



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bills 698, 699, and 700 (as introduced 9-27-11)  
Sponsor: Senator Goeff Hansen  
Committee: Judiciary

Date Completed: 11-7-11

### **CONTENT**

**Senate Bill 698 would amend Chapter 83 of the Revised Statutes of 1846 to authorize a district judge, district court magistrate, or probate judge to solemnize a marriage anywhere in Michigan.**

**Senate Bills 699 and 700 would amend the Revised Judicature Act to require the State Court Administrative Office (SCAO) to determine the fee for a probate judge or for a district judge or magistrate to perform a marriage ceremony, and require the judge or magistrate to remit the fee to the probate or district court in which he or she served.**

Senate Bills 699 and 700 are tie-barred to Senate Bill 698.

#### **Senate Bill 698**

Chapter 83 of the Revised Statutes of 1846 lists the officials who may solemnize a marriage in Michigan. A judge of the district court, and a district court magistrate, may solemnize a marriage in the district in which he or she serves. A probate judge may solemnize a marriage in the county or probate court district in which he or she serves. Under the bill, all of those officials could solemnize a marriage anywhere in the State.

#### **Senate Bill 699**

The Revised Judicature Act (RJA) requires the probate court to charge and collect a fee of \$10 for performing a marriage ceremony.

Under the bill, instead, the SCAO would have to determine the fee for a probate judge to perform a marriage ceremony. A probate judge would have to charge that fee to perform a marriage ceremony. As currently allowed, however, a probate judge could waive the fee if the parties to the marriage were indigent.

A fee paid under the bill would have to be remitted to the probate court for the county in which the probate judge served.

#### **Senate Bill 700**

The RJA requires a district judge and a district court magistrate who performs a marriage ceremony to charge a fee of \$10, which must be deposited into the treasury of the district control unit at the end of each month.

Under the bill, instead, the SCAO would have to determine the fee for a district judge or magistrate to perform a marriage ceremony. The fee would have to be remitted to the district court in which the judge or magistrate served.

MCL 551.7 (S.B. 698)  
600.874 (S.B. 699)  
600.8316 (S.B. 700)

Legislative Analyst: Patrick Affholter

### **FISCAL IMPACT**

The bills would have an indeterminate fiscal impact on State and local government. If the State Court Administrative Office set a marriage fee of less than \$10 (the current fee), district and probate courts would experience a loss of revenue. If, on the other hand, the State Court Administrative Office set a marriage fee of greater than \$10, district and probate courts would collect greater revenue than the current law allows.

Fiscal Analyst: Matthew Grabowski

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.