

Introduced: 2/5/80  
Referred: Judiciary

1 IN THE HOUSE

BY BEIRNE

2 HOUSE BILL NO. 678

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing marriages of limited duration."

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

8 \* Section 1. FINDINGS AND PURPOSE. The legislature finds that many of  
9 the joys and satisfactions of life arise out of caring and trusting rela-  
10 tionships between members of the opposite sex. The legislature also finds  
11 that the traditional marriage of unlimited duration has not met the needs or  
12 aspirations of many Alaskans and as a consequence many couples in the state  
13 are living together out of wedlock. The legislature further finds that many  
14 people find themselves in unsatisfactory marriages, but due to financial  
15 uncertainty, inertia, family pressure, social disapproval or the emotional  
16 trauma involved are unable or unwilling to seek and obtain a divorce. How-  
17 ever, the legislature recognizes that marriage imbues a man-woman relation-  
18 ship with a special significance in the minds and hearts of most Alaskans,  
19 and that the institution of marriage also plays a significant role in rela-  
20 tion to the family and other religious, social, economic, and political  
21 institutions of the state. It is the purpose of this Act to provide an al-  
22 ternative to the traditional marriage of unlimited duration by allowing  
23 persons who wish to deepen their commitments, but who for various reasons are  
24 unwilling or unable to make a lifetime commitment, to enter into a legally  
25 recognized relationship. It is also the purpose of this Act to allow for  
26 trial marriages, by providing for the automatic expiration of a marriage if  
27 not renewed after a prescribed period, and by minimizing, in the event of  
28 nonrenewal of the marriage, the ugly consequences which often accompany a  
29 divorce. It is not the purpose or intent of this Act to affect the validity

1 or the legal incidents of marriages of unlimited duration, nor is it the  
2 purpose of this Act to undermine the moral, social, and religious foundation  
3 of marriages of unlimited duration.

4 \* Sec. 2. AS 25.05 is amended by adding new sections to read:

5 ARTICLE 8A. MARRIAGE OF LIMITED DURATION.

6 Sec. 25.05.372. MARRIAGE OF LIMITED DURATION. If an agreement  
7 meeting the requirements of AS 25.05.373(1) is filed in accordance with  
8 AS 18.50.270(a), a marriage entered into under this chapter expires at  
9 the end of the period of time agreed upon as measured from the date of  
10 solemnization and at the end of each subsequent time period agreed upon,  
11 unless renewed in accordance with AS 25.05.374.

12 Sec. 25.05.373. AGREEMENT AND FILING. Parties to a prospective  
13 marriage, or an existing marriage, who seek to provide for the expira-  
14 tion of their marriage under AS 25.05.372 shall

15 (1) agree in writing, on a form supplied by the department,

16 (A) upon when the marriage expires, as measured from the  
17 date of solemnization;

18 (B) upon the division of property, both joint and  
19 separate, acquired during the marriage and separate property ac-  
20 quired before the marriage, if the marriage is not renewed in  
21 accordance with AS 25.05.374;

22 (2) submit the agreement, together with a fee of \$100, for  
23 filing with the local registrar of vital statistics of the registration  
24 district in which the marriage was performed, either by submitting the  
25 agreement to the licensing officer before issuance of the license or, if  
26 the license has already been issued, by submitting the agreement  
27 directly to the local registrar.

28 Sec. 25.05.374. RENEWAL OF MARRIAGE. A marriage of limited dura-  
29 tion may be renewed before its expiration by filing with the local

1 registrar of vital statistics notice executed by both parties renewing  
2 the marriage. The local registrar of vital statistics shall attach this  
3 notice to the agreement filed under AS 25.05.373(2).

4 Sec. 25.05.375. REMOVAL OF LIMITATION. Parties to a marriage  
5 subject to expiration under AS 25.05.372 may remove the limitation on  
6 the duration of the marriage by filing with the local registrar of vital  
7 statistics notice executed by both parties rescinding the agreement  
8 entered into by the parties in accordance with AS 25.05.373(1).

9 \* Sec. 3. AS 18.50.270(a) is amended to read:

10 (a) A certificate of marriage for each marriage performed in the  
11 state, together with any agreement subjecting the marriage to expira-  
12 tion under AS 25.05.373(1), shall be filed with the local registrar of  
13 vital statistics of the registration district in which the marriage was  
14 performed within seven days of the marriage.

15 \* Sec. 4. AS 18.50.270(b) is amended to read:

16 (b) The official who issues the marriage license shall prepare the  
17 certificate of marriage on forms prescribed and furnished by the bureau,  
18 as specified elsewhere in the statutes, and in regulations issued under  
19 this chapter. The official shall attach to the marriage license any  
20 agreement subjecting the marriage to expiration under AS 25.05.373(1).

21 \* Sec. 5. AS 18.50.270(c) is amended to read:

22 (c) A person who performs a marriage shall complete the forms as  
23 specified elsewhere in the statutes, or in regulations issued under this  
24 chapter, and shall file the original certificate of marriage, together  
25 with any agreement subjecting the marriage to expiration under AS 25.-  
26 05.373(1), with the local registrar.

27 \* Sec. 6. AS 25.05.091 is amended to read:

28 Sec. 25.05.091. APPLICATION FOR LICENSE. One of the contracting  
29 parties to a prospective marriage shall, at least three days before the

1 time of issuance, file with the licensing officer written, verbal, or  
2 telegraphic application for a license. Before issuance of the license,  
3 each contracting party shall file with the same licensing officer a pre-  
4 marital certificate and any agreement subjecting the marriage to expira-  
5 tion under AS 25.05.373(1); and shall make a statement under oath that  
6 the contemplated marriage meets the requirements of law, giving the  
7 names, relationship if any, residence, occupation, and age of each  
8 party; naming guardians of any party under the legal age for marriage;  
9 and describing any prior marriage or marriages of either party, and the  
10 manner of dissolution of them. This statement may be made and executed  
11 before a notary public or postmaster who shall certify it to the licens-  
12 ing officer.

13 \* Sec. 7. AS 25.20.060 is amended to read:

14 Sec. 25.20.060. CUSTODY OF THE CHILD. If there is a dispute over  
15 child custody, either parent may petition the superior court for resolu-  
16 tion of the matter under this section unless an action between the  
17 parents is pending under AS 09.55. The court shall award custody on the  
18 basis of the best interests of the child. In determining the best  
19 interests of the child, the court shall consider all relevant factors  
20 including those factors enumerated in AS 09.55.205. Neither parent,  
21 regardless of the question of the child's legitimacy, is entitled to  
22 preference in the awarding of custody. Dispute over the custody of  
23 children born of a marriage of limited duration authorized in AS 25.05.-  
24 372 shall be resolved under this section.

25 \* Sec. 8. AS 25.25.010(6) is amended to read:

26 (6) "duty of support" includes a duty of support imposed or  
27 imposable by law, or by a court order, decree or judgment, whether  
28 interlocutory or final, whether incidental to a proceeding for divorce,  
29 legal separation, separate maintenance, expiration of a marriage of

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limited duration, or otherwise, and includes the duty to pay arrearages  
of support past due and unpaid;