

1 IN THE SENATE

BY THE HOUSE JUDICIARY  
COMMITTEE BY REQUEST

2 HOUSE CS FOR 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 and Marriage  
7 Commissioners; repealing and re-enacting  
8 Secs. 21-1-31, 21-1-32, 21-1-34, 21-1-35,  
9 and 21-1-44, ACLA 1949; amending Sec. 21-1-41  
10 ACLA 1949; and providing for an effective  
11 date."

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

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 Sec. 21-1-31, ACLA 1949, is repealed and re-  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

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

21 Whenever it appears to the presiding judge of the  
22 superior court of any judicial district that the public in-  
23 terest requires it, he shall appoint one or more suitable  
24 persons Marriage Commissioners for such district. In the  
25 order of appointment he shall prescribe the area limits  
26 within which such Marriage Commissioner shall exercise his  
27 jurisdiction and shall also specify the duties to be per-  
28 formed by him and the power and authority he may exercise.

29 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 Sec. 21-1-32, ACLA 1949, is repealed and re-enacted  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 Sec. 21-1-34, ACLA 1949, is repealed and re-enacted  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 the presiding judge of the superior court [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 TERRITORY WITHIN THE MEANING OF THIS SECTION]

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

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 Sec. 21-1-44, ACLA 1949, is repealed and re-enacted  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

26           Sec. 21-1-44. CERTIFICATE: PARTIES' COPIES. The per-  
27 son solemnizing any marriage in the state shall give to each  
28 of the parties thereto a certification thereof on a form  
29 prescribed and furnished by the Bureau of Vital Statistics;

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provided that any church or congregation may design and furnish its own form for this purpose if it so desires, providing that it contains as a minimum, the items contained in the form furnished by said Bureau.

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