

Amendment No. 765

Assembly Amendment to Senate Bill No. 381 First Reprint (BDR 11-227)

Proposed by: Assemblyman Horne

Amendment Box: Consistent with Amendment No. 730.

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

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 underlining* is newly added transitory language.

MNM/BJE



Date: 5/29/2011

S.B. No. 381—Revises provisions concerning the issuance of marriage licenses.
(BDR 11-227)



SENATE BILL NO. 381—SENATOR MANENDO

MARCH 21, 2011

Referred to Committee on Judiciary

SUMMARY—Revises provisions concerning ~~[the issuance of marriage licenses.]~~
counties. (BDR 11-227)

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

~

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

AN ACT relating to ~~[marriage; revising provisions concerning the issuance of marriage licenses;]~~ counties; providing for the establishment of county programs for the issuance of marriage licenses by certain commercial wedding chapels; removing the prospective expiration of provisions allowing a county office to deviate from the required hours of operation under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that before two people may be joined in marriage, they must obtain a marriage license from the county clerk of any county in the State. (NRS 122.040) **Section 8.5** of this bill requires the board of county commissioners in each county whose population is less than 700,000 (currently all counties other than Clark County) and in which a commercial wedding chapel has been in business for 5 years or more to: (1) ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or (2) provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses during the hours when an office where marriage licenses may be issued is not open to the public. Any such program that is established must authorize a commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing a completed registration form with the county clerk, along with a performance bond in the amount of \$50,000.

Section 8.5 also requires a commercial wedding chapel to refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license, and provides that the persons to whom a commercial wedding chapel issues a marriage license may only be joined in marriage in the county in which the marriage license is issued. **Section 8.5** further provides that a commercial wedding chapel that violates any provision relating to the issuance of marriage licenses is guilty of a misdemeanor.

Existing law also establishes the required hours of operation for county offices, including offices where marriage licenses may be issued. (NRS 122.061, 245.040, 252.050) However, for the period between March 11, 2010, and June 30, 2011, county offices are authorized under existing law to deviate from those required hours of operation if the board of county commissioners approves the plan for the deviation submitted by the

office. (Chapter 9, Statutes of Nevada 2010, 26th Special Session, p. 50) Section 9.7 of this bill makes the temporary authority to deviate from the required hours of operation permanent.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. *“Commercial wedding chapel” means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.*

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. 1. *In each county whose population is less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:*

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. *Except as otherwise provided in subsection 3, a program established pursuant to paragraph (b) of subsection 1 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of \$50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of chapter 603A of NRS that ensure the security of personal information submitted by applicants for a marriage license.*

3. *A commercial wedding chapel shall refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license.*

4. *The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.*

5. *A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:*

1 (a) *File the original application for a marriage license with the county clerk*
2 *on the first available business day after completion of the application;*

3 (b) *Collect from an applicant for a marriage license all fees required by law*
4 *to be collected; and*

5 (c) *Remit all fees collected to the county clerk, in the manner required by the*
6 *standard of practice adopted by the county clerk.*

7 6. *The records of a commercial wedding chapel that issues marriage*
8 *licenses pursuant to this section which pertain to the issuance of a marriage*
9 *license are public records and must be made available for public inspection at*
10 *reasonable times. Such a commercial wedding chapel shall comply with the*
11 *provisions of chapter 603A of NRS in the same manner as all other data*
12 *collectors to ensure the security of all personal information submitted by*
13 *applicants for a marriage license.*

14 7. *The persons to whom a commercial wedding chapel issues a marriage*
15 *license may not be joined in marriage in any county other than the county in*
16 *which the marriage license is issued.*

17 8. *A commercial wedding chapel that violates any provision of this section*
18 *is guilty of a misdemeanor.*

19 **Sec. 9.** NRS 122.001 is hereby amended to read as follows:

20 122.001 As used in this chapter, unless the context otherwise requires, the
21 words and terms defined in NRS 122.002 and 122.006 *and section 2 of this act*
22 have the meanings ascribed to them in those sections.

23 **Sec. 9.5.** NRS 122.040 is hereby amended to read as follows:

24 122.040 1. ~~Before~~ *Except as otherwise provided in section 8.5 of this act,*
25 *before* persons may be joined in marriage, a license must be obtained for that
26 purpose from the county clerk of any county in the State. Except as otherwise
27 provided in this subsection, the license must be issued at the county seat of that
28 county. The board of county commissioners:

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

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

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

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

42 2. Except as otherwise provided in this section, before issuing a marriage
43 license, the county clerk shall require each applicant to provide proof of the
44 applicant's name and age. The county clerk may accept as proof of the applicant's
45 name and age an original or certified copy of any of the following:

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

48 (b) A passport.

49 (c) A birth certificate and:

50 (1) Any secondary document that contains the name and a photograph of
51 the applicant; or

52 (2) Any document for which identification must be verified as a condition
53 to receipt of the document.

1 ➤ If the birth certificate is written in a language other than English, the county
2 clerk may request that the birth certificate be translated into English and notarized.

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

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

8 (f) Any other document that provides the applicant's name and age. If the
9 applicant clearly appears over the age of 25 years, no documentation of proof of
10 age is required.

11 3. Except as otherwise provided in subsection 4, the county clerk issuing the
12 license shall require each applicant to answer under oath each of the questions
13 contained in the form of license. The county clerk shall, except as otherwise
14 provided in this subsection, require each applicant to include the applicant's social
15 security number on the affidavit of application for the marriage license. If a person
16 does not have a social security number, the person must state that fact. The county
17 clerk shall not require any evidence to verify a social security number. If any of the
18 information required is unknown to the person, the person must state that the
19 answer is unknown. The county clerk shall not deny a license to an applicant who
20 states that the applicant does not have a social security number or who states that
21 any requested information concerning the applicant's parents is unknown.

22 4. Upon finding that extraordinary circumstances exist which result in only
23 one applicant being able to appear before the county clerk, the county clerk may
24 waive the requirements of subsection 3 with respect to the person who is unable to
25 appear before the county clerk, or may refer the applicant to the district court. If the
26 applicant is referred to the district court, the district court may waive the
27 requirements of subsection 3 with respect to the person who is unable to appear
28 before the county clerk. If the district court waives the requirements of subsection
29 3, the district court shall notify the county clerk in writing. If the county clerk or the
30 district court waives the requirements of subsection 3, the county clerk shall require
31 the applicant who is able to appear before the county clerk to:

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

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

40 ➤ If any of the information required on the application is unknown to the person
41 responding to the question, the person must state that the answer is unknown. The
42 county clerk shall not deny a license to an applicant who states that the applicant
43 does not have a social security number or who states that any requested information
44 concerning the parents of either the person who is responding to the question or the
45 person who is unable to appear is unknown.

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

49 (a) Personally given before the clerk;

50 (b) Certified under the hand of the parent or guardian, attested by two
51 witnesses, one of whom must appear before the clerk and make oath that the
52 witness saw the parent or guardian subscribe his or her name to the annexed
53 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.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

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

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

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

Sec. 9.7. Section 5 of chapter 9, Statutes of Nevada 2010, 26th Special Session, at page 52, is hereby amended to read as follows:

~~Sec. 5. This act becomes effective upon passage and approval. and expires by limitation on June 30, 2011.~~

Sec. 10. (Deleted by amendment.)

Sec. 11. The board of county commissioners of each county whose population is less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, shall take such actions as are necessary to ensure compliance with the provisions of section 8.5 of this act on or before July 1, 2011.

Sec. 12. 1. ~~This act becomes effective upon passage and approval. and expires~~

2. This section and sections 1 to 9.5, inclusive, and 10 and 11 of this act expire by limitation on June 30, 2013.