

SENATE BILL REPORT

ESHB 1083

As Reported by Senate Committee On:
Law & Justice, April 2, 2013

Title: An act relating to solemnizing marriages.

Brief Description: Authorizing judges of tribal courts and administrative law judges to solemnize marriages.

Sponsors: House Committee on Community Development, Housing & Tribal Affairs (originally sponsored by Representatives Appleton, Roberts, Jinkins, Freeman and Hunt).

Brief History: Passed House: 3/05/13, 95-0.

Committee Activity: Law & Justice: 4/01/13, 4/02/13 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Padden, Chair; Kline, Ranking Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Sharon Swanson (786-7447)

Background: State law does not require the solemnization of a marriage to take any particular form, so long as the parties assent to the marriage in the presence of an authorized person and two witnesses. Certain judicial officers and religious organization officials are authorized to solemnize marriages. Authorized judicial officers include supreme court justices, court of appeal judges, superior court judges, judges of courts of limited jurisdiction, supreme court commissioners, court of appeals commissioners, and superior court commissioners.

A marriage that is valid in another jurisdiction is recognized as valid in this state, if not otherwise prohibited or unlawful under Washington State law.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Amendments): Judges of tribal courts are authorized to solemnize marriages. A marriage solemnized by a tribal court judge from a federally

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recognized tribe does not create tribal court jurisdiction or affect state court authority, as otherwise provided by law.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Amendments): Administrative law judges are not allowed to solemnize marriages. A marriage solemnized by a tribal court judge from a federally recognized tribe does not create tribal court jurisdiction and does not affect state court authority.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony as Heard in Committee: PRO: This is a good bill that allows tribal judges to perform marriages. The bill will help harmonize state law with tribal law. The fact that tribal courts are left out probably dates back to the time when Washington was a territory. The request is that the language state that the tribal official needs to be duly appointed and from a federally recognized tribe.

Persons Testifying: PRO: Representative Appleton, prime sponsor; Randy Steckel, Suquamish Tribe.