

SENATE BILL REPORT

HB 1113

As Reported by Senate Committee On:
Law & Justice, March 31, 2015

Title: An act relating to solemnizing marriages.

Brief Description: Authorizing tribal court judges to solemnize marriages.

Sponsors: Representatives Appleton and Ormsby.

Brief History: Passed House: 3/02/15, 97-0.

Committee Activity: Law & Justice: 3/26/15, 3/31/15 [DPA].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass as amended.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Kohl-Welles, Pearson and Roach.

Staff: Tim Ford (786-7423)

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 Appeals judges, superior court judges, district court judges, municipal court judges, 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 (Recommended Amendments): Tribal court judges from federally recognized tribes may solemnize marriages. A marriage solemnized by a tribal court judge does not create tribal court jurisdiction or affect state court authority, as otherwise provided by law.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Amendments): Tribal court judges from federally recognized tribes may solemnize marriages.

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 on House Bill: PRO: This bill allows federally recognized tribal court judges to perform marriages off the reservation. Tribal court judges may perform marriages on a reservation, but are not authorized by state law to perform marriages off the reservation. This bill would allow tribal judges to be like other state judges.

Persons Testifying: PRO: Representative Appleton, prime sponsor.

Persons Signed in to Testify But Not Testifying: No one.