jurisdiction under section 9928 of the revised judicature act of~~
9 ~~1961, 1961 PA 236, MCL 600.9928.~~

1 ~~(d) A judge of probate, anywhere in this state.~~

2 (C) ~~(e)~~ A judge of a federal court.

3 (D) ~~(f)~~ A mayor of a city, anywhere in a county in which that
4 city is located.

5 (E) ~~(g)~~ A county clerk in the county in which the clerk
6 serves, or in another county with the written authorization of the
7 clerk of the other county.

8 (F) ~~(h)~~ For a county having more than 1,500,000 inhabitants,
9 an employee of the county clerk's office designated by the county
10 clerk, in the county in which the clerk serves.

11 (G) ~~(i)~~ A minister of the gospel or cleric or religious
12 practitioner, anywhere in this state, if the minister or cleric or
13 religious practitioner is ordained or authorized to solemnize
14 marriages according to the usages of the denomination.

15 (H) ~~(j)~~ A minister of the gospel or cleric or religious
16 practitioner, anywhere in this state, if the minister or cleric or
17 religious practitioner is not a resident of this state but is
18 authorized to solemnize marriages under the laws of the state in
19 which the minister or cleric or religious practitioner resides.

20 (2) A person authorized by this act to solemnize a marriage
21 shall keep proper records and return licenses and certificates as
22 required by section 4 of 1887 PA 128, MCL 551.104.

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

27 (4) If the county clerk or, in a county having more than

1 1,500,000 inhabitants, an employee of the clerk's office designated
2 by the county clerk solemnizes a marriage, the county clerk shall
3 charge and collect a fee to be determined by the commissioners of
4 the county in which the clerk serves. The fee shall be paid to the
5 treasurer for the county in which the clerk serves and deposited in
6 the general fund of that county at the end of the month.

7 Sec. 16. A marriage solemnized before an individual professing
8 to be a ~~district judge, common pleas court judge,~~ **JUDGE OF ANY**
9 **COURT IN THIS STATE,** district court magistrate, ~~municipal judge,~~
10 ~~judge of probate,~~ judge of a federal court, mayor, the county clerk
11 or, in a county having more than ~~2,000,000~~ **1,500,000** inhabitants,
12 an employee of the county clerk designated by the clerk to
13 solemnize marriages, or a minister of the gospel or cleric or
14 religious practitioner shall not be considered or adjudged to be
15 void, nor shall the validity of the marriage be affected, on
16 account of a want of jurisdiction or authority by that individual
17 if the marriage was consummated with a full belief on the part of
18 the individuals married, or either of them, that they were lawfully
19 joined in marriage.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.