

# HOUSE BILL REPORT

## HB 1091

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### As Amended by the Senate

**Title:** An act relating to solemnizing marriages.

**Brief Description:** Authorizing tribal court judges to solemnize marriages.

**Sponsors:** Representatives Appleton, Ormsby, Stanford, McDonald, Dolan, Doglio, Gregerson, Kilduff, Santos, Tarleton, Pollet and Peterson.

#### **Brief History:**

##### **Committee Activity:**

Judiciary: 1/17/17, 1/26/17 [DP].

##### **Floor Activity:**

Passed House: 2/1/17, 93-4.

Senate Amended.

Passed Senate: 4/12/17, 49-0.

#### **Brief Summary of Bill**

- Authorizes tribal court judges to solemnize marriages.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 11 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Hansen, Kirby, Klippert and Orwall.

**Minority Report:** Do not pass. Signed by 1 member: Representative Shea.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Haler.

**Staff:** Audrey Frey (786-7289).

#### **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,

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except that the parties must assent to the marriage in the presence of an authorized person and two witnesses.

Persons authorized to solemnize marriages include 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 Washington Supreme Court, Court of Appeals, or superior courts. Authorized religious officials include 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.

A marriage recognized as valid in another jurisdiction is valid in Washington, as long as it is not otherwise prohibited.

There are 29 federally recognized tribes and at least 28 tribal courts in Washington. The Northwest Intertribal Court System (NICS) is a nonprofit corporation that provides tribal courts with trial and appellate judges and assistance with code development. Many tribes in Washington are members of the NICS.

**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.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment specifies that tribal court judges "from a federally recognized tribe" are authorized to solemnize marriages.

**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) Tribal judges are judges that should be able to solemnize marriages.

(Opposed) None.

**Persons Testifying:** Melanie Stewart, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** None.