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SENATE BILL NO. 283—SENATORS PARKS; AND COFFIN

MARCH 16, 2009

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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.

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

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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.

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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:**



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*



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 I 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.***







