

SENATE BILL NO. 283—SENATORS PARKS; AND COFFIN

MARCH 16, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing the rights of domestic partners. (BDR 11-1100)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~is material to be omitted~~ is material to be omitted.

AN ACT relating to domestic relations; providing for the registration and dissolution of domestic partnerships in the State of Nevada; setting forth the rights and responsibilities attendant to such partnerships; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill establishes a domestic partnership as a new type of civil contract
2 recognized in the State of Nevada. Under the provisions of this bill, domestic
3 partners have the same rights, protections, benefits, responsibilities, obligations and
4 duties as do parties to any other civil contract created pursuant to title 11 of NRS.
5 This bill also clarifies that a domestic partnership is not a marriage for the purposes
6 of Section 21 of Article 1 of the Nevada Constitution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Title 11 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 11, inclusive, of this act.

4 **Sec. 2.** *This chapter may be cited as the Nevada Domestic
5 Partnership Act.*

6 **Sec. 3.** *As used in this chapter, unless the context otherwise
7 requires, the words and terms defined in sections 4 and 5 of this
8 act have the meanings ascribed to them in those sections.*



1 **Sec. 4.** *“Domestic partners” means persons who:*

2 1. *Have registered a valid domestic partnership pursuant to*
3 *section 6 of this act; and*

4 2. *Have not terminated that domestic partnership pursuant to*
5 *section 8 of this act.*

6 **Sec. 5.** *“Domestic partnership” means the social contract*
7 *between two persons that is described in section 6 of this act.*

8 **Sec. 6.** 1. *A valid domestic partnership is registered in the*
9 *State of Nevada when two persons who satisfy the requirements of*
10 *subsection 2:*

11 (a) *File with the Office of the Secretary of State, on a form*
12 *prescribed by the Secretary of State, a signed and notarized*
13 *statement declaring that both persons:*

14 (1) *Have chosen to share one another’s lives in an intimate*
15 *and committed relationship of mutual caring; and*

16 (2) *Desire of their own free will to enter into a domestic*
17 *partnership; and*

18 (b) *Pay to the Office of the Secretary of State a reasonable*
19 *filing fee established by the Secretary of State, which filing fee*
20 *must not exceed the total of an amount set by the Secretary of*
21 *State to estimate:*

22 (1) *The cost incurred by the Secretary of State to issue the*
23 *Certificate described in subsection 3; and*

24 (2) *Any other associated administrative costs incurred by*
25 *the Secretary of State.*

26 2. *To be eligible to register pursuant to subsection 1, two*
27 *persons desiring to enter into a domestic partnership must furnish*
28 *proof satisfactory to the Office of the Secretary of State that:*

29 (a) *Both persons have a common residence;*

30 (b) *Neither person is married or a member of another domestic*
31 *partnership;*

32 (c) *The two persons are not related by blood in a way that*
33 *would prevent them from being married to each other in this*
34 *State;*

35 (d) *Both persons are at least 18 years of age; and*

36 (e) *Both persons are competent to consent to the domestic*
37 *partnership.*

38 3. *The Office of the Secretary of State shall issue a Certificate*
39 *of Registered Domestic Partnership to persons who satisfy the*
40 *requirements of this section.*

41 4. *As used in this section:*

42 (a) *“Common residence” means a residence shared by both*
43 *domestic partners on at least a part-time basis, irrespective of*
44 *whether:*



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1 (1) Ownership of the residence or the right to occupy the
2 residence is in the name of only one of the domestic partners; and

3 (2) One or both of the domestic partners owns or occupies
4 an additional residence.

5 (b) "Residence" means any house, room, apartment, tenement
6 or other building, vehicle, vehicle trailer, semitrailer, house trailer
7 or boat designed or intended for occupancy as a residence.

8 **Sec. 7. 1. Domestic partners have the same rights,**
9 **protections and benefits, and are subject to the same**
10 **responsibilities, obligations and duties under law, whether derived**
11 **from statutes, administrative regulations, court rules, government**
12 **policies, common law or any other provisions or sources of law, as**
13 **are granted to and imposed upon spouses.**

14 **2. Former domestic partners have the same rights,**
15 **protections and benefits, and are subject to the same**
16 **responsibilities, obligations and duties under law, whether derived**
17 **from statutes, administrative regulations, court rules, government**
18 **policies, common law or any other provisions or sources of law, as**
19 **are granted to and imposed upon former spouses.**

20 **3. A surviving domestic partner, following the death of the**
21 **other partner, has the same rights, protections and benefits, and is**
22 **subject to the same responsibilities, obligations and duties under**
23 **law, whether derived from statutes, administrative regulations,**
24 **court rules, government policies, common law or any other**
25 **provisions or sources of law, as are granted to**
26 **and imposed upon a widow or a widower.**

27 **4. The rights and obligations of domestic partners with**
28 **respect to a child of either of them are the same as those of**
29 **spouses. The rights and obligations of former or surviving**
30 **domestic partners with respect to a child of either of them are the**
31 **same as those of former or surviving spouses.**

32 **5. To the extent that provisions of Nevada law adopt, refer to**
33 **or rely upon provisions of federal law in a way that otherwise**
34 **would cause domestic partners to be treated differently from**
35 **spouses, domestic partners must be treated by Nevada law as if**
36 **federal law recognized a domestic partnership in the same manner**
37 **as Nevada law.**

38 **6. Domestic partners have the same right to**
39 **nondiscriminatory treatment as that provided to spouses.**

40 **7. A public agency in this State shall not discriminate against**
41 **any person or couple on the basis or ground that the person is a**
42 **domestic partner rather than a spouse or that the couple are**
43 **domestic partners rather than spouses.**

44 **8. The provisions of this chapter do not preclude a public**
45 **agency from exercising its regulatory authority to carry out laws**



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1 providing rights to, or imposing responsibilities upon, domestic
2 partners.

3 9. Where necessary to protect the rights of domestic partners
4 pursuant to this chapter, gender-specific terms referring to
5 spouses must be construed to include domestic partners.

6 10. For the purposes of the statutes, administrative
7 regulations, court rules, government policies, common law and
8 any other provision or source of law governing the rights,
9 protections and benefits, and the responsibilities, obligations and
10 duties of domestic partners in this State, as effectuated by the
11 provisions of this chapter, with respect to:

12 (a) Community property;

13 (b) Mutual responsibility for debts to third parties;

14 (c) The right in particular circumstances of either partner to
15 seek financial support from the other following the dissolution of
16 the partnership; and

17 (d) Other rights and duties as between the partners concerning
18 ownership of property,

19 any reference to the date of a marriage shall be deemed to refer
20 to the date of registration of the domestic partnership.

21 11. As used in this section, "public agency" means an
22 agency, bureau, board, commission, department or division of the
23 State of Nevada or a political subdivision of the State of Nevada.

24 **Sec. 8. 1.** Except as otherwise provided in subsection 2,
25 domestic partners who wish to terminate a domestic partnership
26 registered pursuant to section 6 of this act must follow the
27 procedures set forth in chapter 125 of NRS.

28 2. If a domestic partnership meets the criteria specified in
29 subsection 3, domestic partners in a domestic partnership
30 registered pursuant to section 6 of this act may terminate the
31 domestic partnership by:

32 (a) Filing with the Office of the Secretary of State, on a form
33 prescribed by the Secretary of State, a signed and notarized
34 statement declaring that both persons have chosen of their own
35 free will to terminate the domestic partnership; and

36 (b) Paying to the Office of the Secretary of State a reasonable
37 filing fee established by the Secretary of State, which filing fee
38 must not exceed the total of any administrative costs incurred by
39 the Secretary of State.

40 3. For a domestic partnership to qualify for the simplified
41 termination proceedings set forth in subsection 2, all of the
42 following conditions must exist at the time of the filing pursuant to
43 that subsection:

44 (a) The domestic partnership has been registered for 5 years or
45 less.



1 (b) There are no minor children of the relationship of the
2 parties born before or during the domestic partnership or adopted
3 by the parties during the domestic partnership and no female
4 member of the domestic partnership, to her knowledge, is
5 pregnant, or the parties have executed an agreement as to the
6 custody of any children and setting forth the amount and manner
7 of their support.

8 (c) There is no community or joint property or the parties have
9 executed an agreement setting forth the division of community
10 property and the assumption of liabilities of the community, if any,
11 and have executed any deeds, certificates of title, bills of sale or
12 other evidence of transfer necessary to effectuate the agreement.

13 (d) The parties waive any rights to support or the parties have
14 executed an agreement setting forth the amount and manner of
15 support.

16 (e) The parties waive any right to the conduct of more
17 comprehensive proceedings pursuant to chapter 125 of NRS.

18 **Sec. 9.** A legal union of two persons, other than a marriage,
19 that was validly formed in another jurisdiction, and that is
20 substantially equivalent to a domestic partnership as defined in
21 this chapter, must be recognized as a valid domestic partnership in
22 this State regardless of whether the union bears the name of a
23 domestic partnership.

24 **Sec. 10.** A domestic partnership is not a marriage for the
25 purposes of Section 21 of Article 1 of the Nevada Constitution.

26 **Sec. 11.** The provisions of this chapter must be construed
27 liberally to the effect of resolving any doubt or question in favor of
28 finding that a domestic partnership is a valid civil contract entitled
29 to be treated in all respects under the laws of this State as any
30 other civil contract created pursuant to title 11 of NRS would be
31 treated.

