

structed, installed, and made out of the proceeds of sale of the \$2,200,000 of vocational education school general obligation bonds of the state provided for in ch. 157, SLA 1962, and authorized by the qualified voters of the state at an election held on November 6, 1962, the governor shall have a feasibility study made before any bonds are sold. The study shall include consideration of the factors of size, type, and location, and also consider the following rules and standards:

- (1) the prospective attendance at the school;
- (2) the cost of acquisition or construction and equipping of the school;
- (3) the availability of participating money or other money to pay the cost of acquisition or construction and equipping, and of operating the school;
- (4) the population centers of the various areas in the Kodiak-Aleutians senate district and the degree of need of the people in these areas for the school;
- (5) the existence and accessibility of the other facilities of a similar nature in the areas and in the State;
- (6) the availability of utilities for, living and boarding facilities at, and means of transportation to the school;
- (7) the orderly and economic develop-

ment of the resources and industry of the state, and the educational development of its inhabitants;

(8) the general welfare of the state and its inhabitants.

Sec. 2. There is created a special fund of the state to be known as the "Kodiak-Aleutians Vocational Education School Construction Fund," into which shall be paid the proceeds of the sale of the bonds described in sec. 1 of this Act, except for accrued interest. For the purpose of carrying out the provisions of ch. 157, SLA 1962, and this Act, there is appropriated from the Kodiak-Aleutians Vocational Education School Construction Fund to the Department of Public Works the sum of \$2,200,000.

Sec. 3. There is created another special fund of the state to be known as the "Kodiak-Aleutians Vocational Education School General Obligation Bond Redemption Fund," to the credit of which there shall be set aside amounts of money necessary to pay the principal of and interest on the outstanding bonds of the issue described. The fund shall be used for the sole purpose of paying and securing the payment of principal and interest as they become due.

Sec. 4. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 13, 1963

## CHAPTER 58

### AN ACT

To provide a comprehensive marriage code for the State of Alaska; and providing for an effective date.

(H.B. 75)

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

Section 1. AS 25.05 is amended by adding new sections to read:

#### Article I

##### Requirements for Marriage

Sec. 25.05.011. **Civil Contract.** Marriage is a civil contract requiring both a license and solemnization which may

be entered into by (1) a male who is 21 years of age or older with a female who is 18 years of age or older, who are otherwise capable, or (2) those who qualify for a license under sec. 171 of this chapter. No person may be joined in marriage in this state until a license has been obtained for that purpose as provided in this chapter. No marriage performed in this state is valid without solemnization as provided in this chapter.

**Sec. 25.05.021. Prohibited Marriages.** Marriage is prohibited and void if performed when

(1) either party to the proposed marriage has a husband or wife living; or

(2) the parties to the proposed marriage are more closely related to each other than the fourth degree of consanguinity, whether of the whole or half blood, computed according to rules of the civil law.

**Sec. 25.05.031. Voidable Marriages.** When either party to a marriage is incapable of consenting to it at the time of the marriage for want of marriageable age of consent or sufficient understanding, or when the consent of either party is obtained by force or fraud, the marriage is voidable but only at the suit of the party under the disability or upon whom the force or fraud is imposed.

**Sec. 25.05.041. Matters Insufficient to Render Marriage Voidable.** (a) No marriage is voidable for any of the following reasons if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons married, or either of them, that they have been lawfully joined in marriage:

(1) the licensing officer did not have jurisdiction to issue the license;

(2) there was an omission, informality, or irregularity of form in the application for the license or in the license itself;

(3) either or both witnesses to the marriage were incompetent;

(4) the marriage was solemnized after the expiration date of the license;

(5) there were no witnesses to the marriage if a valid license was issued and if the solemnization of the marriage can be otherwise proven.

(b) When a license has been issued and the marriage solemnized as provided in this chapter and the parties to it have immediately thereafter assumed the habit and repute of husband and wife and have continued to cohabit as husband and wife for one year or until the death of either of them, the marriage shall not be void or voidable solely on

the ground the license cannot be produced.

**Sec. 25.05.051. Effect of Existing Former Marriage.** If, during the lifetime of a husband or wife with whom a marriage is still in force, a person remarries and the parties to the subsequent marriage live together as husband and wife, and one of the parties to the subsequent marriage believes in good faith that the former husband or wife is dead or that the former marriage has been annulled or dissolved by a divorce or is without knowledge of the former marriage, then, after the death or divorce of the other party to the former marriage, if they continue to live together as husband and wife in good faith on the part of one of them, they shall have been legally married from the time of removal of the impediment, and the issue of the subsequent marriage are the legitimate issue of both parents, whether born before or after the removal of the impediment.

**Sec. 25.05.061. Marriage without License.** All marriages contracted hereafter are void unless a license has first been obtained as provided in this chapter. If the parties to a marriage void for failure to obtain a license validate the marriage by complying with the requirements of this chapter, any issue of the void marriage are legitimate.

## Article II.

### Licensing Officers

**Sec. 25.05.071. Persons to Issue License.** Licensing officers are the only officials empowered to issue marriage licenses in accordance with the provisions of this chapter.

**Sec. 25.05.081. Marriage Commissioners.** The presiding judge in each judicial district may, when the public interest requires, appoint one or more suitable persons as marriage commissioners. A marriage commissioner may, within his jurisdiction, issue marriage licenses and solemnize marriages in the same manner as a magistrate, and may exercise any power necessarily incident to his duties. The presiding judge shall describe in the order of appointment of the marriage commissioner his area of jurisdiction. The clerk of court shall issue to the marriage commissioner a certified copy of the order of appointment,

and send a copy of it to the bureau.

### Article III.

#### Procedure to Obtain a License

Sec. 25.05.091. **Application for License.** One of the contracting parties to a prospective marriage shall, at least three days before the time of issuance, file with the licensing officer written, verbal, or telegraphic application for a license. Before issuance of the license, each contracting party shall file with the same licensing officer a premarital certificate; and shall make a statement under oath that the contemplated marriage meets the requirements of law, giving the names, relationship if any, residence, occupation, and age of each party; naming guardians of any party under the legal age for marriage; and describing any prior marriage or marriages of either party, and the manner of dissolution of them. This statement may be made and executed before a notary public or postmaster who shall certify it to the licensing officer.

Sec. 25.05.101. **Premarital Certificate.** Before a licensing officer issues a marriage license, each party shall file with him a premarital certificate from a licensed physician or surgeon stating (1) the name and age of the applicant; (2) that the applicant has been given a physical examination, including a standard serological test for syphilis; and (3) that, in the opinion of the physician or surgeon, the applicant is not infected with venereal disease, or, if infected, is not in and will not reach a stage of the disease in which the disease is communicable. No license shall be issued more than 30 days after the serological test.

Sec. 25.05.111. **Issuance of License.** No marriage license shall be issued unless both of the contracting parties are identified to the satisfaction of the licensing officer. If all requirements have been met, and there is no legal objection to the contemplated marriage; and neither party is under the influence of intoxicating liquor or otherwise incapable of understanding the seriousness of the proceeding, the licensing officer shall issue a license.

Sec. 25.05.121. **Marriage License.** The marriage license issued by any licensing officer in this state authorizes the mar-

riage ceremony to be performed anywhere in the state. The license shall be directed "to any person authorized by the laws of this state to solemnize marriage," and shall authorize him to solemnize marriage between the parties identified by the license within three months of the date of the license. If either party is not of legal age for marriage, his or her age and the fact of the consent of his or her parents or guardian shall be stated. If either party has previously been married, the number of previous marriages shall be stated. The registrar may require other matter necessary to identify the parties to be included in the license. The issuance of a license does not remove or dispense with any legal disability, impediment, or prohibition rendering marriage between the parties illegal, and a statement to that effect shall be included in the license.

### Article IV.

#### Medical Reports

Sec. 25.05.131. **Laboratory Report of Standard Serological Test.** The person in charge of the laboratory making the serological test or tests or some other person authorized to make such reports shall make on the premarital certificate the required report setting forth the name of the test, the date it was made, the name and address of the physician or surgeon to whom the report was sent, and the name and address of the person whose blood was tested, but not stating the result of the test.

Sec. 25.05.141. **Laboratory Results Confidential.** A detailed report of the standard serological tests on a separate laboratory report form to be furnished by the department, together with the premarital certificate, shall be sent from the laboratory to the physician requesting the report. The physician shall retain this report as a part of his confidential files. A duplicate shall be sent by the laboratory to the department where it shall be held in absolute confidence and shall not be open for public inspection. The report shall not be produced for evidence in any court. The reports may be used in the compilation of aggregate statistics and reports without disclosing the identities of the persons involved.

Sec. 25.05.151. **Tests and Laborator-**

ies. For the purposes of this chapter, a standard serological test is a test for syphilis approved by the department, made at a laboratory or clinic approved by the department. The department may make regulations pursuant to the Administrative Procedure Act (AS 44.62) governing the approval of laboratories or clinics for standard serological tests. The laboratories of the department shall make required premarital laboratory tests without charge on the request of any licensed physician or surgeon. In submitting the sample to the laboratory, the physician shall identify it as a premarital test sample.

#### Article V.

##### Special Circumstances

Sec. 25.05.161. **Waiver of Waiting Period.** If a three-day waiting period would result in undue hardship or delay in an individual case, the licensing officer may waive the three-day requirement.

Sec. 25.05.171. **Marriageable Age of Consent.** (a) A license may be issued to a person under the legal age of marriage if he or she has attained the marriageable age of consent, which is 18 years of age for males and 16 years of age for females, but only if the consent of the minor's parents, or guardian, or of the parent having actual care, custody, and control of the minor is obtained. Consent shall be given by them under oath and filed of record in the office of the licensing officer and entered by him on the marriage license docket before he issues the license. If there is no guardian of the minor or if there is no competent person having actual care, custody, and control of the minor, then the licensing officer may, in his discretion, make an order consenting to the marriage of the minor.

(b) If either or both of the applicants are under the marriageable age of consent but present the consents required by (a) of this section, and if the female applicant also presents a certificate from a licensed physician stating that the female applicant is pregnant, and if the other requirements have been met, the licensing officer shall issue the marriage license. If there is no licensed physician in the area, the licensing officer may issue the certificate recommending marriage.

Sec. 25.05.181. **Waiver Order.** A licensing officer may, on joint application by both applicants for a marriage license, waive the requirements as to physical examinations, laboratory tests, and premarital certificates if he believes that the public health and welfare will not be adversely affected and if (1) there is no licensed physician or surgeon to make the physical examination in the area in which the applicants and the licensing officer reside; or (2) a delay has been certified by the physician taking the blood test in a community where no laboratory is located, the certificate stating that the blood test was sent to the laboratory at least three days before the certification and that no return has as yet been received from the laboratory; or (3) the examination or test is contrary to the tenets or practices of the religious creed of which the applicant is an adherent. The waiver order shall be filed with the marriage license docket in lieu of the premarital certificates. No fee or court costs for the waiver order may be charged.

#### Article VI.

##### Forms, Records, and Reports

Sec. 25.05.191. **Marriage License Docket.** Each licensing officer shall keep in his office, in a book to be provided to him by the bureau, a marriage license docket, and shall enter a complete record of the applications for and the issuance of all marriage licenses and of all other information he is required by law to obtain. 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. Docket sheets and related forms pertaining to applications or licenses issued under sec. 171(b) of this chapter shall be removed from the docket and shall not be open to public inspection.

Sec. 25.05.201. **Notes on Docket.** When the licensing officer issues any marriage license, he shall indicate on the corresponding marriage license docket sheet that he has on file the premarital certificates of each applicant or a waiver order. He shall enter the dates of the laboratory tests or the waiver order. The licensing officer shall attach the premarital certificates or waiver order to the docket sheet.

**Sec. 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 within 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 by him during the preceding month, and any fees and reports required by rule of the supreme court.

**Sec. 25.05.221. Forms.** (a) Forms for applications, statements, consent of parents, affidavits, licenses, and other forms necessary to comply with this chapter shall be prescribed by the registrar and provided at the expense of the state. The registrar shall furnish all necessary forms to each licensing officer. He shall provide him with a suitable book in which to keep the marriage license docket. The forms for the premarital certificate shall be provided and distributed by the department to approved laboratories or clinics inside the state. A premarital certificate which has been approved by the proper authority in any state or Canadian province requiring premarital examinations for venereal disease shall be accepted in Alaska.

(b) The registrar shall supervise the record work and required reporting of the licensing officers. In other respects, the licensing officers are under the supervision of the supreme court.

**Sec. 25.05.231. Reports of Licenses Issued.** The registrar may require reports of licenses issued upon forms to be furnished by him.

**Sec. 25.05.241. Fees.** The supreme court shall establish marriage license fees and provide for accounting for and disposing of the fees.

**Sec. 25.05.251. Vital Statistics Act.** Nothing in this chapter repeals or abrogates any part of AS 18.50, the Vital Statistics Act. The records and requirements leading up to and including the issuance of the marriage license are not included in the definition of "vital statistics" under that Act; however, the registrar shall supply the necessary

forms and instructions for the record work of the licensing officers.

## Article VII.

### Solemnization

**Sec. 25.05.261. Who May Solemnize.** (a) Marriages may be solemnized (1) by a minister, priest, or rabbi of any church or congregation in the state, or by a commissioned officer of the Salvation Army, or by the principal officer or elder of recognized churches or congregations which traditionally do not have regular ministers, priests, or rabbis, anywhere within the state; (2) by a marriage commissioner or judicial officer of the state anywhere within his jurisdiction; or (3) before or in any religious organization or congregation according to the established ritual or form commonly practiced therein.

(b) No provision of this section shall be construed to waive the requirement for obtaining a marriage license.

**Sec. 25.05.271. Duty of Officiating Person before Ceremony.** The officiating person shall satisfy himself that the parties presenting themselves to be married by him are the parties named in the license. If he knows of any legal impediment to the marriage, he shall not perform the ceremony.

**Sec. 25.05.281. Marriage Solemnized by Unauthorized Person.** After a license has been obtained, a marriage solemnized before any person professing to be a minister, priest, or rabbi of any church or congregation in the state or any judicial officer or marriage commissioner is valid, regardless of a lack of power or authority in the person, if the marriage is consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

**Sec. 25.05.291. Civil and Religious Ceremonies.** When a religious ceremony between two parties follows a civil ceremony between them, one license is sufficient for both ceremonies.

**Sec. 25.05.301. Form of Solemnization.** In the solemnization of marriage, no particular form is required except that the parties shall assent or declare in the presence of each other and the person solemnizing the marriage and in

the presence of at least two competent witnesses that they take each other to be husband and wife. A competent witness for this purpose is a person of sound mind capable of understanding the seriousness of the ceremony. At the time of the ceremony, the person solemnizing the marriage shall complete the certification on the original marriage certificate, and he and the two attending witnesses shall sign the original marriage certificate and the necessary copies.

**Sec. 25.05.311. Marriage without Solemnization.** All marriages contracted hereafter are void unless the marriage has been solemnized as provided in this chapter. If the parties to a marriage void for failure to solemnize the marriage validate the marriage by complying with the requirements of this chapter, any issue of the void marriage are legitimate.

**Sec. 25.05.321. Certificates.** The person solemnizing the marriage shall, on the forms provided by the bureau, complete two short-form certificates, and, after he and the two witnesses have signed them, give one to each of the parties to the marriage. Any church or congregation may design and furnish its own form for this purpose, containing as a minimum the items contained in the form furnished by the bureau. The original marriage certificate and any required copies shall be filed as required by the Vital Statistics Act (AS 18.50) and regulations issued pursuant to it. The person solemnizing the marriage shall keep the license.

#### Article VIII.

##### Penalties

**Sec. 25.05.331. Unlawful Issuance or Refusal of License.** A licensing officer who knowingly issues a marriage license knowing it to be in violation of the provisions of this chapter or who wilfully and wrongfully refuses to issue a license is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than six months, or by a fine of not more than \$500, or by both.

**Sec. 25.05.341. Misrepresentation and Violation of Confidence.** A person who misrepresents any fact required to be stated on the application for a license or any form related to it; or a licensing

officer who issues a marriage license without the required premarital certificates or waiver order, or who issues a marriage license having reason to believe that any material facts have been misrepresented; or a state official or employee who knowingly and wilfully discloses to an unauthorized person any information disclosing identity from a premarital laboratory report; or any person who otherwise fails to comply with the provisions of the premarital examination requirements of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500.

**Sec. 25.05.351. Violation Concerning Marriage License Docket.** A licensing officer who refuses or neglects to enter upon the marriage license docket before the license has been issued a complete record of each application and of each marriage license issued from his office, or who fails to keep the marriage license docket open for inspection or examination by the public during office hours, or who permits the inspection of docket sheets which are specifically excluded from public inspection and examination by secs. 171(b) and 191 of this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$50. Each failure, neglect, or refusal constitutes a separate offense.

**Sec. 25.05.361. Unlawful Solemnization of Marriage.** Anyone who solemnizes a marriage without first receiving a proper marriage license from the parties as provided in this chapter, or without the parties' declaring to take each other as husband and wife, or without requiring the presence of two competent witnesses; or who solemnizes a marriage involving a person under the legal age of marriage without the consent of the licensing official when authorized, the parents or the guardian of such person being stated in the license; or who solemnizes a marriage knowing of any legal impediment thereto; or who solemnizes a marriage after the expiration of the license; or who falsely certifies to the date of a marriage solemnized by him is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than six months, or by a fine of not more than \$500, or by both.

Sec. 25.05.371. **Solemnization of Marriage by Unauthorized Person.** A person not authorized by this chapter who wilfully or knowingly undertakes to solemnize a marriage in this state is guilty of a misdemeanor and, upon conviction, is punishable by imprisonment for not more than one year, or by a fine of not more than \$1,000, or by both.

#### Article IX.

##### General Provisions

Sec. 25.05.381. **Definitions.** As used in this chapter,

(1) "department" means the Department of Health and Welfare;

(2) "bureau" means the Bureau of

Vital Statistics;

(3) "registrar" means the State Registrar of Vital Statistics;

(4) "licensing officer" means any district or deputy magistrate, or a marriage commissioner appointed under sec. 81 of this chapter.

Sec. 25.05.391. **Short Title.** This chapter may be cited as the "Alaska Marriage Code."

Sec. 2. AS 25.05.010 - AS 25.05.280 and AS 25.10 are repealed.

Sec. 3. This Act takes effect on January 1, 1964.

Approved April 13, 1963

## CHAPTER 59

### AN ACT

**Relating to service of process on a resident owner or operator of a motor vehicle under the nonresident motorist statutes.**

(H.B. 160)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. AS 09.05 is amended by adding a new section to read:

Sec. 09.05.040. **Service of Process on Resident Owner or Operator Who Leaves State after Accident or Collision.** A resident who has operated a motor vehicle,

or has owned a motor vehicle operated with his express or implied consent which has been involved in an accident or collision on a public highway, and who has moved to another state after the accident or collision shall be treated as a nonresident for service of process as provided under secs. 20 - 30 of this chapter.

Approved April 13, 1963

## CHAPTER 60

### AN ACT

**Relating to the New York World's Fair of 1964-1965; granting powers and duties necessary to an Alaska exhibit; and providing for an effective date.**

(H.B. 179)

**Be it enacted by the Legislature of the State of Alaska:**

Section 1. This Act authorizes and directs the construction and operation of an Alaska exhibit in the New York World's

Fair of 1964-1965. All powers and authority necessary to the accomplishment of this project are granted by this Act to any department of the state which can contribute assistance or skills.