CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1130

Chapter 1, Laws of 1998
(veto override)

55th Legislature
1998 Regular Session

MARRIAGES

EFFECTIVE DATE:

Passed by the House February 6, 1998
Yeas 1130  Nays

CLYDE BALLARD
Speaker of the House of Representatives

Passed by the Senate February 6, 1998
Yeas 34  Nays 13

BRAD OWEN
President of the Senate

Vetoed February 6, 1998

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE HOUSE BILL 1130 as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED
February 6, 1998 - 4:35 p.m.

GARY LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to reaffirming and protecting the institution of marriage; amending RCW 26.04.010 and 26.04.020; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) In P.L. 104-199; 110 Stat. 219, the Defense of Marriage Act, Congress granted authority to the individual states to either grant or deny recognition of same-sex marriages recognized as valid in another state. The Defense of Marriage Act defines marriage for purposes of federal law as a legal union between one man and one woman as husband and wife and provides that a state shall not be required to give effect to any public act or judicial proceeding of any other state respecting marriage between persons of the same sex if the state has determined that it will not recognize same-sex marriages.

(2) The legislature and the people of the state of Washington find that matters pertaining to marriage are matters reserved to the sovereign states and, therefore, such matters should be determined by the people within each individual state and not by the people or courts of a different state.
NEW SECTION. Sec. 2. (1) 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.

(2) The court in Singer v. Hara, 11 Wn. App. 247 (1974) held that the Washington state marriage statute does not allow marriage between persons of the same sex. It is the intent of the legislature by this act to codify the Singer opinion and to fully exercise the authority granted the individual states by Congress in P.L. 104-199; 110 Stat. 219, the Defense of Marriage Act, to establish public policy against same-sex marriage in statutory law that clearly and definitively declares same-sex marriages will not be recognized in Washington, even if they are made legal in other states.

Sec. 3. RCW 26.04.010 and 1973 1st ex.s. c 154 s 26 are each amended to read as follows:

(1) Marriage is a civil contract (which may be entered into by persons of) between a male and a female who have each attained the age of eighteen years, and who are otherwise capable

(2) Every marriage entered into in which either (party shall not have) the husband or the wife has not attained the age of seventeen years (shall be) is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

Sec. 4. RCW 26.04.020 and 1927 c 189 s 1 are each amended to read as follows:

(1) Marriages in the following cases are prohibited:

((1)) (a) When either party thereto has a wife or husband living at the time of such marriage.

((2)) (b) When the husband and wife are nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; or

(c) When the parties are persons other than a male and a female.

((3)) (2) It is unlawful for any man to marry his father’s sister, mother’s sister, daughter, sister, son’s daughter, daughter’s daughter, brother’s daughter or sister’s daughter; it is unlawful for any woman to marry her father’s brother,
mother’s brother, son, brother, son’s son, daughter’s son, brother’s
son or sister’s son.

(3) A marriage between two persons that is recognized as valid in
another jurisdiction is valid in this state only if the marriage is not
prohibited or made unlawful under subsection (1)(a), (1)(c), or (2) of
this section.

Passed the House February 6, 1998.
Passed the Senate February 6, 1998.
Vetoed by the Governor February 6, 1998.
Filed in Office of Secretary of State February 6, 1998.