

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.

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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 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:

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

Section 8 of this bill sets forth that no public employer in this State is required to provide health care benefits to or for the domestic partner of an officer or employee. **Section 8** also clarifies that any public or private employer in this State may voluntarily provide health care benefits to or for the domestic partner of an officer or employee upon such terms and conditions as the affected parties may deem appropriate.



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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 12, inclusive, of this act.

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

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

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

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

2. Have not terminated that domestic partnership pursuant to section 9 of this act.

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

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

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

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

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

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

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

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

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

(a) Both persons have a common residence;

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

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



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- 1 (d) Both persons are at least 18 years of age; and
2 (e) Both persons are competent to consent to the domestic
3 partnership.

4 3. The Office of the Secretary of State shall issue a Certificate
5 of Registered Domestic Partnership to persons who satisfy the
6 requirements of this section.

7 4. As used in this section:

8 (a) "Common residence" means a residence shared by both
9 domestic partners on at least a part-time basis, irrespective of
10 whether:

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

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

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

18 Sec. 7. 1. Except as otherwise provided in section 8 of this
19 act:

20 (a) Domestic partners have the same rights, protections and
21 benefits, and are subject to the same responsibilities, obligations
22 and duties under law, whether derived from statutes,
23 administrative regulations, court rules, government policies,
24 common law or any other provisions or sources of law, as are
25 granted to and imposed upon spouses.

26 (b) Former domestic partners have the same rights, protections
27 and benefits, and are subject to the same responsibilities,
28 obligations and duties under law, whether derived from statutes,
29 administrative regulations, court rules, government policies,
30 common law or any other provisions or sources of law, as are
31 granted to and imposed upon former spouses.

32 (c) A surviving domestic partner, following the death of the
33 other partner, has the same rights, protections and benefits, and is
34 subject to the same responsibilities, obligations and duties under
35 law, whether derived from statutes, administrative regulations,
36 court rules, government policies, common law or any other
37 provisions or sources of law, as are granted to and imposed upon a
38 widow or a widower.

39 (d) The rights and obligations of domestic partners with
40 respect to a child of either of them are the same as those of
41 spouses. The rights and obligations of former or surviving
42 domestic partners with respect to a child of either of them are the
43 same as those of former or surviving spouses.

44 (e) To the extent that provisions of Nevada law adopt, refer to
45 or rely upon provisions of federal law in a way that otherwise



1 would cause domestic partners to be treated differently from
2 spouses, domestic partners must be treated by Nevada law as if
3 federal law recognized a domestic partnership in the same manner
4 as Nevada law.

5 (f) Domestic partners have the same right to
6 nondiscriminatory treatment as that provided to spouses.

7 (g) A public agency in this State shall not discriminate against
8 any person or couple on the basis or ground that the person is a
9 domestic partner rather than a spouse or that the couple are
10 domestic partners rather than spouses.

11 (h) The provisions of this chapter do not preclude a public
12 agency from exercising its regulatory authority to carry out laws
13 providing rights to, or imposing responsibilities upon, domestic
14 partners.

15 (i) Where necessary to protect the rights of domestic partners
16 pursuant to this chapter, gender-specific terms referring to
17 spouses must be construed to include domestic partners.

18 (j) For the purposes of the statutes, administrative regulations,
19 court rules, government policies, common law and any other
20 provision or source of law governing the rights, protections and
21 benefits, and the responsibilities, obligations and duties of
22 domestic partners in this State, as effectuated by the provisions of
23 this chapter, with respect to:

24 (1) Community property;

25 (2) Mutual responsibility for debts to third parties;

26 (3) The right in particular circumstances of either partner
27 to seek financial support from the other following the dissolution
28 of the partnership; and

29 (4) Other rights and duties as between the partners
30 concerning ownership of property,

31 ↪ any reference to the date of a marriage shall be deemed to refer
32 to the date of registration of the domestic partnership.

33 2. As used in this section, "public agency" means an agency,
34 bureau, board, commission, department or division of the State of
35 Nevada or a political subdivision of the State of Nevada.

36 Sec. 8. 1. The provisions of this chapter do not require a
37 public employer in this State to provide health care benefits to or
38 for the domestic partner of an officer or employee.

39 2. Subsection 1 does not prohibit any public or private
40 employer from voluntarily providing health care benefits to or for
41 the domestic partner of an officer or employee upon such terms
42 and conditions as the affected parties may deem appropriate.

43 Sec. 9. 1. Except as otherwise provided in subsection 2,
44 domestic partners who wish to terminate a domestic partnership



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1 registered pursuant to section 6 of this act must follow the
2 procedures set forth in chapter 125 of NRS.

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

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

11 (b) Paying to the Office of the Secretary of State a reasonable
12 filing fee established by the Secretary of State, which filing fee
13 must not exceed the total of any administrative costs incurred by
14 the Secretary of State.

15 3. For a domestic partnership to qualify for the simplified
16 termination proceedings set forth in subsection 2, all of the
17 following conditions must exist at the time of the filing pursuant to
18 that subsection:

19 (a) The domestic partnership has been registered for 5 years or
20 less.

21 (b) There are no minor children of the relationship of the
22 parties born before or during the domestic partnership or adopted
23 by the parties during the domestic partnership and no female
24 member of the domestic partnership, to her knowledge, is
25 pregnant, or the parties have executed an agreement as to the
26 custody of any children and setting forth the amount and manner
27 of their support.

28 (c) There is no community or joint property or the parties have
29 executed an agreement setting forth the division of community
30 property and the assumption of liabilities of the community, if any,
31 and have executed any deeds, certificates of title, bills of sale or
32 other evidence of transfer necessary to effectuate the agreement.

33 (d) The parties waive any rights to support or the parties have
34 executed an agreement setting forth the amount and manner of
35 support.

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

38 **Sec. 10.** A legal union of two persons, other than a marriage
39 as recognized by the Nevada Constitution, that was validly formed
40 in another jurisdiction, and that is substantially equivalent to a
41 domestic partnership as defined in this chapter, must be
42 recognized as a valid domestic partnership in this State regardless
43 of whether the union bears the name of a domestic partnership.

44 **Sec. 11.** A domestic partnership is not a marriage for the
45 purposes of Section 21 of Article 1 of the Nevada Constitution.



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1 **Sec. 12.** *The provisions of this chapter must be construed*
2 *liberally to the effect of resolving any doubt or question in favor of*
3 *finding that a domestic partnership is a valid civil contract entitled*
4 *to be treated in all respects under the laws of this State as any*
5 *other civil contract created pursuant to title 11 of NRS would be*
6 *treated.*

