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IN THE SENATE

BY THE HOUSE JUDICIARY
COMMITTEE BY REQUEST

HOUSE CS FOR SENATE BILL NO. 158

IN THE LEGISLATURE OF THE STATE OF ALASKA

FIRST LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to marriage and Marriage Commissioners; repealing and re-enacting Secs. 21-1-31, 21-1-32, 21-1-34, 21-1-35, and 21-1-44, ACLA 1949; amending Sec. 21-1-41 ACLA 1949; and providing for an effective date."

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

Section 1. Sec. 21-1-31, ACLA 1949, is repealed and re-enacted to read as follows:

Sec. 21-1-31. MARRIAGE COMMISSIONERS: OFFICE CREATED: APPOINTMENT. There is hereby created the office of Marriage Commissioner; any person appointed to such office shall have, within his jurisdiction, the power and authority now conferred upon magistrates to issue marriage licenses and solemnize marriages.

Whenever it appears to the presiding judge of the superior court of any judicial district that the public interest requires it, he shall appoint one or more suitable persons Marriage Commissioners for such district. In the order of appointment he shall prescribe the area limits within which such Marriage Commissioner shall exercise his jurisdiction and shall also specify the duties to be performed by him and the power and authority he may exercise.

When a Marriage Commissioner is appointed as herein provided,

1 the clerk of said court shall issue to him a certified copy
2 of the order of his appointment; and at the same time notify
3 the Bureau of Vital Statistics of the appointment and the
4 area involved.

5 Sec. 2. Sec. 21-1-32, ACLA 1949, is repealed and re-enacted
6 to read as follows:

7 Sec. 21-1-32. ISSUANCE OF LICENSE. The Marriage
8 Commissioner shall require the applicants for a marriage
9 license to execute all the necessary forms the same as pres-
10 cribed for magistrates; provided that the marriage license
11 docket shall be executed in duplicate, the original of which
12 he shall retain in the files of his office, and the duplicate
13 he shall forward to the recording magistrate as provided in
14 Sec. 21-1-34.

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 Sec. 21-1-34, ACLA 1949, is repealed and re-enacted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

17 Sec. 21-1-34. REPORTS AND FORMS. On or before the first
18 of each month, the Marriage Commissioner shall forward the
19 duplicate copies of all marriage license dockets executed
20 during the preceding month to the magistrate acting as re-
21 corder for the recording district within which he has juris-
22 diction. At the same time he shall forward the completed
23 original marriage certificates for any marriage ceremonies
24 performed by him during the preceding month.

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

29 Sec. 4. Sec. 21-1-35, ACLA 1949, is repealed and re-enacted

1 to read as follows:

2 Sec. 21-1-35. FEES ALLOWED COMMISSIONERS. The fees to
3 be charged by the Marriage Commissioner shall be prescribed
4 by rule of the supreme court, which shall also prescribe
5 the amount to be kept by the Marriage Commissioner for his
6 services, and the amount to be forwarded to the recording
7 magistrate.

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

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

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

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

27 Sec. 21-1-44. CERTIFICATE: PARTIES' COPIES. The per-
28 son solemnizing any marriage in the state shall give to each
29 of the parties thereto a certification thereof on a form

1 prescribed and furnished by the Bureau of Vital Statistics;
2 provided that any church or congregation may design and
3 furnish its own form for this purpose if it so desires,
4 providing that it contains as a minimum, the items contained
5 in the form furnished by said Bureau

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

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