

1 IN THE Senate BY Committee on Education
2 Senate BILL NO. 38

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA
4 TWENTY-FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to amend Section 21-1-12 ACLA
7 1949, as amended by Chapter 65, Session
8 Laws of Alaska 1951, relating to issuance
9 of marriage licenses; and declaring an
10 emergency."

11 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

12 Section 1. Section 21-1-12 ACLA 1949, as amended by
13 Chapter 65, Session Laws of Alaska 1951, is amended to read as
14 follows:

15 Sec. 21-1-12. License to parties under age of consent
16 prohibited: Exception in case of female under age of
17 consent: Certificate of physician: Sworn consent or
18 certificate of parent or guardian: Order of commissioner.

19 (a) No license shall be issued to either of the
20 contracting parties if under the marriageable age of
21 consent, as established by law, except as otherwise
22 provided in subsections (b) and (c) of this Act. If either
23 of the parties be between the marriageable age of consent
24 as established by law and the legal age of majority to-wit:
25 between the age of eighteen years (18) and twenty-one years
26 (21), if a male, and between sixteen years (16), and
27 eighteen years (18), if a female, no license shall be
28 issued without the consent of his or her parents, guardian,
29 or of the parent having actual care, custody and control of

1 such minor or minors given under oath, or certified under
2 the hand of such parents or guardian as aforesaid, and
3 properly verified by affidavit before any official
4 authorized by law to take affidavits, which certificate
5 shall be filed of record in the office of such commissioner
6 and entered by him on the marriage license docket before
7 issuing said license; Provided, that if there be no
8 guardian of either or both of said minors, or if there be
9 no competent person having actual care, custody and control
10 of such minors, then the commissioner of the precinct in
11 which said minors reside, may, upon proper cause shown,
12 make an order allowing the marriage of such minor or minors.

13 (b) If the female applicant is under the marriageable
14 age of consent (16), but presents a certificate from a
15 licensed physician recommending marriage, and the consent
16 of her parents or guardian as specified in subsection (a)
17 above, the commissioner of the precinct in which said
18 applicant resides may issue a marriage license to such
19 female applicant; PROVIDED, that the commissioner may make
20 an order allowing the marriage of such female applicant,
21 as provided in subsection (a) above, on presentation only
22 of the physician's certificate herein mentioned, when
23 there be no guardian or other competent person having
24 actual care, custody, and control of such female applicant.

25 (c) If the license is issued to any female applicant
26 who presents a certificate from a licensed physician
27 recommending marriage, and the male applicant is under the
28 marriageable age of consent (18) but presents the consent
29 of his parents or guardian as specified in subsection (a).

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5 Bill No. 35+ Section Page 2 Line 18

Robison

*delete may -
insert shall, if all the other requirements
herein contained have been met;*

The following amendment, offered by _____ to _____

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the commissioner ^{shall} may issue a marriage license to such male applicant; provided, that the commissioner may make an order allowing the marriage of such male applicant, as provided in subsection (a), at the commissioner's discretion, when there be no guardian or other competent person having actual care, custody and control of such male applicant.

Section 2. An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval.

5 Bill No. 38 Section Page 3 Line 1

Delete "may"

insert "shall, if the other requirements
herein contained have been met"

The following amendment, offered by _____ to