1130-S
Sponsor(s): House Committee on Law & Justice (originally sponsored by Representatives Thompson, Koster, Mulliken, L. Thomas, Bush, Backlund, Dunn, Sump, Mielke, Pennington, Talcott, Chandler, Johnson, Lambert, D. Sommers, Sheahan, McDonald, D. Schmidt, McMorris, Sterk, Boldt, Crouse, Benson, DeBolt and Sherstad)

Brief Title: Reaffirming and protecting the institution of marriage.

HB 1130-S.E - DIGEST

(DIGEST AS ENACTED)

Declares that it is a compelling interest of the state of Washington to reaffirm its historical commitment to the institution of marriage as a union between a man and a woman as husband and wife and to protect that institution.

VETO MESSAGE ON HB 1130-S

February 6, 1998

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1130 entitled:

"AN ACT Relating to reaffirming and protecting the institution of marriage;"

This bill would amend the marriage statute by codifying existing case law that prohibits same-gender marriage in Washington. It also declares that same-gender marriages will not be recognized, even if they are made legal in other states. ESHB 1130 is essentially identical to Engrossed Substitute Senate Bill No. 5398, which I vetoed on February 21, 1997.

Subsequent to the 1972 passage of the Equal Rights Amendment to the Washington Constitution, in *Singer v. Hara,* 11 Wn. App. 247 (1974) our Court of Appeals firmly stated that our existing statute prohibits same-gender marriages in Washington. The Washington Supreme Court then upheld that decision in *Marchioro v. Chaney,* 90 Wn.2d 298 (1978).

The 1996 federal Defense of Marriage Act exempts states from having to recognize or give effect to same-gender marriages from other states. Furthermore, Washington courts have consistently held that marriages not recognized under Washington law will not be upheld in this state, even if they are considered valid in other states.

Not only is this legislation unnecessary, it serves no legitimate purpose. For these reasons, I have vetoed Engrossed Substitute House Bill No. 1130 in its entirety.

Respectfully submitted,
Gary Locke
Governor