

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 SENATE BILL NO. 158

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to marriage; amending Secs.
7 21-1-31, 21-1-32, 21-1-34 and 21-1-41, ACLA
8 1949; and repealing and re-enacting Sec.
9 21-1-35, ACLA 1949."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 Section 1. Sec. 21-1-31, ACLA 1949 is amended to read as
12 follows:

13 Sec. 21-1-31. OFFICE CREATED: POWERS AND DUTIES OF COM-
14 MISSIONER: TERM OF OFFICE. There is hereby created the of-
15 fice of marriage commissioner; any person appointed to such
16 office shall have within his jurisdiction, the power and
17 authority now conferred upon district and deputy magistrates
18 [UNITED STATES COMMISSIONERS AND EX-OFFICIO JUSTICES OF THE
19 PEACE] to issue marriage licenses and solemnize marriages,
20 and issue marriage certificates. Marriage commissioners shall
21 be appointed by and hold office at the pleasure of the pre-
22 siding superior court judge in each judicial district. [, AND
23 SHALL HOLD OFFICE DURING THE PLEASURE OF THE DISTRICT COURT.]

24 Each Marriage Commissioner appointed under the provisions
25 of this Act shall require the applicant for a marriage
26 license to execute an application in duplicate, the original
27 of which he shall retain in the files of his office, and the
28 duplicate he shall forward to the district magistrate court
29 [UNITED STATES COMMISSIONER] as provided by Section 21-1-34,

1 ACLA 1949. [1214, COMPILED LAWS OF ALASKA, 1933.]

2 Sec. 2. Sec. 21-1-32, ACLA 1949 is amended to read as
3 follows:

4 Sec. 21-1-32. COURT TO APPOINT COMMISSIONERS: ORDER OF
5 APPOINTMENT. Whenever it is made to appear to the presiding
6 Judge of the superior court of any judicial district [DIS-
7 TRICT COURT OF ANY DIVISION] that the public interest re-
8 quires it, he shall appoint one or more suitable persons
9 Marriage Commissioners for such district [DIVISION]; in the
10 order of appointment he [THE COURT] shall prescribe the
11 territorial limits within which such Marriage Commissioner
12 shall exercise his jurisdiction and shall also specify the
13 duties to be performed by him and the power and authority he
14 may exercise. When [THAT WHEN] a Marriage Commissioner is
15 appointed as herein provided the clerk of said court shall
16 issue to him a certified copy of the order of his appointment.

17 Sec. 3. Sec. 21-1-34, ACLA 1949, is amended to read as
18 follows:

19 Sec. 21-1-34. FORWARDING OF LICENSE, APPLICATION, AND
20 COPY OF MARRIAGE CERTIFICATE TO DISTRICT MAGISTRATE COURT
21 [UNITED STATES COMMISSIONER]. Within seventy-five days after
22 the solemnization of any marriage, the marriage commissioner
23 shall forward to the district magistrate court [UNITED STATES
24 COMMISSIONER] within whose district [PRECINCT] the ceremony
25 is performed, the marriage license issued and if the ceremony
26 is performed by him a copy of the marriage certificate issued
27 together with the executed application for the marriage
28 certificate.

29 Sec. 4. Sec. 21-1-35, ACLA 1949, is repealed and reenacted to

1 read as follows:

2 Sec. 21-1-35. FEES ALLOWED COMMISSIONERS. The marriage
3 commissioner is entitled to the fees prescribed by rule of
4 the supreme court.

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

7 Sec. 21-1-41. WHO MAY SOLEMNIZE. Marriages may be
8 solemnized by any minister or priest of any church or con-
9 gregation in the state [TERRITORY] anywhere within the state
10 [TERRITORY], by any Marriage Commissioner appointed by a
11 presiding superior court judge [DISTRICT JUDGE] and by any
12 judicial officer of the state [TERRITORY] anywhere within
13 his jurisdiction, and commissioners as ex-officio justices
14 of the peace are to be deemed judicial officers of the state
15 [TERRITORY] within the meaning of this section.

16 Any commissioned officer of the Salvation Army holding
17 a commission issued by the Commissioner of such Army in
18 charge of the work of the Salvation Army in the state
19 [TERRITORY], is authorized to solemnize marriages in the
20 state [TERRITORY] under the provisions of this section.

21 Sec. 6. This Act takes effect on the day after its passage
22 and approval or on the day it becomes law without such approval.

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