

HOUSE BILL REPORT

HB 1113

As Reported by House Committee On:
Judiciary

Title: An act relating to solemnizing marriages.

Brief Description: Authorizing tribal court judges to solemnize marriages.

Sponsors: Representatives Appleton and Ormsby.

Brief History:

Committee Activity:

Judiciary: 1/15/15, 1/29/15 [DP].

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Authorizes tribal court judges to solemnize marriages.
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HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jenkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Hansen, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

Staff: Edie Adams (786-7180).

Background:

Marriage is a civil contract between two persons who are each age 18 or older and who are otherwise capable. There is no particular form required for the solemnization of a marriage, except that the parties must assent to the marriage in the presence of an authorized person and two witnesses.

Persons who are authorized to solemnize marriages are active or retired judicial officers and officials of religious organizations. Authorized judicial officers are judges of the Washington Supreme Court, Court of Appeals, superior courts, and limited jurisdiction courts, as well as commissioners of the Supreme Court, Court of Appeals, or superior courts. Authorized

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religious officials are any licensed or ordained minister, priest, imam, rabbi, or similar official of a religious organization.

A person who solemnizes a marriage must deliver, within 30 days after the marriage, a certificate of the marriage to the county auditor and to the state registrar of vital statistics.

Summary of Bill:

Tribal court judges are authorized to solemnize marriages.

The solemnization of a marriage by a tribal court judge does not create tribal court jurisdiction and does not affect state court authority to enter a judgment for purposes of any dissolution, legal separation, or other proceeding related to the marriage that is binding on the parties and entitled to full faith and credit.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill provides parity for our tribal court judges. The bill came from a tribal court judge who was unable to marry a couple off the reservation because the law does not allow tribal court judges to solemnize marriages. Tribal court judges are the only judges that currently don't have this authority. They have the same education and qualifications as other judges, so they should be allowed to perform marriages.

(Opposed) None.

Persons Testifying: Representative Appleton, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.