

# SENATE BILL No. 406

June 4, 2013, Introduced by Senators SMITH, WARREN, WHITMER, ANDERSON, HOPGOOD, BIEDA, ANANICH, JOHNSON and YOUNG and referred to the Committee on Government Operations.

A bill to amend 1939 PA 168, entitled

"An act to determine whether certain marriages solemnized in another state by individuals authorized to solemnize marriages under the laws of that state are to be recognized in this state,"

by amending section 1 (MCL 551.271), as amended by 1996 PA 334; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1        Sec. 1. ~~(1) Except as otherwise provided in this act, a~~  
 2        marriage **THAT IS** contracted between ~~a man and a woman~~ **2 INDIVIDUALS**  
 3        who are residents of this state and, ~~who were,~~ at the time of the  
 4        marriage, legally competent to contract marriage according to the  
 5        laws of this state ~~, which marriage~~ **AND THAT** is solemnized in  
 6        another state ~~within~~ **OF** the United States by a clergyman,  
 7        magistrate, or other person legally authorized to solemnize  
 8        marriages ~~within~~ **IN** that state ~~, is~~ a valid and binding marriage  
 9        under the laws of this state to the same effect and extent as if

1 solemnized ~~within~~ **IN** this state and according to its laws.

2 ~~—— (2) This section does not apply to a marriage contracted~~  
3 ~~between individuals of the same sex, which marriage is invalid in~~  
4 ~~this state under section 1 of chapter 83 of the revised statutes of~~  
5 ~~1846, being section 551.1 of the Michigan Compiled Laws.~~

6 Enacting section 1. Section 2 of 1939 PA 168, MCL 551.272, is  
7 repealed.

8 Enacting section 2. This amendatory act does not take effect  
9 unless Senate Bill No. 405

10 of the 97th Legislature is enacted into law.

11 Enacting section 3. This amendatory act does not take effect  
12 unless Senate Joint Resolution W

13 of the 97th Legislature becomes a part of  
14 the state constitution of 1963 as provided in section 1 of article  
15 XII of the state constitution of 1963.