

ASSEMBLY BILL NO. 227—ASSEMBLYMAN CARRILLO

PREFILED FEBRUARY 13, 2017

Referred to Committee on Judiciary

SUMMARY—Makes changes relating to domestic partnerships.  
(BDR 11-784)

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; revising provisions governing the recognition of domestic partnerships from other jurisdictions; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 Existing law recognizes a domestic partnership as a type of social contract in  
2 the State of Nevada which affords domestic partners the same rights, protections,  
3 benefits, responsibilities, obligations and duties as spouses. (Title 11 of NRS)  
4 Under existing law, a legal union that was validly formed in another jurisdiction  
5 and that is substantially equivalent to a domestic partnership must be recognized in  
6 this State if the parties register the domestic partnership with the Office of the  
7 Secretary of State. (NRS 122A.010-122A.510) **Section 6** of this bill removes the  
8 requirement to register such a domestic partnership.

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

1 **Section 1.** NRS 122A.030 is hereby amended to read as  
2 follows:  
3 122A.030 “Domestic partners” means persons who:  
4 1. Have registered a valid domestic partnership pursuant to  
5 NRS 122A.100 ~~or~~ *or have a recognized domestic partnership*  
6 *pursuant to NRS 122A.500;* and  
7 2. Have not terminated that domestic partnership pursuant to  
8 NRS 122A.300.



1       **Sec. 2.** NRS 122A.040 is hereby amended to read as follows:  
2       122A.040 “Domestic partnership” means the social contract  
3 between two persons that is described in NRS 122A.100 ~~H~~ *or is*  
4 *recognized pursuant to NRS 122A.500.*

5       **Sec. 3.** NRS 122A.100 is hereby amended to read as follows:  
6       122A.100 1. A valid domestic partnership is registered in the  
7 State of Nevada when two persons who satisfy the requirements of  
8 subsection 2:

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

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

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

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

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

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

24       ➤ The Office of the Secretary of State shall account for the fees  
25 received pursuant to paragraph (b) separately, and use those fees,  
26 and any interest and income earned on those fees, solely to pay for  
27 expenses related to administering the registration of domestic  
28 partnerships pursuant to this chapter, including, without limitation,  
29 the cost of materials and technology necessary to process and record  
30 the filing. At the end of each fiscal year, the Secretary of State shall  
31 reconcile the amount of the fees received pursuant to paragraph (b)  
32 and the expenses related to administering the registration of  
33 domestic partnerships pursuant to this chapter and deposit any  
34 excess fees received with the State Treasurer for credit to the State  
35 General Fund.

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

39       (a) Both persons have a common residence;

40       (b) ~~Except as otherwise provided in NRS 122A.500, neither~~  
41 *Neither* person is married or a member of another domestic  
42 partnership;

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

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



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

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

4. As used in this section:

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

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

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

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

**Sec. 4.** NRS 122A.200 is hereby amended to read as follows:

122A.200 1. Except as otherwise provided in NRS 122A.210:

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

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

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

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

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



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

5 (f) Domestic partners have the same right to nondiscriminatory  
6 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 domestic  
10 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 spouses  
17 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 domestic  
22 partners in this State, as effectuated by the provisions of this  
23 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 to  
27 seek financial support from the other following the dissolution of  
28 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 to  
32 the date of registration of the domestic partnership **or pursuant to**  
33 **NRS 122A.100 or, if the domestic partnership is recognized**  
34 **pursuant to NRS 122A.500, the date on which the legal union of**  
35 **the domestic partnership was validly formed in the other**  
36 **jurisdiction.**

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

40 **Sec. 5.** NRS 122A.300 is hereby amended to read as follows:

41 122A.300 1. Except as otherwise provided in subsection 2,  
42 domestic partners who wish to terminate a domestic partnership  
43 registered pursuant to NRS 122A.100 **or is recognized pursuant to**  
44 **NRS 122A.500** must follow the procedures set forth in chapter 125  
45 of NRS.



2. If a domestic partnership meets the criteria specified in subsection 3, domestic partners in a domestic partnership registered pursuant to NRS 122A.100 may terminate the domestic partnership by:

(a) Filing 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 have chosen of their own free will to terminate the domestic partnership; and

(b) Paying 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 any administrative costs incurred by the Secretary of State.

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

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

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

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

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

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

**Sec. 6.** NRS 122A.500 is hereby amended to read as follows:

122A.500 A legal union of two persons, other than a marriage as recognized by the Nevada Constitution, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in this chapter, must be recognized as a valid domestic partnership in this State regardless of whether the union bears the name of a domestic partnership ~~[- For a legal union that was validly formed in another jurisdiction to be recognized as a valid domestic partnership]~~ **or is registered** in this State ~~[- the parties desiring such recognition must comply with the provisions of paragraph (b) of subsection 1 of NRS 122A.100-]~~



1     **Sec. 7.** NRS 126.520 is hereby amended to read as follows:  
2     126.520 “Domestic partner” means a person who is in a  
3     domestic partnership which is registered *or recognized* pursuant to  
4     chapter 122A of NRS and which has not been terminated pursuant  
5     to that chapter.

6     **Sec. 8.** NRS 1A.555 is hereby amended to read as follows:  
7     1A.555 “Domestic partner” means a person who is in a  
8     domestic partnership which is registered *or recognized* pursuant to  
9     chapter 122A of NRS and which has not been terminated pursuant  
10    to that chapter.

11    **Sec. 9.** NRS 159.0613 is hereby amended to read as follows:  
12    159.0613 1. Except as otherwise provided in subsection 3, in  
13    a proceeding to appoint a guardian for an adult, the court shall give  
14    preference to a nominated person or relative, in that order of  
15    preference:

16    (a) Whether or not the nominated person or relative is a resident  
17    of this State; and

18    (b) If the court determines that the nominated person or relative  
19    is qualified and suitable to be appointed as guardian for the adult.

20    2. In determining whether any nominated person, relative or  
21    other person listed in subsection 4 is qualified and suitable to be  
22    appointed as guardian for an adult, the court shall consider, if  
23    applicable and without limitation:

24    (a) The ability of the nominated person, relative or other person  
25    to provide for the basic needs of the adult, including, without  
26    limitation, food, shelter, clothing and medical care;

27    (b) Whether the nominated person, relative or other person has  
28    engaged in the habitual use of alcohol or any controlled substance  
29    during the previous 6 months, except the use of marijuana in  
30    accordance with the provisions of chapter 453A of NRS;

31    (c) Whether the nominated person, relative or other person has  
32    been judicially determined to have committed abuse, neglect,  
33    exploitation, isolation or abandonment of a child, his or her spouse,  
34    his or her parent or any other adult, unless the court finds that it is in  
35    the best interests of the ward to appoint the person as guardian for  
36    the adult;

37    (d) Whether the nominated person, relative or other person is  
38    incompetent or has a disability; and

39    (e) Whether the nominated person, relative or other person has  
40    been convicted in this State or any other jurisdiction of a felony,  
41    unless the court determines that any such conviction should not  
42    disqualify the person from serving as guardian for the adult.

43    3. If the court finds that two or more nominated persons are  
44    qualified and suitable to be appointed as guardian for an adult, the  
45    court may appoint two or more nominated persons as co-guardians



1 or shall give preference among them in the following order of  
2 preference:

3 (a) A person whom the adult nominated for the appointment as  
4 guardian for the adult in a will, trust or other written instrument that  
5 is part of the adult's established estate plan and was executed by the  
6 adult while competent.

7 (b) A person whom the adult requested for the appointment as  
8 guardian for the adult in a written instrument that is not part of the  
9 adult's established estate plan and was executed by the adult while  
10 competent.

11 4. Subject to the preferences set forth in subsections 1 and 3,  
12 the court shall appoint as guardian the qualified person who is most  
13 suitable and is willing to serve. In determining which qualified  
14 person is most suitable, the court shall, in addition to considering  
15 any applicable factors set forth in subsection 2, give consideration,  
16 among other factors, to:

17 (a) Any nomination or request for the appointment as guardian  
18 by the adult.

19 (b) Any nomination or request for the appointment as guardian  
20 by a relative.

21 (c) The relationship by blood, adoption, marriage or domestic  
22 partnership of the proposed guardian to the adult. In considering  
23 preferences of appointment, the court may consider relatives of the  
24 half blood equally with those of the whole blood. The court may  
25 consider any relative in the following order of preference:

26 (1) A spouse or domestic partner.

27 (2) A child.

28 (3) A parent.

29 (4) Any relative with whom the adult has resided for more  
30 than 6 months before the filing of the petition or any relative who  
31 has a power of attorney executed by the adult while competent.

32 (5) Any relative currently acting as agent.

33 (6) A sibling.

34 (7) A grandparent or grandchild.

35 (8) An uncle, aunt, niece, nephew or cousin.

36 (9) Any other person recognized to be in a familial  
37 relationship with the adult.

38 (d) Any recommendation made by a master of the court or  
39 special master pursuant to NRS 159.0615.

40 (e) Any request for the appointment of any other interested  
41 person that the court deems appropriate, including, without  
42 limitation, a person who is not a relative and who has a power of  
43 attorney executed by the adult while competent.

44 5. The court may appoint as guardian any nominated person,  
45 relative or other person listed in subsection 4 who is not a resident



1 of this State. The court shall not give preference to a resident of this  
2 State over a nonresident if the court determines that:

3 (a) The nonresident is more qualified and suitable to serve as  
4 guardian; and

5 (b) The distance from the proposed guardian's place of  
6 residence and the adult's place of residence will not affect the  
7 quality of the guardianship or the ability of the proposed guardian to  
8 make decisions and respond quickly to the needs of the adult  
9 because:

10 (1) A person or care provider in this State is providing  
11 continuing care and supervision for the adult;

12 (2) The adult is in a secured residential long-term care  
13 facility in this State; or

14 (3) Within 30 days after the appointment of the proposed  
15 guardian, the proposed guardian will move to this State or the adult  
16 will move to the proposed guardian's state of residence.

17 6. If the court appoints a nonresident as guardian for the adult:

18 (a) The jurisdictional requirements of NRS 159.1991 to  
19 159.2029, inclusive, must be met;

20 (b) The court shall order the guardian to designate a registered  
21 agent in this State in the same manner as a represented entity  
22 pursuant to chapter 77 of NRS; and

23 (c) The court may require the guardian to complete any  
24 available training concerning guardianships pursuant to NRS  
25 159.0592, in this State or in the state of residence of the guardian,  
26 regarding:

27 (1) The legal duties and responsibilities of the guardian  
28 pursuant to this chapter;

29 (2) The preparation of records and the filing of annual  
30 reports regarding the finances and well-being of the adult required  
31 pursuant to NRS 159.073;

32 (3) The rights of the adult;

33 (4) The availability of local resources to aid the adult; and

34 (5) Any other matter the court deems necessary or prudent.

35 7. If the court finds that there is not any suitable nominated  
36 person, relative or other person listed in subsection 4 to appoint as  
37 guardian, the court may appoint as guardian:

38 (a) The public guardian of the county where the adult resides if:

39 (1) There is a public guardian in the county where the adult  
40 resides; and

41 (2) The adult qualifies for a public guardian pursuant to  
42 chapter 253 of NRS;

43 (b) A private fiduciary who may obtain a bond in this State and  
44 who is a resident of this State, if the court finds that the interests of





1 the adult will be served appropriately by the appointment of a  
2 private fiduciary; or

3 (c) A private professional guardian who meets the requirements  
4 of NRS 159.0595.

5 8. A person is not qualified to be appointed as guardian for an  
6 adult if the person has been suspended for misconduct or disbarred  
7 from any of the professions listed in this subsection, but the  
8 disqualification applies only during the period of the suspension or  
9 disbarment. This subsection applies to:

10 (a) The practice of law;

11 (b) The practice of accounting; or

12 (c) Any other profession that:

13 (1) Involves or may involve the management or sale of  
14 money, investments, securities or real property; and

15 (2) Requires licensure in this State or any other state in  
16 which the person practices his or her profession.

17 9. As used in this section:

18 (a) "Adult" means a person who is a ward or a proposed ward  
19 and who is not a minor.

20 (b) "Domestic partner" means a person in a domestic  
21 partnership.

22 (c) "Domestic partnership" means ~~+~~

23 ~~—(1) A~~ ~~+~~ a domestic partnership as defined in NRS 122A.040 .  
24 ~~+~~ or

25 ~~—(2) A domestic partnership which was validly formed in~~  
26 ~~another jurisdiction and which is substantially equivalent to a~~  
27 ~~domestic partnership as defined in NRS 122A.040, regardless of~~  
28 ~~whether it bears the name of a domestic partnership or is registered~~  
29 ~~in this State.]~~

30 (d) "Nominated person" means a person, whether or not a  
31 relative, whom an adult:

32 (1) Nominates for the appointment as guardian for the adult  
33 in a will, trust or other written instrument that is part of the adult's  
34 established estate plan and was executed by the adult while  
35 competent.

36 (2) Requests for the appointment as guardian for the adult in  
37 a written instrument that is not part of the adult's established estate  
38 plan and was executed by the adult while competent.

39 (e) "Relative" means a person who is 18 years of age or older  
40 and who is related to the adult by blood, adoption, marriage or  
41 domestic partnership within the third degree of consanguinity or  
42 affinity.

43 **Sec. 10.** NRS 195.030 is hereby amended to read as follows:

44 195.030 1. Every person who is not the spouse or domestic  
45 partner of the offender and who, after the commission of a felony,



1 destroys or conceals, or aids in the destruction or concealment of,  
2 material evidence, or harbors or conceals such offender with intent  
3 that the offender may avoid or escape from arrest, trial, conviction  
4 or punishment, having knowledge that such offender has committed  
5 a felony or is liable to arrest, is an accessory to the felony.

6 2. Every person who is not the spouse, domestic partner,  
7 brother or sister, parent or grandparent, child or grandchild of the  
8 offender, who, after the commission of a gross misdemeanor,  
9 harbors, conceals or aids such offender with intent that the offender  
10 may avoid or escape from arrest, trial, conviction or punishment,  
11 having knowledge that such offender has committed a gross  
12 misdemeanor or is liable to arrest, is an accessory to the gross  
13 misdemeanor.

14 3. As used in this section, "domestic partner" means a person  
15 who is in a domestic partnership that is registered *or recognized*  
16 pursuant to chapter 122A of NRS, and that has not been terminated  
17 pursuant to that chapter.

18 **Sec. 11.** NRS 218C.582 is hereby amended to read as follows:

19 218C.582 1. The spouse of a Legislator who is a member of  
20 the Legislators' Retirement System killed in the course of legislative  
21 service on or after July 1, 2013, is entitled to receive a monthly  
22 allowance equivalent to the greater of:

23 (a) Fifty percent of the salary of the member on the date of the  
24 member's death; or

25 (b) One hundred percent of the retirement allowance that the  
26 member was eligible to receive based on the member's years of  
27 service obtained before the member's death without any reduction  
28 for age for the deceased member.

29 2. The benefits provided by this section must be paid to the  
30 spouse for the remainder of the spouse's life.

31 3. The spouse may elect to receive the benefits by any one of  
32 the following only:

33 (a) This section; or

34 (b) NRS 218C.580.

35 4. For the purposes of this section, the Board shall define by  
36 regulation "killed in the course of legislative service."

37 5. As used in this section:

38 (a) "Domestic partner" means a person who is in a domestic  
39 partnership which is registered *or recognized* pursuant to chapter  
40 122A of NRS and which has not been terminated pursuant to that  
41 chapter.

42 (b) "Spouse" means the surviving husband, wife or domestic  
43 partner of a Legislator killed in the course of legislative service.

44 **Sec. 12.** NRS 218H.036 is hereby amended to read as follows:

45 218H.036 "Domestic partnership" means †



~~1. A} a domestic partnership as defined in NRS 122A.040 . ‡  
or~~

~~2. A domestic partnership which was validly formed in another  
jurisdiction and which is substantially equivalent to a domestic  
partnership as defined in NRS 122A.040, regardless of whether it  
bears the name of a domestic partnership or is registered in this  
State.‡~~

**Sec. 13.** NRS 281.5582 is hereby amended to read as follows:  
281.5582 “Domestic partnership” means ‡

~~1. A} a domestic partnership as defined in NRS 122A.040 . ‡  
or~~

~~2. A domestic partnership which was validly formed in another  
jurisdiction and which is substantially equivalent to a domestic  
partnership as defined in NRS 122A.040, regardless of whether it  
bears the name of a domestic partnership or is registered in this  
State.‡~~

**Sec. 14.** NRS 281A.086 is hereby amended to read as follows:  
281A.086 “Domestic partnership” means ‡

~~1. A} a domestic partnership as defined in NRS 122A.040 . ‡  
or~~

~~2. A domestic partnership which was validly formed in another  
jurisdiction and which is substantially equivalent to a domestic  
partnership as defined in NRS 122A.040, regardless of whether it  
bears the name of a domestic partnership or is registered in this  
State.‡~~

**Sec. 15.** NRS 286.671 is hereby amended to read as follows:  
286.671 As used in NRS 286.671 to 286.679, inclusive:

1. “Child” means an unmarried person under 18 years of age  
who is the issue or legally adopted child of a deceased member. As  
used in this subsection, “issue” means the progeny or biological  
offspring of the deceased member.

2. “Dependent parent” means the surviving parent of a  
deceased member who was dependent upon the deceased member  
for at least 50 percent of the surviving parent’s support for at least 6  
months immediately preceding the death of the deceased member.

3. “Domestic partner” means a person who is in a domestic  
partnership that is registered *or recognized* pursuant to chapter  
122A of NRS, and that has not been terminated pursuant to that  
chapter.

4. “Spouse” means the surviving husband or wife or domestic  
partner of a deceased member.

**Sec. 16.** This act becomes effective on July 1, 2017.

