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STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 112

Revision Date: \_\_\_\_\_  
 Title: Transfer of marriage licensure from the  
Judicial offices to the state registrar of vital statistics  
 Sponsor: Senate JUD  
 Requestor: Senate JUD

Dept. Affected: Health and Social Services  
 BRU: State Health Services  
 Component: Bureau of Vital Statistics  
 COMPONENT SERIAL NO. 961  
 See also (SN#): \_\_\_\_\_

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

A C-4 transfer has been completed for this function in the FY 98 Governor's Request.

Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.*  
 Division: Public Health  
 Approved by Commissioner: Karen Perdue, Commissioner *K.P.*  
 Agency: Department of Health & Social Services

Phone: (907) 465-3090  
 Date: 03/14/97  
 Date: \_\_\_\_\_

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A M E N D M E N T

OFFERED IN THE SENATE

TO: SB 112

- 1 Page 3, lines 1 - 11:
- 2 Delete all material.
- 3 Renumber the following bill sections accordingly.



**ALASKA COURT SYSTEM**  
*State of Alaska*  
*Office Of The Administrative Director*

820 West 4th Avenue  
Anchorage, Alaska 99501  
(907) 264-8265  
FAX (907) 264-8291

**Doug Wooliver**  
Administrative Attorney

March 11, 1997

Dear Senator Taylor;

The Alaska Court System requests that SB 112 be scheduled for a hearing in the Senate Judiciary Committee at your earliest convenience.

This bill transfers responsibility for issuing marriage licenses from the judiciary to the executive branch of government.

Currently, marriage licenses are issued by the Alaska Court System. After the ceremony, the licenses (which are now called certificates) are filed with the Bureau of Vital Statistics. The Bureau is part of the Department of Health and Social Services and is administered by the State Registrar who is authorized to appoint local registrars throughout the state.

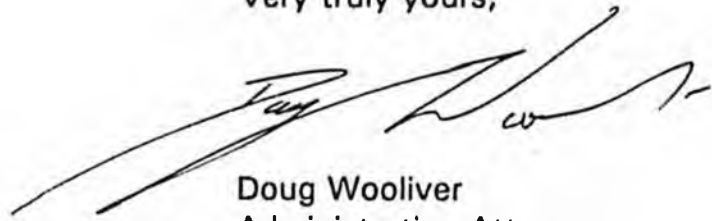
Under this bill, the issuance of marriage licenses will become an executive branch rather than a judicial function. Judges will remain empowered to solemnize marriages and appoint marriage commissioners, but the issuance of licenses will be under the auspices of the Bureau rather than the judiciary. In practice, in those areas where the Bureau does not have a field office, court system employees will continue to act as local registrars. The difference will be that they will do so on behalf of the Bureau rather than as judicial employees.

Inasmuch as the Bureau of Vital Statistics creates the marriage license form and is the ultimate keeper of these and other vital human records, it is more efficient for the Bureau to manage the distribution and issuance of the licenses.

In locations where the Bureau has opened field offices, this bill will benefit the public by providing one location for applications, licensing, and recording. This bill will also increase the efficiency and streamline yet another function performed by government.

Thank you for your consideration on this bill. If I can be of any assistance or provide you with any information please let me know.

Very truly yours,

A handwritten signature in black ink, appearing to read "Doug Wooliver", with a stylized flourish at the end.

Doug Wooliver  
Administrative Attorney

# ALASKA COURT SYSTEM

## SECTIONAL ANALYSIS

### SB 112

Section 1. This change to the Vital Statistics Act allows marriage license application records to continue to be available for public inspection as they have been in the past even though they are now vital records.

Section 2. The change in this section gives the state registrar the authority to establish the fee for obtaining a marriage license. This authority was formerly given to the supreme court in AS 25.05.241, the statute which is amended in section 6 of this proposed legislation to provide that the registrar sets the fee for marriage licenses. It is duplicative to have this authority given to the registrar in both statutes, but the Title 18 statute lists all the fees that the registrar can set, so the Bureau wants marriage license fees listed there. Leaving information about marriage license fees in Title 25 is convenient, since that is where most of the statutes related to marriage are found.

Section 3. With this change, judges and magistrates are no longer responsible for issuing marriage licenses, although they can still solemnize marriages. (AS 25.05.071, which is not amended in this proposed legislation, provides that only "licensing officers" may issue marriage licenses. Licensing officers are those persons who are appointed by the state registrar, and will continue to be clerks or magistrates in most communities, and Bureau employees in those communities where the Bureau has offices.)

Section 4. Removes the requirement that each district court judge and magistrate record marriage certificates.

Section 5. Allows presiding judges to continue to appoint marriage commissioners, but provides that those marriage commissioners may only *perform* marriages - they may not act as licensing officers and issue marriage licenses. This change allows the Bureau to retain control over who issues marriage licenses, and conforms with current practice (court-appointed marriage commissioners have not actually issued licenses anywhere in the state for many years.)

Section 6. This section changes the name of the document on which parties apply for a marriage license from a "docket" to an "application." As before, the statute requires the licensing offices to keep these applications and make the applications (and a record of licenses issued) open for public inspection. (The record of licenses issued can simply be the notation on the applications

themselves.) The section also removes the requirement that marriage commissioners keep the licenses in duplicate. The statute is repealed and reenacted due to the difficulty of keeping the structure of the original language. The original statute reads as follows:

AS 25.05.191. MARRIAGE LICENSE DOCKET. A licensing officer shall keep a marriage license docket in which shall be entered a complete record of the applications for and the issuance of all marriage licenses and of all other information the officer is required by law to obtain. The docket shall be kept in the office of the licensing officer and shall be in a book provided by the bureau. Marriage commissioners shall keep the marriage license docket in duplicate. The marriage license docket shall be open for public inspection or examination during office hours.

Section 7. Deletes the requirement of a "book" to keep the marriage license dockets (now applications) in (as was also done in section 5, above).

Section 8. As described in section 2, above, places the responsibility for setting fees with the state registrar.

Section 9. Provides affirmatively that marriage records are now treated as vital human records under the Vital Statistics Act. These records were always placed on forms provided by the Bureau, according to the instructions of the Bureau, and they became the Bureau's vital human records once they were recorded; now the Bureau's interest and responsibility for these records throughout the process is documented. The second deletion ("the record work") just does away with unnecessary verbiage.

Section 10 This section removes the provision that the person solemnizing the marriage "shall keep the license" and clarifies that the license (which becomes the *certificate* once the marriage is performed) is to be submitted for recording within seven days (a requirement which is also found at AS 18.50.270). Removes the provision about "any required copies" be filed, since none are required.

Section 11. The references in this section to the "marriage license docket" are replaced with references to the "application" instead, to be consistent with the changes described in section 5, above.

Section 12. This section clarifies that "licensing officers" are the registrar (the state registrar) or a local registrar.

Section 13. This section defines "local registrars" as those persons appointed pursuant to the Vital Statistics Act.

Section 14. Repeals the section about marriage commissioners being required to report dockets and marriage licenses issued, since with these changes, all marriage commissioners can do is *perform ceremonies*. The section which is repealed reads as follows:

**AS 25.05.211. REPORTS BY MARRIAGE COMMISSIONER.** Before the first of each month, each marriage commissioner shall forward to the magistrate acting as recorder for the recording district in which the marriage commissioner has jurisdiction the duplicate copies of all marriage license docket sheets executed during the preceding month, the completed original marriage certificates and duplicate copies for any marriage ceremonies performed during the preceding month, and any fees and reports required by rule of the supreme court.

# SENATE COMMITTEE REPORT

## First Committee of Referral

DATE: 3/5/97

FURTHER:

Date of 5-Day Notice: 3/20/97  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4/1/97

Judiciary Committee considered

SENATE BILL NO. 112

"An Act relating to marriage licenses; and transferring responsibility for marriage licensing from judicial officers to the state registrar of vital statistics."

and recommends:

- be replaced with CS SB 112 (JUD)
- adopt previous CS (        )
- attached amendment(s)
- adopt Letter of Intent by          Committee
- further referral to the          Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR#

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Kenne</i>	<input checked="" type="checkbox"/>				
<i>Mark Miller</i>					
CHAIR: <i>John L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal
<i>AK COURT SYSTEM</i>	<i>3/10/97</i>	<i>0</i>	
<i>DHSS</i>	<i>3/14/97</i>	<i>0</i>	

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill

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# FISCAL NOTE

No. 1

BILL Bill Version: SB 112

(S) Publish Date: 4-1-97

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_

Dept. Affected: Alaska Court System

Title: Marriage licensing

BRU: Trial Courts

Sponsor: Judiciary by request

Component: \_\_\_\_\_

Requestor: \_\_\_\_\_

COMPONENT SERIAL NO. 768

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**Fund Source** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 97) cost: None

**Positions**

Full-Time						
Part-Time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel

Phone: 264-8228

Agency: Alaska Court System

Date: 03/10/97

Approved by: Stephanie J. Cole, Acting Administrative Director

Date: 03/10/97

Agency: Alaska Court System

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STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 2  
Bill Version: SB 112  
(S) Publish Date: 4-1-97

Revision Date: \_\_\_\_\_  
Title: Transfer of marriage licensure from the  
judicial offices to the state registrar of vital statistics  
Sponsor: Senate JUD  
Requestor: Senate JUD

Dept. Affected: Health and Social Services  
BRU: State Health Services  
Component: Bureau of Vital Statistics  
COMPONENT SERIAL NO. 961  
See also (SN#): \_\_\_\_\_

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GRANTS, CLAIMS						
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<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY97) cost: \$0.0

ANALYSIS: (Attach a separate page if necessary)

A C-4 transfer has been completed for this function in the FY 98 Governor's Request.

Prepared by: Peter M. Nakamura, MD, MPH *P. Nakamura*  
Division: Public Health  
Approved by Commissioner: Karen Perdue, Commissioner *K. Perdue*  
Agency: Department of Health & Social Services

Phone: (907) 465-3090  
Date: 03/14/97  
Date: \_\_\_\_\_

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Component: Bureau of Vital Statistics  
COMPONENT SERIAL NO. 961  
See also (SN#): \_\_\_\_\_

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CAPITAL EXPENDITURES						
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PART-TIME						
TEMPORARY						

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ANALYSIS: (Attach a separate page if necessary)

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Prepared by: Peter M. Nakamura, MD, MPH *P.M.N.* Phone: (907) 465-3090  
 Division: Public Health Date: 03/14/97  
 Approved by Commissioner: Karen Perdue, Commissioner *K.P.* Date: \_\_\_\_\_  
 Agency: Department of Health & Social Services

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

No. 1  
 BIL|Bill Version: SB 112  
 (S) Publish Date: 4-1-97

Revision Date: \_\_\_\_\_ Dept. Affected: Alaska Court System  
 Title: Marriage licensing BRU: Trial Courts  
 Component: \_\_\_\_\_  
 Sponsor: Judiciary by request  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 768

**Expenditures/Revenues (Thousands of Dollars)**

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<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**Fund Source (Thousands of Dollars)**

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Estimate of any current year (FY 97) cost: None

**Positions**

Full-Time						
Part-Time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 03/10/97

Approved by: Stephanie J. Cole, Acting Administrative Director  
 Agency: Alaska Court System

Date: 03/10/97

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