

HOUSE BILL No. 4732

June 17, 2015, Introduced by Reps. Courser and Gamrat and referred to the Committee on Government Operations.

A bill to amend 1846 RS 83, entitled "Of marriage and the solemnization thereof," by amending sections 2, 7, and 16 (MCL 551.2, 551.7, and 551.16), section 2 as amended by 1996 PA 324, 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. 2. (1) So far as its validity in law is concerned,
2 marriage is a civil contract between a man and a woman, to which
3 the consent of parties capable in law of contracting is essential.
4 Consent alone is not enough to effectuate a legal marriage on and
5 after January 1, 1957 **AND UNTIL 89 DAYS AFTER THE EFFECTIVE DATE OF**
6 **THE 2015 AMENDATORY ACT THAT AMENDED THIS SECTION.** ~~Consent~~
7 **BEGINNING JANUARY 1, 1957 AND ENDING 89 DAYS AFTER THE EFFECTIVE**
8 **DATE OF THE 2015 AMENDATORY ACT THAT AMENDED THIS SECTION, CONSENT**
9 shall be followed by obtaining a license as required by section 1

1 of Act No. ~~128~~ of the Public Acts of 1887, being section 551.101 of
2 the Michigan Compiled Laws, ~~1887 PA 128, MCL 551.101~~, or as
3 provided for by section 1 of Act No. ~~180~~ of the Public Acts of
4 ~~1897~~, being section 551.201 of the Michigan Compiled Laws, ~~1897 PA~~
5 ~~180, MCL 551.201~~, and solemnization as authorized by sections 7 to
6 18 of this chapter.

7 (2) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2015
8 AMENDATORY ACT THAT AMENDED THIS SECTION, CONSENT TO BE MARRIED
9 SHALL BE FOLLOWED BY OBTAINING A CERTIFICATE AS PROVIDED IN SECTION
10 1 OF 1887 PA 128, MCL 551.101, OR AS PROVIDED FOR BY SECTION 1 OF
11 1897 PA 189, MCL 551.201, AND SOLEMNIZATION AS AUTHORIZED BY
12 SECTIONS 7 TO 18 OF THIS CHAPTER.

13 Sec. 7. (1) ~~Marriages~~ BEFORE 90 DAYS AFTER THE EFFECTIVE DATE
14 OF THE 2015 AMENDATORY ACT THAT AMENDED THIS SECTION, MARRIAGES may
15 be solemnized by any of the following:

16 (a) A judge of the district court, anywhere in this state.

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

18 (c) A municipal judge, in the city in which the judge is
19 serving or in a township over which a municipal court has
20 jurisdiction under section 9928 of the revised judicature act of
21 1961, 1961 PA 236, MCL 600.9928.

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

23 (e) A judge of a federal court.

24 (f) A mayor of a city, anywhere in a county in which that city
25 is located.

26 (g) A county clerk in the county in which the clerk serves, or
27 in another county with the written authorization of the clerk of

1 the other county.

2 (h) For a county having more than 1,500,000 inhabitants, an
3 employee of the county clerk's office designated by the county
4 clerk, in the county in which the clerk serves.

5 (i) A minister of the gospel, ~~or~~ cleric, or religious
6 practitioner, anywhere in this state, if the minister **OF THE**
7 **GOSPEL**, ~~or~~ cleric, or religious practitioner is ordained or
8 authorized to solemnize marriages according to the usages of the
9 denomination.

10 (j) A minister of the gospel, ~~or~~ cleric, or religious
11 practitioner, anywhere in this state, if the minister **OF THE**
12 **GOSPEL**, ~~or~~ cleric, or religious practitioner is not a resident of
13 this state but is authorized to solemnize marriages under the laws
14 of the state in which the minister **OF THE GOSPEL**, ~~or~~ cleric, or
15 religious practitioner resides.

16 (2) ~~A~~ **BEFORE 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2015**
17 **AMENDATORY ACT THAT AMENDED THIS SECTION**, A person authorized by
18 this act to solemnize a marriage shall keep proper records and
19 return licenses and certificates as required by section 4 of 1887
20 PA 128, MCL 551.104. **BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF**
21 **THE 2015 AMENDATORY ACT THAT AMENDED THIS SECTION, A PERSON**
22 **AUTHORIZED BY THIS ACT TO SOLEMNIZE A MARRIAGE SHALL KEEP PROPER**
23 **RECORDS AND RETURN CERTIFICATES AS REQUIRED BY SECTION 4 OF 1887 PA**
24 **128, MCL 551.104.**

25 (3) ~~IF~~ **BEFORE 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2015**
26 **AMENDATORY ACT THAT AMENDED THIS SECTION, IF** a mayor of a city
27 solemnizes a marriage, the mayor shall charge and collect a fee to

1 be determined by the council of that city, which shall be paid to
 2 the city treasurer and deposited in the general fund of the city at
 3 the end of the month.

4 (4) ~~IF~~ BEFORE 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2015
 5 AMENDATORY ACT THAT AMENDED THIS SECTION, IF the county clerk or,
 6 in a county having more than 1,500,000 inhabitants, an employee of
 7 the clerk's office designated by the county clerk solemnizes a
 8 marriage, the county clerk shall charge and collect a fee to be
 9 determined by the commissioners of the county in which the clerk
 10 serves. The fee shall be paid to the treasurer for the county in
 11 which the clerk serves and deposited in the general fund of that
 12 county at the end of the month.

13 (5) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2015
 14 AMENDATORY ACT THAT AMENDED THIS SECTION, MARRIAGES MAY ONLY BE
 15 SOLEMNIZED BY EITHER OF THE FOLLOWING:

16 (A) A MINISTER OF THE GOSPEL, CLERIC, OR RELIGIOUS
 17 PRACTITIONER, ANYWHERE IN THIS STATE, IF THE MINISTER OF THE
 18 GOSPEL, CLERIC, OR RELIGIOUS PRACTITIONER IS ORDAINED OR AUTHORIZED
 19 TO SOLEMNIZE MARRIAGES ACCORDING TO THE USAGES OF THE DENOMINATION.

20 (B) A MINISTER OF THE GOSPEL, CLERIC, OR RELIGIOUS
 21 PRACTITIONER, ANYWHERE IN THIS STATE, IF THE MINISTER OF THE
 22 GOSPEL, CLERIC, OR RELIGIOUS PRACTITIONER IS NOT A RESIDENT OF THIS
 23 STATE BUT IS AUTHORIZED TO SOLEMNIZE MARRIAGES UNDER THE LAWS OF
 24 THE STATE IN WHICH THE MINISTER OF THE GOSPEL, CLERIC, OR RELIGIOUS
 25 PRACTITIONER RESIDES.

26 Sec. 16. (1) ~~A~~ BEFORE 90 DAYS AFTER THE EFFECTIVE DATE OF THE
 27 2015 AMENDATORY ACT THAT AMENDED THIS SECTION, A marriage

1 solemnized before an individual professing to be a district judge,
2 common pleas court judge, district court magistrate, municipal
3 judge, judge of probate, judge of a federal court, mayor, the
4 county clerk or, in a county having more than ~~2,000,000~~ 1,500,000
5 inhabitants, an employee of the county clerk designated by the
6 clerk to solemnize marriages, or a minister of the gospel, ~~or~~
7 cleric, or religious practitioner shall not be considered or
8 adjudged to be void, nor shall the validity of the marriage be
9 affected, on account of a want of jurisdiction or authority by that
10 individual if the marriage was consummated with a full belief on
11 the part of the individuals married, or either of them, that they
12 were lawfully joined in marriage.

13 (2) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THE 2015
14 AMENDATORY ACT THAT AMENDED THIS SECTION, A MARRIAGE SOLEMNIZED
15 BEFORE AN INDIVIDUAL PROFESSING TO BE A MINISTER OF THE GOSPEL,
16 CLERIC, OR RELIGIOUS PRACTITIONER IS NOT CONSIDERED OR ADJUDGED TO
17 BE VOID, NOR SHALL THE VALIDITY OF THE MARRIAGE BE AFFECTED, ON
18 ACCOUNT OF A WANT OF JURISDICTION OR AUTHORITY BY THAT INDIVIDUAL
19 IF THE MARRIAGE WAS CONSUMMATED WITH A FULL BELIEF ON THE PART OF
20 THE INDIVIDUALS MARRIED, OR EITHER OF THEM, THAT THEY WERE LAWFULLY
21 JOINED IN MARRIAGE.

22 Enacting section 1. This amendatory act does not take effect
23 unless and until the United States Supreme Court determines that
24 section 25 of article I of the state constitution of 1963 is
25 unconstitutional.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 98th Legislature are

1 enacted into law:

2 (a) Senate Bill No. _____ or House Bill No. 4733 (request no.
3 02477'15).

4 (b) Senate Bill No. _____ or House Bill No. 4731 (request no.
5 02477'15 b).