

Amendment No. 739

Senate Amendment to Assembly Bill No. 406 First Reprint (BDR 11-523)

Proposed by: Senate Committee on Government Affairs**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate requested by the affected local government to A.B. 406 (§ 2).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) ***blue bold italics*** is new language in the original bill; (2) ***green bold italic underlining*** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold*** is newly added transitory language.

SJA/EGO



Date: 5/21/2007

A.B. No. 406—Revises various provisions relating to marriage licenses.
(BDR 11-523)



ASSEMBLY BILL NO. 406—ASSEMBLYMEN KOIVISTO, PARKS, CONKLIN, GERHARDT, KIHUEN, KIRKPATRICK, MANENDO, MCCLAIN, OHRENSCHALL, PIERCE, SEGERBLOM, SMITH, STEWART AND WOMACK

MARCH 19, 2007

Referred to Committee on Judiciary

SUMMARY—Revises various provisions relating to marriage licenses. (BDR 11-523)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (\$2)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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

AN ACT relating to marriage; ~~requiring~~ **revising the authority of** the board of county commissioners of certain counties to designate a branch office of the county clerk at which marriage licenses may be issued ; ~~and to establish and maintain that branch office in certain incorporated cities;~~ **revising the requirements to obtain a marriage license;** revising provisions governing the content of marriage **licenses and** certificates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires persons who wish to marry to obtain a license from the county clerk of any county in the State. This license must be issued at the seat of the county, unless the board of county commissioners, at the request of the county clerk, has designated a branch office of the county clerk at which marriage licenses may be issued. (NRS 122.040) **Section 2** of this bill requires the board of county commissioners of a county whose population is 400,000 or more (currently Clark County) to designate one branch office of the county clerk at which marriage licenses may be issued ~~and to establish and maintain that branch office~~ , **which must be established and maintained** in an incorporated city whose population is 150,000 or more ~~and~~ **but less than 300,000** (currently Henderson). **In addition, section 2 increases from two to not more than four the number of such branch offices that the board of county commissioners in a county whose population is 400,000 or more is authorized to designate.**

Existing law provides that, before issuing a marriage license, the county clerk may require the applicant to produce evidence that the applicant is of age. (NRS 122.040) **Section 2 of this bill requires each applicant for a marriage license to provide proof of the applicant's name and age by presenting certain documents to the county clerk.**

Existing law requires an applicant for a marriage license to answer under oath each question contained in the form of license and to include his social security number on the affidavit of application for a marriage license. (NRS 122.040) **Section 2 of this bill**

requires both applicants for a marriage license to satisfy these requirements, unless the county clerk or a district court finds that extraordinary circumstances prevent one applicant from appearing before the county clerk, and authorizes the county clerk to issue the license if one applicant satisfies these requirements.

Existing law ~~provides for~~ prescribes the content of marriage licenses and marriage certificates. (NRS 122.050, 122.120) Section 3.5 of this bill requires a marriage license to include the name of each applicant as shown on the documents presented to provide proof of the applicant's name and age. Section 4 of this bill requires a marriage certificate to include the date of birth of each applicant.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more ~~may~~:

(1) *Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more ~~and~~ but less than ~~400,000~~ 300,000; and*

(2) *May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate ~~two~~ not more than four branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.*

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Before issuing a marriage license, the county clerk ~~may require evidence that the applicant for the license is of age. The county clerk shall accept a statement under oath by the applicant and the applicant's parent, if available, that the applicant is of age.~~ *shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:*

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and a secondary form of identification that contains the name of the applicant. If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that the county clerk determines provides proof of the applicant's name and age.

3. ~~(The)~~ Except as otherwise provided in subsection 4, the county clerk issuing the license shall require ~~the~~ each applicant to answer under oath each of the questions contained in the form of license. ~~.f) (and, if the applicant cannot answer positively any questions with reference to the other person named in the license, the clerk shall require both persons named in the license to appear before him and to answer, under oath, the questions contained in the form of license.)~~ The county clerk shall require ~~the~~ each applicant to include ~~this~~ the applicant's social security number ~~(and the social security number of the other person named in the license)~~ on the affidavit of application for the marriage license. If ~~either~~ a person does not have a social security number, the person ~~(responding to the question)~~ must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person ~~(responding to the question, he)~~ the person must state that the answer is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➤ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that he saw the parent or guardian subscribe his name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

~~5.6.~~ 6. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to him in writing.

~~6.7.~~ 7. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

~~7.8.~~ 8. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. (Deleted by amendment.)

MARRIAGE LICENSE
(EXPIRES 1 YEAR AFTER ISSUANCE)

Witness my hand and the seal of the county, this day of the month of of the year

Deputy clerk

2. The certificate of marriage **must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. The certificate of marriage** must be in substantially the following form:

State of Nevada }
County of..... } ss.

This is to certify that the undersigned, (a minister of the gospel, judge, justice of the peace of County, commissioner of civil marriages or deputy commissioner of civil marriages, as the case may be), did on the day of the month of of the year, at (address or church), (city), Nevada, join in lawful wedlock (name), of (city), State of, *Date of birth*, and (name), of(city), State of, *Date of birth*, with their mutual consent, in the presence of and (witnesses).

(Seal of County Clerk)
Signature of person performing
the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of section 2 of this act.

Sec. 6. This act becomes effective on January 1, 2008.