

Introduced: 2/22/67
Referred: Judiciary

1 IN THE SENATE

BY B. PHILLIPS

2 SENATE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the application of native custom
7 law."

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

9 * Section 1. AS 09.65 is amended by adding a new section to read:

10 Sec. 09.65.090. NATIVE CUSTOM LAW. (a) In a case where the
11 validity of a marriage, divorce or adoption involving Aleuts, Eskimos
12 or Indians is in issue, the court or administrative agency shall base
13 its resolution of this issue on the native custom law, as evidenced
14 by the understanding of the native community where the custom is
15 claimed to be established.

16 (b) In this section

17 (1) "native community" includes unincorporated areas and
18 political subdivisions, the population of which in both cases numbers
19 over 50 persons and is predominantly Aleut, Eskimo or Indian and in
20 which ancestral custom and tradition play the predominant part in the
21 conduct of the affairs of the community;

22 (2) "native custom law" means a usage or practice of the
23 Aleuts, Eskimos or Indians in the state which, by common adoption and
24 acquiescence, and by long and unvarying habit, has acquired the force
25 of law with respect to the people, place or subject matter to which
26 it relates.