

SENATE BILL NO. 112

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE BY REQUEST

Introduced: 3/5/97

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to marriage licenses; and transferring responsibility for marriage
2 licensing from judicial officers to the state registrar of vital statistics."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 18.50.310 is amended by adding a new subsection to read:

5 (i) Marriage license applications shall be open for public inspection or
6 examination during normal business hours.

7 * **Sec. 2.** AS 18.50.330(a) is amended to read:

8 (a) The state registrar shall prescribe the fees to be paid for certified copies
9 of certificates, for issuing marriage licenses, for searches of the files or records, for
10 the filing of delayed or substitute certificates, for making amendments, for supplying
11 documentary evidence for these purposes, and for special services rendered by the
12 bureau.

13 * **Sec. 3.** AS 22.15.100 is amended to read:

14 **Sec. 22.15.100. Functions and powers of district judge and magistrate.**

1 Each district judge and magistrate has the power

2 (1) to issue writs of habeas corpus for the purpose of inquiring into the
3 cause of restraint of liberty, returnable before a judge of the superior court, and the
4 same proceedings shall be had on the writ as if it had been granted by the superior
5 court judge under the laws of the state in such cases;

6 (2) of a notary public;

7 (3) to [ISSUE MARRIAGE LICENSES AND TO] solemnize
8 marriages;

9 (4) to issue warrants of arrest, summons, and search warrants according
10 to manner and procedure prescribed by law and the supreme court;

11 (5) to act as an examining judge or magistrate in preliminary
12 examinations in criminal proceedings; to set, receive, and forfeit bail and to order the
13 release of defendants under bail;

14 (6) to act as a referee in matters and actions referred to the judge or
15 magistrate by the superior court, with all powers conferred upon referees by laws;

16 (7) of the superior court in all respects including but not limited to
17 contempts, attendance of witnesses, and bench warrants;

18 (8) to order the temporary detention of a minor, or take other action
19 authorized by law or rules of procedure, in cases arising under AS 47.10.010 -
20 47.10.142 or AS 47.12, when the minor is in a condition or surrounding dangerous or
21 injurious to the welfare of the minor or others that requires immediate action; the
22 action may be continued in effect until reviewed by the superior court in accordance
23 with rules of procedure governing these cases;

24 (9) to issue a protective order in cases involving domestic violence as
25 provided in AS 18.66.100 - 18.66.180;

26 (10) to review an administrative revocation of a person's driver's
27 license or nonresident privilege to drive, and an administrative refusal to issue an
28 original license, when designated as a hearing officer by the commissioner of public
29 safety and with the consent of the administrative director of the state court system;

30 (11) to establish the fact of death or inquire into the death of a person
31 in the manner prescribed under AS 09.55.020 - 09.55.069.

1 * **Sec. 4.** AS 22.15.110(a) is amended to read:

2 (a) Each district judge and magistrate shall

3 (1) record birth **and** [,] death [, AND MARRIAGE] certificates
4 presented to them for record in the manner prescribed by law;

5 (2) authorize the burial or disposition of bodies under AS 12.65.100;
6 and

7 (3) upon application by an appropriate person, appoint the person to
8 assume temporary custody of and preserve the property and estate of deceased persons
9 until disposition of the property is made under AS 13.16 or further order is made by
10 the court.

11 [(4) REPEALED.]

12 * **Sec. 5.** AS 25.05.081 is amended to read:

13 **Sec. 25.05.081. Marriage commissioners.** The presiding judge in each
14 judicial district may, if the public interest requires, appoint one or more suitable
15 persons as marriage commissioners. The presiding judge shall describe the marriage
16 commissioner's area of jurisdiction in the order of appointment. A marriage
17 commissioner may, within that jurisdiction, [ISSUE MARRIAGE LICENSES AND]
18 solemnize marriages in the same manner as a district judge or magistrate and may
19 exercise any power, **other than the power to issue marriage licenses**, necessarily
20 incident to the duties of a marriage commissioner. The clerk of court shall issue to
21 the marriage commissioner a certified copy of the order of appointment and send a
22 copy of it to the bureau.

23 * **Sec. 6.** AS 25.05.191 is repealed and reenacted to read:

24 **Sec. 25.05.191. Marriage license application.** A licensing officer shall make
25 available an application for a marriage license for completion by the parties who wish
26 to be married. The officer shall keep the completed applications, a record of licenses
27 issued, and all other information that the officer is required by law to obtain. These
28 records shall be kept in the office of the licensing officer and shall be open for public
29 inspection or examination during normal office hours.

30 * **Sec. 7.** AS 25.05.221 is amended to read:

31 **Sec. 25.05.221. Forms.** (a) Forms for application, statements, consent of

1 parents, affidavits, licenses, and other forms necessary to comply with this chapter
 2 shall be prescribed by the registrar and provided at the expense of the state. The
 3 registrar shall furnish all necessary forms to each licensing officer. [THE
 4 REGISTRAR SHALL ALSO PROVIDE THE OFFICER WITH A SUITABLE BOOK
 5 IN WHICH TO KEEP THE MARRIAGE LICENSE DOCKET.]

6 (b) The registrar shall supervise the record work and required reporting of the
 7 licensing officers. [IN OTHER RESPECTS THE LICENSING OFFICERS ARE
 8 UNDER THE SUPERVISION OF THE SUPREME COURT.]

9 * **Sec. 8.** AS 25.05.241 is amended to read:

10 **Sec. 25.05.241. Fees.** The registrar [SUPREME COURT] shall establish
 11 marriage license fees and provide for accounting for and disposing of the fees.

12 * **Sec. 9.** AS 25.05.251 is amended to read:

13 **Sec. 25.05.251. Relationship to Vital Statistics Act.** Nothing in this chapter
 14 repeals or abrogates any part of AS 18.50 (Vital Statistics Act). The records and
 15 requirements leading up to and including the issuance of the marriage license are
 16 [NOT] included in the definition of "vital statistics" under AS 18.50. **The**
 17 [HOWEVER, THE] registrar shall supply the necessary forms and instructions for
 18 [THE RECORD WORK OF] the licensing officers.

19 * **Sec. 10.** AS 25.05.321 is amended to read:

20 **Sec. 25.05.321. Certificates.** The person solemnizing the marriage shall, on
 21 the forms provided by the bureau, complete two short-form certificates, and, after that
 22 person and the two witnesses have signed them, give one to each of the parties to the
 23 marriage. A church or congregation may design and furnish its own form for this
 24 purpose, containing as a minimum the items contained in the form furnished by the
 25 bureau. The original marriage certificate [AND ANY REQUIRED COPIES] shall be
 26 filed as required by AS 18.50 (Vital Statistics Act) and regulations adopted under it.
 27 The person solemnizing the marriage shall **complete the certificate as required and**
 28 **submit it to the local registrar within seven days of the date the marriage is**
 29 **solemnized** [KEEP THE LICENSE].

30 * **Sec. 11.** AS 25.05.351 is amended to read:

31 **Sec. 25.05.351. Violation concerning marriage license application**

1 **[DOCKET]**. A licensing officer who refuses or neglects to **keep** [ENTER UPON
2 THE MARRIAGE LICENSE DOCKET BEFORE THE LICENSE HAS BEEN
3 ISSUED] a complete record of each application and of each marriage license issued,
4 or who fails to keep [THE] marriage license **applications** [DOCKET] open for
5 inspection or examination by the public during office hours is guilty of a misdemeanor
6 [,] and upon conviction is punishable by a fine of not more than \$50. Each failure,
7 neglect, or refusal constitutes a separate offense.

8 * **Sec. 12.** AS 25.05.381(3) is amended to read:

9 (3) "licensing officer" means **the registrar or a local registrar** [ANY
10 DISTRICT JUDGE OR MAGISTRATE, OR A MARRIAGE COMMISSIONER
11 APPOINTED UNDER AS 25.05.081];

12 * **Sec. 13.** AS 25.05.381 is amended by adding a new paragraph to read:

13 (5) "local registrar" means a person appointed by the state registrar
14 under AS 18.50.080.

15 * **Sec. 14.** AS 25.05.211 is repealed.