

HB 1130

by Representatives Thompson, Koster,
Mulliken, L. Thomas, Bush, Backlund,
Dunn, Sump, Mielke, Pennington, Talcott, Chandler,
Johnson, Lambert, D. Sommers, Sheahan, McDonald, D.

Schmidt, McMorris, Sterk, Boldt, Crouse, Benson, DeBolt and Sherstad

Reaffirming and protecting the institution of marriage.

(SUBSTITUTED FOR - SEE 1ST SUB)

Establishes public policy against same-sex marriage in statutory law that clearly and definitely declares same-sex marriages will not be recognized in Washington, even if they are made legal in other states.

-- 1997 REGULAR SESSION --

Jan 15 First reading, referred to Law & Justice.
Feb 7 LJ - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Feb 10 Passed to Rules Committee for second reading.
Feb 25 Placed on second reading by Rules Committee.
Mar 18 1st substitute bill substituted.

HB 1130-S by House Committee on Law & Justice (originally sponsored by Representatives Thompson, Koster, Mulliken, L. Thomas, Bush, Backlund, Dunn, Sump, Mielke, Pennington, Talcott, Chandler, Johnson, Lambert, D. Sommers, Sheahan, McDonald, D. Schmidt, McMorris, Sterk, Boldt, Crouse, Benson, DeBolt and Sherstad)

Reaffirming and protecting the institution of marriage.

(DIGEST AS ENACTED)

Declares that 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.

VETO MESSAGE ON HB 1130-S

February 6, 1998

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Engrossed Substitute House Bill No. 1130 entitled:

"AN ACT Relating to reaffirming and protecting the institution of marriage;"

This bill would amend the marriage statute by codifying existing case law that prohibits same-gender marriage in Washington. It also declares that same-gender marriages will not be recognized, even if they are made legal in other states. ESHB 1130 is essentially identical to Engrossed Substitute Senate Bill No. 5398, which I vetoed on February 21, 1997.

Subsequent to the 1972 passage of the Equal Rights Amendment to the Washington Constitution, in *Singer v. Hara*, 11 Wn. App. 247 (1974) our Court of Appeals firmly stated that our existing statute prohibits same-gender marriages in Washington. The Washington

Supreme Court then upheld that decision in *Marchioro v. Chaney*, 90 Wn.2d 298 (1978).

The 1996 federal Defense of Marriage Act exempts states from having to recognize or give effect to same-gender marriages from other states. Furthermore, Washington courts have consistently held that marriages not recognized under Washington law will not be upheld in this state, even if they are considered valid in other states.

Not only is this legislation unnecessary, it serves no legitimate purpose. For these reasons, I have vetoed Engrossed Substitute House Bill No. 1130 in its entirety.

Respectfully submitted,

Gary Locke

Governor

-- 1997 REGULAR SESSION --

Feb 7 LJ - Majority; 1st substitute bill be substituted, do pass.
Minority; do not pass.
Feb 10 Passed to Rules Committee for second reading.
Feb 25 Placed on second reading by Rules Committee.
Mar 18 1st substitute bill substituted.
Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed; yeas, 50; nays 48, absent, 0.
Notice given to reconsider vote on third reading.
Vote on third reading will not be reconsidered.

- IN THE SENATE -

Mar 20 First reading, referred to Law & Justice.
Apr 4 LAW - Majority; do pass.
Minority; do not pass.
Passed to Rules Committee for second reading.
Apr 7 Made eligible to be placed on second reading.
Apr 9 Placed on second reading by Rules Committee.
Apr 16 Floor amendment(s) adopted.
Rules suspended. Placed on Third Reading.
Third reading, passed; yeas, 30; nays 18, absent, 1.

- IN THE HOUSE -

Apr 22 House refuses to concur in Senate amendments. Asks Senate to recede from amendments.

- IN THE SENATE -

Apr 27 Returned to House Rules 3.

-- 1998 REGULAR SESSION --**- IN THE HOUSE -**

- Jan 12 By resolution, reintroduced and retained in present status.
- Feb 3 Placed on third reading by Rules Committee.
- Feb 4 Third reading, passed; yeas, 56; nays 41, absent, 1.

- IN THE SENATE -

- Feb 6 Read first time, rules suspended, and placed on second reading calendar. Floor amendment(s) adopted. Rules suspended. Placed on Third Reading. Third reading, passed; yeas, 34; nays 13, absent, 2.

- IN THE HOUSE -

House concurred in Senate amendments. Passed final passage; yeas, 60; nays 33, absent, 5. Speaker signed.

- IN THE SENATE -

President signed.

- OTHER THAN LEGISLATIVE ACTION -

Delivered to Governor.
Governor vetoed.

- IN THE HOUSE -

On motion, Governor's veto overridden; yeas, 65; nays 28, absent, 5.

- IN THE SENATE -

On motion, Governor's veto overridden; yeas, 34; nays 11, absent, 4.

- OTHER THAN LEGISLATIVE ACTION -

- Filed with Secretary of State.
Chapter 1, 1998 Laws.
- Mar 12 Effective date 6/11/1998.