

expedient to carry out or assist in carrying out any duty or authority assigned to it.

Validation.

Section 17. Rules and regulations promulgated and other administrative action taken with respect to any statutory provision or provisions supplanted by this Act are hereby validated and confirmed.

Savings clause.

Section 18. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby.

Repeal.

Section 19. Secs. 40-2-1 to 40-2-6 inclusive ACLA 1949 are hereby repealed.

Approved March 26, 1949.

CHAPTER 119**AN ACT**

[S. B. 29]

Relating to vital statistics, including birth, marriages, deaths and disposition of dead bodies; regulating embalmers and fixing their license fees; providing for a Bureau of Vital Statistics within the Department of Health; repealing Sec. 8-1-7, Secs. 40-11-1 to 40-11-12 inc., Secs. 40-11-21 to 40-11-23 inc. and Secs. 35-2-131 and 56-5-16 ACLA 1949; and fixing an effective date.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. DEFINITIONS. As used in this Act:

(a) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births (including adoptions and legitimations), deaths, stillbirths, morbidity, marital status and data incidental thereto. Definitions.

(b) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

(c) "Stillbirth" means a birth after 20 weeks of gestation which is not a live birth.

(d) "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(e) "Person in charge of interment" means any person who places or caused to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(f) "Physician" means a person legally authorized to practice medicine in the Territory of Alaska.

(g) "Department of Health" means the Department of Health of the Territory of Alaska.

(h) "Registrar" means the Territorial Commissioner of Health.

(i) "Bureau of Vital Statistics" means the vital statistics agency established by this Act.

(j) "Alaska" means the Territory of Alaska.

Section 2. BUREAU OF VITAL STATISTICS ESTABLISHED. There is hereby established within the

Bureau of Vital
Statistics.

Department of Health the Bureau of Vital Statistics which shall have full charge of vital statistics in Alaska, and to which all vital statistics records heretofore kept by the Territory at Juneau shall be transferred immediately following the effective date of this Act. Said bureau, acting by and through the Registrar, shall:

(a) Establish and maintain suitable offices for the conduct of business, properly equipped for the preservation of its official records;

(b) Install a system of vital statistics throughout Alaska;

(c) Make, promulgate, and may amend, after notice and hearing, appropriate rules and regulations, give instructions and prescribe forms for collecting, transcribing, compiling and preserving vital statistics; and,

(d) Take such other steps as may be proper to carry out this Act and the rules, regulations and orders made pursuant thereto.

Notice of
regulations.

Section 3. PUBLICATION OF REGULATIONS. The regulations of the Bureau of Vital Statistics shall take effect thirty days after publication, which may be by general press release in Alaska, after which copies shall be made generally available.

Registrar.

Section 4. TERRITORIAL REGISTRAR. The Commissioner of Health shall be the Registrar of Vital Statistics of Alaska. He shall have charge of the Bureau of Vital Statistics and be the custodian of all its files and records, and he shall enforce this Act and the regulations promulgated hereunder. All duties of the Registrar may be carried out by himself or by his duly authorized representative.

Section 5. COMPULSORY REGISTRATION OF BIRTHS. Within the time prescribed by the Registrar, a certificate of every birth shall be filed with the United States Commissioner of the recording district in which the birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents, householder, owner of the premises, manager or superintendent of institution, captain of vessel, or other competent person having cognizance of the birth.

Registration
of births.

Section 6. UNITED STATES COMMISSIONER TO PREPARE BIRTH CERTIFICATES. If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the United States Commissioner shall secure the necessary information from any competent person having knowledge of the birth and prepare and file the certificate. The Registrar shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by a supplementary report shall not be considered "delayed" or "altered".

Preparation of
birth certificate.

Section 7. REGISTRATION OF FOUNDLINGS:
FOUNDLING REPORT.

(a) Whoever assumes the custody of a child of unknown parentage shall immediately report in writing to the United States Commissioner of the district where the child was found or custody assumed: (1) the date and place of finding or assumption of custody; (2) sex, color or race, and approximate age of child; (3) name and address of the person or institution with whom the child has been placed for care, and (4) name given to the child by the finder or custodian.

Foundling
report contents.

(b) The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

(c) The report shall be acceptable for all purposes in lieu of a certificate of birth.

(d) If the child is identified and a regular certificate of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

Death or stillborn
report.

Section 8. DEATH AND STILLBIRTH CERTIFICATES: REPORT OF FINDING OF DEAD BODY: FAILURE TO FILE CERTIFICATE A MISDEMEANOR.

It shall be the duty of the physician, nurse or other person in charge of or who shall attend or assist in the last illness of a deceased person, or who shall have knowledge of the death of any person or stillbirth within Alaska, to prepare and file with the United States Commissioner of the recording district in which the death occurred a certificate of death in accordance with regulations promulgated by the Registrar. In case the dead body of a human being is found or a person is killed within Alaska, it shall be the duty of the person finding such body, or of any person who has any information that such body has been found, at once to make a full report thereof to the United States Commissioner of the recording district wherein the body was found or the person was killed; and if the circumstances are such that the said United States Commissioner does not deem it necessary to hold an inquest over the remains, it shall be the duty of any person, upon request from the said United States Commissioner to make out and furnish to him a certificate of death; and any person who shall fail or refuse to make out and file with the United States Commissioner a certificate of death as required by this Act shall be deemed guilty of an offense against this Act.

Report to U. S.
Commissioner
finding dead
body.

Section 9. PREREQUISITES TO INTERMENT, SHIPMENT OR REMOVAL OF CORPSE: MISDEMEANOR.

(a) It shall be the duty of every undertaker, sexton, or other person having charge of or in any way assisting, or directing the burial of any corpse, to see that the certificate of death is made and filed with the United States Commissioner for the precinct in which the death occurred, or the body was found, before interring the remains. And it shall be the duty of every transportation company, freighter, or any person or persons, or company, before receiving any corpse to be shipped or removed for burial, from the place where deceased died, or the body of deceased was found, before removing such corpse, or receiving the same for such removal, to see that the proper certificate of death has been made and filed, as required by law, and in case of failure so to do, the person or persons so offending shall be guilty of an offense against this Act.

Interment certificate.

Certificate of death before shipping body.

(b) When a death or stillbirth occurs, or a dead body is found, the body shall not be disposed of or removed from the recording district until a permit has been issued by the United States Commissioner.

Permit to dispose from U. S. Commissioner.

(c) When death or stillbirth occurs outside of Alaska and the body is accompanied by a permit for burial, removal or other disposition, issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through Alaska, but before the burial, cremation or other disposal of the body within Alaska, the permit shall be endorsed by the United States Commissioner of the district in which the disposal takes place, who shall keep a record thereof.

Endorsement by U. S. Commissioner for burial in Alaska.

(d) The Commissioner of Health as Registrar of Vital Statistics, shall also provide rules and regulations

Commissioner of Health provide shipping blanks.

by which dead bodies may be shipped from Alaska, and to issue regular shipping blanks to persons licensed to act as embalmers in Alaska.

Military burial or removal.

(e) All dead bodies buried in cemeteries at abandoned military reservations within Alaska may be removed therefrom, or shipped out of Alaska by any person or corporation, when, and in such manner as the Secretary of War may authorize or direct.

Delaying determination of cause of death.

Section 10. DELAYED DETERMINATION OF CAUSE OF DEATH. If the cause of death cannot be determined within ten days, the certification of its cause may be filed after the prescribed period, but the attending physician or the proper official shall give the United States Commissioner of the district in which death occurred, written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

Embalmers requirements.

Section 11. EMBALMERS: EXAMINATION: LICENSES: LICENSE FEES. The Commissioner of Health of Alaska, as Registrar of Vital Statistics, is authorized and directed to provide rules and regulations establishing minimum qualifications for embalmers and for examination of applicants and issuance of licenses to persons qualified to act as embalmers in Alaska, and also to issue licenses in Alaska to persons duly licensed under the laws of any state of the United States to act as embalmers. All licenses issued under the provisions of this Act shall be for the calendar year and the Registrar of Vital Statistics shall collect a fee of \$25.00 for each such license issued and for each annual renewal.

Form of certificate.

Section 12. FORM OF CERTIFICATES. The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the national agency in charge of vital statistics, subject to approval of and modification by the

Registrar. The form and use of such certificate shall be subject to the provisions of Section 21.

Section 13. SEAL OF REGISTRAR. The Commissioner of Health, as Registrar of Vital Statistics, shall have a seal as such, which shall be two and one-half inches in diameter and bear within the perimeter of the seal the words "Seal of the Registrar of Vital Statistics of Alaska", and within the circle, at the top of the seal, a star representing the North Star, beneath it the dipper of seven stars, and beneath this a quill.

Design of
Registrar seal.

Section 14. CERTIFICATES AS EVIDENCE AND CERTIFIED COPIES. Any certificate filed in accordance with the provisions of this Act and regulations prescribed by the Registrar, or any copy of a certificate or part thereof, duly certified by the Registrar, shall be prima facie evidence of the contents thereof.

Certificates as
evidence.

Section 15. FEES FOR COPIES AND SEARCHES. The Registrar shall prescribe the fees, if any, to be paid for certified copies of certificates, or for search of the files or records when no certified copy is made. Subject to the non-disclosure provisions of Section 21 of this Act, the national agency in charge of vital statistics may obtain transcripts, or, without payment of fees, certified copies, provided the government of Alaska is put to no expense in connection therewith.

Fee for certified
copies.

Section 16. ACCOUNTING FOR FEES. The Registrar shall keep an account of all fees received which shall be covered into the general fund of the Treasury of Alaska.

Fees.

Section 17. DELAYED OR ALTERED CERTIFICATES. A person born in Alaska, or a resident thereof, may file or amend a certificate after the time herein prescribed, upon submitting such proof as shall be required by the Registrar or by any court.

Delayed or
altered
certificate.

Section 18. DELAYED AND ALTERED CERTIFICATES: PROCEDURE.

(a) Certificates accepted subsequent to one year after the time prescribed for filing, and certificates which are altered after having been filed with the Registrar, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered".

(b) A summary statement of the evidence which justifies acceptance for delayed filing or alteration shall be endorsed on the certificate.

Section 19. COURT PROCEDURE TO ESTABLISH DATE AND PLACE OF BIRTH AND PARENTAGE.

(a) Any person born or residing in Alaska and not otherwise able to obtain an official birth certificate or certified copy thereof may petition the District Court for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitle him to such an order. The court shall fix the time and place of hearing the petition. At least ten days before the hearing, notice thereof shall be mailed by fastest available mail service to the district attorney of the judicial division in which the action is brought, and to the Bureau of Vital Statistics and shall be published once in a local newspaper of general circulation in such division. Proof of the mailing and publication shall be filed prior to or at the hearing. The oral testimony shall be transcribed and, together with the other proofs, shall be filed in the proceeding.

(b) If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, the court shall

Court order to establish certificate.

Public notice.

Conditions for court order.

make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and the names of his parents, and any other facts deemed relevant by the court.

(c) The order, or a certified copy thereof, may be recorded in the office of the Commissioner of the district wherein the petitioner resides and in the office of the Bureau of Vital Statistics, as a deferred registration of birth, and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in Section 14.

Filing of certified copy.

Section 20. DELAYED OR ALTERED CERTIFICATES AS EVIDENCE. The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

Section 21. DISCLOSURE OF RECORDS.

(a) The records and files of the Bureau of Vital Statistics are open to inspection, subject to the provisions of this Act and regulations of the Registrar, but it shall be unlawful for any officer or employee of Alaska to disclose data contained in vital statistical records, except as authorized by this Act and by the Registrar.

Inspection of Bureau records.

(d) Disclosure of illegitimacy of birth or of information from which it can be ascertained, may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose.

Limitation on disclosure.

(c) The Registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct interest in the matter recorded and that the information therein contained is necessary for the de-

Who may inspect records.

termination of personal or property rights or unless the request comes from the national agency in charge of vital statistics. Should the Registrar refuse, the applicant may appeal to the District Court in an action of an equitable nature and the decision of the court shall govern.

(d) The Registrar may permit the use of data contained in vital statistical records for research purposes and general statistical publication, but no identifying use of particular data with respect to any individual shall be made.

Publication
of data.

(e) Subject to the provisions of this section, the Registrar may direct United States Commissioners to make a return upon certificates of birth, death and still-birth filed with them and of certain data shown thereon to Federal, Territorial or Municipal agencies. Payment to United States Commissioners by such agencies for such services may be made through the Registrar.

Returns by U. S.
Commissioners.

Section 22. ADOPTION. The Registrar shall conform to the vital statistics provisions of the Alaska adoption law as set forth in Sections 21-3-11 to 21-3-24 inclusive ACLA 1949.

Section 23. LEGITIMATION. The Registrar shall conform to the vital statistics provisions pertaining to cases of legitimation as set forth in Section 21-3-3 ACLA 1949.

Legitimation.

Section 24. PERSONS REQUIRED TO MAKE OR KEEP RECORDS.

(a) Persons in charge of institutions for care or correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this Act relating to their inmates or patients.

Records by
institution.

(b) United States Commissioners and Recorders shall hereafter recognize the Commissioner of Health as the Registrar of Vital Statistics, and perform their vital statistics duties subject to his supervision and report and transmit vital statistics to the Bureau of Vital Statistics, and otherwise conform to the provisions of this Act and regulations promulgated hereunder.

Section 25. MARRIAGE CERTIFICATE: PREPARATION: CONTENTS: FILING AND RECORDING: COPIES: RECORDING FEE: MISDEMEANOR. It shall be the duty of every person authorized to perform marriages within Alaska, to make out a marriage certificate in triplicate upon blanks which shall be furnished him by the Registrar of Vital Statistics upon application therefor. The said certificate shall conform to the present requirements of the law and of Alaska as to what a marriage certificate shall contain, except that in addition to the present requirements of a marriage certificate, said certificate shall state in what commissioner's precinct the marriage was performed and that said certificate will be filed for record and recorded in said district within thirty days after said marriage is performed, and the person performing said marriage shall deliver one copy of said marriage certificate to the husband, one copy to the wife, and within thirty days from the date of the marriage shall file the third copy with the United States Commissioner of the precinct in which the marriage was performed. And the person solemnizing the marriage shall collect from the contracting parties an amount sufficient to cover the commissioner's fee for recording said marriage certificate, which amount he shall pay to the United States Commissioner at the time he files said certificate of marriage. And in case he shall fail or refuse to collect said recording fee, as above provided, he shall pay the amount of said recording fee to said United States Commissioner out of his own funds. And any person failing or refusing to comply with the

Filing of marriage certificates.

Fee to be collected.

provisions of this section, or with any part thereof, shall be deemed guilty of a misdemeanor.

Section 26. COMMISSIONER TO RECORD AND TRANSMIT CERTIFICATES: FEES. It shall be the duty of every United States Commissioner within Alaska to record every birth, death and marriage certificate presented to him for record; and said United States Commissioner shall receive as compensation for his services in recording each of said certificates the fees prescribed by the Attorney General of the United States for similar services performed by United States Commissioners acting as ex-officio recorders. The United States Commissioner of each recording district shall on or before the tenth day of each month transmit to the Registrar of Vital Statistics all original certificates of birth, death and marriage filed with him for the preceding calendar month; and he shall at the same time submit to the Registrar an account of fees due for recording certificates of birth and death during the preceding calendar month, which account shall be audited by the Registrar, and if approved by him, shall be paid from the funds of Alaska.

Transmission and filing of certificates.

Section 27. REGISTRATION OF DIVORCES, ANNULMENTS AND ADOPTIONS. For each divorce or annulment of marriage, the clerk of the district court of the judicial division wherein such decree was granted shall prepare within thirty days after the decree becomes final, a certificate respecting such decree on a form furnished by the Registrar; and before the fifteenth day of each calendar month, the clerk shall forward to the Registrar the certificates prepared by him during the preceding calendar month. For rendering the said reports, the clerks of court shall be compensated by the Registrar in the same manner and at the same rate as is paid for other comparable vital statistics records.

Filing of divorces, annulments and adoptions.

Section 28. PAYMENT OF STATIONERY AND PRINTING EXPENSES. Appropriate forms, stationery,

and other printed matter incidental to recording of vital statistics under this Act shall be furnished by the Bureau of Vital Statistics and paid for by the Bureau.

Section 29. PENALTIES.

Penalties.

(a) Any person who willfully furnishes false or fraudulent information, or willfully makes or alters any certificate or certified copy thereof provided for in this Act, except in accordance with the provisions of this Act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one thousand dollars or imprisoned not more than three months, or subjected to both such fine and imprisonment. False return.

(b) Any person who knowingly transports or accepts for transportation, interment or other disposition, a dead body without an accompanying permit issued in accordance with the provisions of this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred dollars. Transfer of dead body without certificate.

(c) Except as to offenses covered by a different penalty as above set forth in this section, any person who violates any of the provisions of this Act or neglects or refuses to perform any of the duties imposed upon him by this Act, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than two hundred dollars. Other violations a misdemeanor.

Section 30. SEVERABILITY CLAUSE. If any provisions of this Act, or the application thereof to any person or circumstance is held invalid, the remainder of the Act and such application to other persons or circumstances shall not be affected thereby. Savings clause.

Section 31. UNIFORMITY OF INTERPRETATION. This Act shall be so construed as to effectuate its general purpose to make uniform the laws of those states or territories which enact it. Uniform interpretation.

Section 32. SHORT TITLE. This Act may be cited as the "Uniform Vital Statistics Act".

Repeals.

Section 33. REPEAL. Sec. 8-1-7, Secs. 40-11-1 to 40-11-12 inc., Secs. 40-11-21 to 40-11-23 inc. and Secs. 35-2-131 and 56-5-16 ACLA 1949 are hereby repealed.

Section 34. EFFECTIVE DATE. This Act shall take effect April 1, 1949.

Approved March 26, 1949.

CHAPTER 120

AN ACT

[Senate Judiciary Committee Substitute for H. B. 22]
Establishing the Alaska National Guard, providing for its organization and administration; making an appropriation and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Eligibility for
membership.

Section 1. GENERAL. All able bodied male citizens of this Territory and all other able bodied males who have or shall have declared their intention to become citizens of the United States, between the ages of eighteen and forty-five years, shall be eligible to membership in the Alaska Territorial Militia, hereinafter referred to as the National Guard, which is hereby created and established for Alaska.

Section 2. NATIONAL GUARD.

(1) The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-