

trates; provided that the marriage license docket shall be executed in duplicate, the original of which he shall retain in the files of his office, and the duplicate he shall forward to the recording magistrate as provided in Sec. 21-1-34.

Sec. 3. Sec. 21-1-34, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 21-1-34. **Reports and Forms.** On or before the first of each month, the Marriage Commissioner shall forward the duplicate copies of all marriage license dockets executed during the preceding month to the magistrate acting as recorder for the recording district within which he has jurisdiction. At the same time he shall forward the completed original marriage certificates for any marriage ceremonies performed by him during the preceding month.

The forms to be used by the Marriage Commissioners, and instructions for their use shall be furnished by the Bureau of Vital Statistics, which office shall supervise the record activities of the Marriage Commissioners.

Sec. 4. Sec. 21-1-35, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 21-1-35. **Fees Allowed Commissioners.** The fees to be charged by the Marriage Commissioner shall be prescribed by rule of the supreme court, which shall also prescribe the amount to be kept by the Marriage Commissioner for his services, and the amount to be forwarded to the recording magistrate.

Sec. 5. Sec. 21-1-41, ACLA 1949, is amended to read as follows:

Sec. 21-1-41. **Who May Solemnize.** Marriages may be solemnized by any minister or priest of any church or congregation in the state anywhere within the state, by any Marriage Commissioner appointed by the presiding judge of the superior court and by any judicial officer of the state anywhere within his jurisdiction.

Any commissioned officer of the Salvation Army holding a commission issued by the Commissioner of such Army in charge of the work of the Salvation Army in the state, is authorized to solemnize marriages in the state under the provisions of this section.

Sec. 6. Sec. 21-1-44, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 21-1-44. **Certificate: Parties' Copies.** The person solemnizing any marriage in the state shall give to each of the parties thereto a certification thereof on a form prescribed and furnished by the Bureau of Vital Statistics; provided that any church or congregation may design and furnish its own form for this purpose if it so desires, providing that it contains as a minimum, the items contained in the form furnished by said Bureau.

Sec. 7. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 8, 1960

CHAPTER 29

AN ACT

Permitting political subdivisions discretion in the amount of time that dogs shall be impounded; amending Sec. 1, Ch. 78, SLA 1959; and providing for an effective date.

(S.B. 168)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 1, Ch. 78, SLA 1959 is amended to read as follows:

Sec. 1. Any dog running at large that is threatening the peace, persons, or property in any incorporated political subdivision of the state, or within ten

miles of the boundaries thereof, may be impounded. If the owner of the impounded dog fails to claim the animal after a period of days to be determined by the political subdivision and pay costs of catching and impounding as fixed by such political sub-

division, the dog shall be destroyed or may be sold to pay such costs.

Sec. 2. This Act takes effect on the day after its passage and approval or upon the day it becomes law without such approval.

Approved March 10, 1960

CHAPTER 30

AN ACT

To secure the attendance of material witnesses from within or without the state in criminal proceedings; and providing for an effective date.

(C.S.H.B. 323)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Definitions. As used in this Act:

a. "Witness", shall include a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

b. "State", shall include any territory of the United States and the District of Columbia.

c. "Subpena", shall include a summons, in any state where a summons is used in lieu of subpoena, order or other notice requiring the appearance of a witness. The word subpoena also includes a subpoena duces tecum.

Sec. 2. Subpenaing Witness in This State to Testify in Another State Where Witness Material to Proceeding in Another State Is in This State. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this state certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced or is about to commence, that a person being within this state is a material witness in such prosecution, or grand jury investigation, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the judicial district in which

such person is, such judge shall fix a time and place for a hearing, and shall make an order directing the witness to appear at a time and place certain for the hearing.

If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state, and that the laws of the state in which the prosecution is pending, or grand jury investigation has commenced or is about to commence, will give to him protection from arrest and the service of civil and criminal process, he shall issue a subpoena, with a copy of the certificate attached, directing the witness to attend and testify in the court where the prosecution is pending, or where a grand jury investigation has commenced or is about to commence at a time and place specified in the subpoena. In any such hearing the certificate shall be prima facie evidence of all of the facts stated therein.

If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state, to assure his attendance in the requesting state, such judge may, in lieu of notification of the hearing, direct that such witness be forthwith brought before him for said hearing; and the judge at the hearing being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability may, in lieu of issuing subpoena,