

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; and providing for an
10 effective date."

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

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

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

25 Each Marriage Commissioner appointed under the provisions
26 of this Act shall require the applicant for a marriage license
27 to execute an application in duplicate, the original of which
28 he shall retain in the files of his office, and the duplicate
29 he shall forward to the district magistrace court [UNITED

1 STATE COMMISSIONER] as provided by Section 21-1-34, ACLA
2 1949. [1214, COMPILED LAWS OF ALASKA, 1933.]

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

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

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

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

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

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

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

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

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

22 Sec. 6. This Act shall take effect immediately upon its
23 passage and approval or upon its becoming law without such approval.

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