

SUBSTITUTE FOR
HOUSE BILL NO. 5684

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
6 the 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
9 jurisdiction pursuant to section 9928 of ~~Act No. 236 of the~~
10 ~~Public Acts of 1961, being section 600.9928 of the Michigan~~

HB5684, As Passed House, November 30, 2000

Sub. HB 5684 (H-3) as amended November 30, 2000

2

1 ~~Compiled Laws~~ THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
2 MCL 600.9928.

3 (d) A judge of probate, in the county or probate court dis-
4 trict in which the judge is serving.

5 (e) A judge of a federal court.

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

8 (g) The county clerk of a county having more than 2,000,000
9 inhabitants or an employee of the clerk's office designated by
10 the county clerk, in the county in which the clerk serves.

11 ~~(h) A minister of the gospel, anywhere in the state, if the~~
12 ~~minister is ordained or authorized to solemnize marriages accord-~~
13 ~~ing to the usages of the denomination, and is a pastor of a~~
14 ~~church in this state, or continues to preach the gospel in this~~
15 ~~state.~~

16 ~~(i) A minister of the gospel, anywhere in the state, if the~~
17 ~~minister is not a resident of this state but is authorized to~~
18 ~~solemnize marriages under the laws of the state in which the min-~~
19 ~~ister resides.~~

20 (H) A [MINISTER OF THE GOSPEL, RABBI, PRIEST, IMAM, OR OTHER]
MEMBER OF THE CLERGY OF A RELIGIOUS DENOMINATION OR

21 OTHER PERSON AUTHORIZED TO SOLEMNIZE MARRIAGES BY A RELIGIOUS
22 DENOMINATION OR AN INDIAN NATION OR TRIBE IN ACCORDANCE WITH THE
23 PRESCRIPTIONS OF THE RELIGIOUS DENOMINATION OR INDIAN NATION OR
24 TRIBE. THE AUTHORIZATION TO SOLEMNIZE MARRIAGES UNDER THIS SUB-
25 DIVISION APPLIES ONLY TO AN INDIVIDUAL WHO IS IN GOOD STANDING
26 WITH HIS OR HER RELIGIOUS DENOMINATION OR INDIAN NATION OR TRIBE.

HB5684, As Passed House, November 30, 2000

House Bill No. 5684

3

1 (2) A person authorized by this act to solemnize a marriage
2 shall keep proper records and make returns as required by section
3 4 of ~~Act No. 128 of the Public Acts of 1887, as amended, being~~
4 ~~section 551.104 of the Michigan Compiled Laws~~ 1887 PA 120,
5 MCL 551.104.

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

10 (4) If the county clerk of a county having more than
11 2,000,000 inhabitants or an employee of the clerk's office desig-
12 nated by the county clerk solemnizes a marriage, the county clerk
13 shall charge and collect a fee to be determined by the commis-
14 sioners of that county, which shall be paid to the county trea-
15 surer and deposited in the general fund of the county at the end
16 of the month.

17 Sec. 16. A marriage solemnized before ~~a person~~ AN
18 INDIVIDUAL professing to be ~~a district judge, common pleas court~~
19 ~~judge, district court magistrate, municipal judge, judge of pro-~~
20 ~~bate, judge of a federal court, mayor, the county clerk of a~~
21 ~~county having more than 2,000,000 inhabitants or an employee of~~
22 ~~the county clerk designated by the clerk to solemnize marriages,~~
23 ~~or a minister of the gospel~~ AUTHORIZED TO SOLEMNIZE MARRIAGES IN
24 THIS STATE shall not be considered or adjudged to be void, nor
25 shall the validity of the marriage be affected, on account of
26 ~~any~~ A want of jurisdiction or authority ~~in the supposed judge,~~
27 ~~magistrate, mayor, clerk, employee, or minister~~ BY THAT

HB5684, As Passed House, November 30, 2000

House Bill No. 5684

4

1 INDIVIDUAL if the marriage was consummated with a full belief on
2 the part of the ~~persons~~ INDIVIDUALS married, or either of them,
3 that they were lawfully joined in marriage.

4 Enacting section 1. This amendatory act does not take
5 effect unless House Bill No. 5685 of the 90th Legislature is
6 enacted into law.