

SFA

BILL ANALYSIS

Senate Fiscal Agency

Lansing, Michigan 48909

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House Bill 5108 (as reported without amendment)

Sponsor: Representative Dave Camp

House Committee: Judiciary

Senate Committee: Judiciary

Date Completed: 12-5-89

RATIONALE

Public Act 128 of 1887 requires a three-day waiting period between the application for and receipt of a marriage license, but allows a probate judge to waive the waiting period for "good and sufficient cause". Many people believe that this matter is a relatively minor one that should not require the attention of a judge, and that, rather than burden courts, the authority to waive the waiting period should be granted to the county clerk.

CONTENT

The bill would amend Public Act 128 of 1887, to allow county clerks, rather than probate judges, to waive the three-day marriage license waiting period for good and sufficient cause.

MCL 555.103a

FISCAL IMPACT

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

ARGUMENTS**Supporting Argument**

The three-day waiting period required between applying for a marriage license and receiving one is something of an anachronism, existing apparently to discourage people from marrying in haste. Under the Michigan Public Health Code, before a county clerk can issue a

marriage license, he or she must first receive from the applicant a certificate indicating that the applicant has received the counseling and opportunity for testing for venereal disease and HIV infection required by the Code. Given the counseling requirement and the responsibility placed with the county clerk, it makes little sense to require that any waiver of the three-day waiting period be considered by a judge. The requirement seems to do little more than inconvenience judges and people planning weddings. The matter should be a routine one left to the discretion of the county clerk.

Response: If the three-day waiting period is as unnecessary as it seems, perhaps it should simply be eliminated.

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H. B. 5108 (12-5-89)