

# SENATE BILL REPORT

## HB 1091

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As of March 21, 2017

**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:** Passed House: 2/01/17, 93-4.

**Committee Activity:** Law & Justice: 3/21/17.

### Brief Summary of Bill

- Authorizes tribal court judges to solemnize marriages.

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## SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** Under current law, marriage licenses are issued at the county level. Applicants for a marriage license may apply in any county and are not required to be married in the county issuing the license. A marriage must be solemnized by a designated officiant. Designated officiants 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. Within 30 days after the marriage, the officiant must deliver a signed and witnessed certificate of the marriage to the auditor of the county issuing the marriage license. The auditor files and records the certificate and transmits it to the state registrar of vital statistics. A marriage that is valid in another jurisdiction is recognized as valid in Washington so long as it is not otherwise prohibited by Washington law.

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

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*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.*

Washington are members of the NICS. Currently, tribal court judges are not listed as designated marriage officiants in Washington's statutes.

**Summary of Bill:** Tribal court judges are authorized to solemnize marriages.

A marriage solemnized 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 dissolution, legal separation, or other proceedings related to the marriage that are legally-binding on the parties and entitled to full faith and credit.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill is identical to prior bills that passed out of the Senate Law and Justice committee three times before, but failed to pass out of the Senate. Currently, a tribal court judge is allowed to solemnize marriages on tribal land, but not outside tribal lands. Yet, the tribal court judges have the the same qualifications as state judicial officers who are authorized by state statute to solemnize marriages. This bill permits the tribal court judges to solemnize marriages on and off tribal lands. For example, a couple being married may have a friend who is a tribal court judge, but may want the marriage venue to be outside tribal lands. This bill would allow the tribal court judge to perform the marriage.

**Persons Testifying:** PRO: Representative Sherry Appleton, Prime Sponsor; Amber Lewis, Suquamish Tribe.

**Persons Signed In To Testify But Not Testifying:** No one.