

Legislative Analysis



MARRIAGE CEREMONY FEES

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 6050 (Substitute H-3)

Sponsor: Rep. John Proos

Committee: Local Government and Urban Policy

First Analysis (6-13-06)

BRIEF SUMMARY: The bill would permit county boards of commissioners to set the fee charged by probate courts for performing a marriage ceremony, up to \$40.

FISCAL IMPACT: The bill would have an indeterminate fiscal impact on the state and local units of government. There are no available data to indicate how many marriages are performed by probate judges or how much associated fee revenue is collected. Statute, however, assigns two-fifths of each fee to the county general fund, and three-fifths of each fee to the state general fund. Assuming that marriage fees set by county boards were higher than the \$10 currently specified by statute, the bill would increase revenues for the state and local units of government.

THE APPARENT PROBLEM:

The Revised Judicature Act establishes the fee that probate courts may charge for performing a marriage ceremony at \$10. The fee was established in 1954 at \$3, and was last increased in 1972 to the current amount of \$10.¹ Given that the fee has not been increased in more than 30 years, some have suggested that the fee be increased to more accurately account for cost of performing the ceremony.

THE CONTENT OF THE BILL:

The bill would amend Chapter 8 (Probate Courts) of the Revised Judicature Act to allow county boards of commissioners to establish the fee probate courts may charge for performing a marriage ceremony, up to a maximum of \$40. In the counties where the probate court serves two counties, each county's board of commissioners would be responsible for establishing the fee for marriage ceremonies occurring in that county.² The bill also specifies that the fee would be collected by the county clerk.

MCL 600.874

¹ See Public Act 264 of 1972 amending the former Probate Code, C.L. 1970, §701.17. The fee was first established in the former Probate Code at \$3 with the enactment of Public Act 242 of 1952, and increased to \$5 with Public Act 206 of 1969, and to \$6.25 with Public Act 271 of 1969. Following the increase to \$10 in 1972, the fee remained unchanged through recodification into the Revised Judicature Act with the enactment of Public Act 543 of 1978.

² The following counties are jointly served by one probate court: Alger/Schoolcraft; Luce/Mackinac; Emmet/Charlevoix; Osceola/Mecosta; and Clare/Gladwin.

BACKGROUND INFORMATION:

Chapter 83 (District Courts) of the Revised Judicature Act (MCL 600.8316) also permits district court judges to perform marriage ceremonies and charge a \$10 fee. That fee was added to the RJA, along with other provisions establishing district courts, with the enactment of Public Act 154 of 1968. The bill sponsor testified in committee that a similar bill increasing fees that district courts may charge for performing marriage ceremonies is forthcoming.

ARGUMENTS:

For:

The \$10 fee probate courts may charge for performing a marriage ceremony has not been increased in more than 30 years. Clearly, the current fee does not accurately account for the time and effort required of judges providing this service. Many judges meet with the couple before the ceremony and attend the rehearsal, and the current fee often does not cover those expenses.

POSITIONS:

The Michigan Probate Judges Association supports the bill. (6-8-06)

The Michigan Association of Counties supports the bill. (6-8-06)

Legislative Analyst: Mark Wolf
Fiscal Analyst: Marilyn Peterson

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.