

ROSS MILLER
Secretary of State

STATE OF NEVADA

SCOTT W. ANDERSON
*Deputy Secretary
for Commercial Recordings*

NICOLE J. LAMBOLEY
Chief Deputy Secretary of State



SCOTT F. GILLES
Deputy Secretary for Elections

ROBERT E. WALSH
*Deputy Secretary for
Southern Nevada*

RYAN M. HIGH
*Deputy Secretary
for Operations*

**OFFICE OF THE
SECRETARY OF STATE**

NOTICE OF PUBLIC WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED REGULATIONS
The Office of the Secretary of State, Commercial Recordings Division

The Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5705 is proposing the adoption and amendment of regulations pertaining to Chapters 76, 77, 78, 78A, 80, 81, 82, 84, 86, 87, 87A, 88, 88A, 89, 92A, and 225 of the Nevada Administrative Code. A public workshop has been set for **8:00 A.M., on Friday, December 16, 2011** at the Legislative Building, 401 Carson Street, Room 2125, Carson City, Nevada, with teleconferencing to Room 4412E of the Grant Sawyer Building, 555 East Washington Avenue, Suite 4400, Las Vegas, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following general topics that may be addressed in the proposed regulations:

R068-11: Provisions governing electronic filing of records with the Secretary of State; reasons for rejection of an electronically filed document

R069-11: Addition of limited-liability limited partnership to those entities covered by the “distinguishable on the record”; addition of the word “organization” to the list of words that are considered part of the entity name and not an entity ending

R071-11: Provisions relating to registered agent listing of those willing to serve as registered agent; publication and updating of registered agent listing; provisions for exclusion or removal of registered agent from listing

R073-11: Determination as to when a document is in care, custody or control of the Secretary of State; receipt of electronic submissions; circumstances for refusal to accept record

R080-11: State Business License exemption; home-based business, governmental, motion picture and insurance exemptions

A copy of all materials relating to the proposal may be obtained at the workshop or by contacting the Commercial Recordings Division, Secretary of State’s Office, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5708. A reasonable fee for copying may be charged. Persons wishing to comment upon the proposed regulations may appear at the scheduled workshop or present their comments in writing prior to the date of the Public Workshop by submitting such comments to the Secretary of State, Commercial Recordings Division, 101 North Carson Street, Suite 3, Carson City, Nevada 89701. This Notice of Public Workshop to Solicit Comments on Proposed Regulation has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations:

- The Capitol Building, 101 North Carson Street, Carson City, Nevada 89701
- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- Secretary of State – Reno Office, 500 Damonte Ranch Parkway, Suite 657A, Reno, Nevada 89521
- Secretary of State – Las Vegas Office, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislature Building, 401 South Carson Street, Carson City, Nevada 89701
- Secretary of State Website: www.nvsos.gov

Date: November 22, 2011

NEVADA STATE CAPITOL
101 N. Carson Street, SUITE 3
Carson City, Nevada 89701-4786
Telephone: (775) 684-5708
Fax: (775) 684-5725

**COMMERCIAL RECORDINGS
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202 N. Carson Street
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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Regulations

The Office of the Secretary of State, Commercial Recordings Division

The Secretary of State, 101 North Carson Street, Suite 3, Carson City, Nevada 89701; (775) 684-5708, will hold a public hearing at **11:30 a.m., on December 23, 2011**, at the Legislative Building, 401 South Carson Street, Room 2125, Carson City, Nevada, with teleconferencing to Room 4412E of the Grant Sawyer Building, 555 East Washington Avenue, Suite 4400, Las Vegas, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment and repeal of regulations that pertain to Chapters 76, 77, 78, 78A, 80, 81, 82, 84, 86, 87, 87A, 88, 88A, 89, 92A, and 225 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The purpose of the proposed regulations is to codify standards and procedures for various commercial recording functions.

2. These proposed regulations pertain to the following subjects:

R068-11: Provisions governing electronic filing of records with the Secretary of State; reasons for rejection of an electronically filed document

R069-11: Addition of limited-liability limited partnership to those entities covered by the "distinguishable on the record"; addition of the word "organization" to the list of words that are considered part of the entity name and not an entity ending

R071-11: Provisions relating to registered agent listing of those willing to serve as registered agent; publication and updating of registered agent listing; provisions for exclusion or removal of registered agent from listing

R073-11: Determination as to when a document is in care, custody or control of the Secretary of State; receipt of electronic submissions; circumstances for refusal to accept record

R080-11: State Business License exemption; home-based business, governmental, motion picture and insurance exemptions

3. These proposed regulations have no adverse, beneficial, immediate or long-term economic effects on business.

4. Enforcement of these proposed regulations poses no significant cost to the Secretary of State's office.

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5. There are no regulations of other federal, state or local governmental agencies which the proposed regulations overlap or duplicate.
6. The proposed regulations are not required pursuant to federal law.
7. The proposed regulations do not include provisions which are more stringent than a federal regulation that regulates the same activity.
8. The proposed regulations do not establish a new fee or increase any existing fee.

Persons wishing to comment upon the proposed action of the Secretary of State's office may appear at the scheduled Public Hearing or may address their comments, data, views or arguments, in written form to the Secretary of State's office at the following: Commercial Recordings Division, 101 North Carson Street, Suite 3, Carson City, Nevada 89701. Written submissions must be received by the Secretary of State on or before **close of business of 5:00pm on Wednesday, December 21, 2011**. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Secretary of State may proceed immediately to act upon any written submissions.

A copy of this notice and the regulations to be adopted, amended and repealed will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted, amended, and repealed will be available at the Secretary of State's office at 101 North Carson Street, Suite 3, Carson City, Nevada, the Secretary of State's Reno office at 500 Damonte Ranch Pkwy, Suite 657-A, Reno, Nevada, and the Secretary of State's Las Vegas office at 555 East Washington Avenue, Las Vegas, Nevada, and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within thirty (30) days thereafter, will issue a concise statement of the principal reasons for and against its adoption or incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the following locations:

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- The State Library, 100 North Stewart Street, Carson City, Nevada 89701
- Secretary of State – Reno Office, 500 Damonte Ranch Parkway, Suite 657A, Reno, Nevada 89521
- Secretary of State – Las Vegas Office, Grant Sawyer Building, 555 East Washington Avenue, Las Vegas, Nevada 89101
- Nevada State Legislature Building, 401 South Carson Street, Carson City, Nevada 89701
- Secretary of State Website: www.nvsos.gov

Date: November 22, 2011

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R068-11

November 21, 2011

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

AUTHORITY: §1, NRS 77.290; §2, NRS 78.026; §3, NRS 78A.013; §4, NRS 80.0045; §5, NRS 81.0027; §6, NRS 82.525; §7, NRS 84.007; §8, NRS 86.557; §9, NRS 87.5445; §10, NRS 87A.260; §11, NRS 88.336; §12, NRS 88A.890; §13, NRS 89.023; §14, NRS 92A.207.

A REGULATION relating to electronic filing of records; adopting provisions governing the electronic filing of records with the Secretary of State; and providing other matters properly relating thereto.

Section 1. Chapter 77 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 77 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 77 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 77 of NRS.

Sec. 2. Chapter 78 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 78 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 78 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) “Electronic filing” means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) “Electronic process” means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 78 of NRS.

Sec. 3. Chapter 78A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 78A of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 78A of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 78A of NRS.

Sec. 4. Chapter 80 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 80 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 80 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 80 of NRS.

Sec. 5. Chapter 81 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 81 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 81 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) “Electronic filing” means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) “Electronic process” means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 81 of NRS.

Sec. 6. Chapter 82 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 82 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 82 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 82 of NRS.

Sec. 7. Chapter 84 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 84 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 84 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 84 of NRS.

Sec. 8. Chapter 86 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 86 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 86 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) “Electronic filing” means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) “Electronic process” means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 86 of NRS.

Sec. 9. Chapter 87 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 87 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 87 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 87 of NRS.

Sec. 10. Chapter 87A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 87A of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 87A of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 87A of NRS.

Sec. 11. Chapter 88 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 88 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 88 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) “Electronic filing” means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) “Electronic process” means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 88 of NRS.

Sec. 12. Chapter 88A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 88A of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 88A of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 88A of NRS.

Sec. 13. Chapter 89 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 89 of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 89 of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) "Electronic filing" means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) "Electronic process" means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 89 of NRS.

Sec. 14. Chapter 92A of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State may develop or approve an electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 92A of NRS.

2. If the Secretary of State has developed or approved an electronic process and the electronic process is in place and available for use in the Office of the Secretary of State:

(a) A person may use the electronic process to file with the Secretary of State any record authorized or required to be filed with the Secretary of State pursuant to chapter 92A of NRS; and

(b) The Secretary of State will accept a record filed with the Secretary of State through the use of the electronic process if the record contains all the information required for filing and is accompanied by the appropriate fee and any applicable penalty.

3. The Secretary of State may reject a record filed with the Secretary of State through the use of an electronic process developed or approved by the Secretary of State if:

(a) The statutory requirements for filing the record have not been satisfied;

(b) The appropriate fee has not been submitted;

(c) The information contained in the record has been corrupted in any manner; or

(d) The record contains a virus or may otherwise compromise the security of the electronic process.

4. Failure by the Secretary of State to receive a record filed through the use of an electronic process does not relieve the person who attempted to file the record from any requirement to file the record, pay the appropriate fee or incur an applicable penalty.

5. As used in this section:

(a) “Electronic filing” means the submission of records to the Secretary of State by an electronic process and the processing of such records by the Secretary of State by an electronic process.

(b) “Electronic process” means any electronic process for the electronic filing of records authorized or required to be filed with the Secretary of State pursuant to chapter 92A of NRS.

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R069-11

November 16, 2011

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

AUTHORITY: §1, NRS 78.039 and 78.185; §2, NRS 87A.175, 87A.185, 87A.600 and 87A.635;
§3, NRS 88.6065.

A REGULATION relating to business entities; revising provisions governing the determination of whether the proposed name of a business entity is distinguishable from the name of an existing business entity; and providing other matters properly relating thereto.

Section 1. NAC 78.020 is hereby amended to read as follows:

78.020 1. If one or more of the following words or abbreviations follow the main body of the proposed name of a corporation, such words or abbreviations shall be deemed not to be part of the proposed name for the purposes of determining whether the proposed name is distinguishable from the name of an existing business entity:

- (a) Business Trust, B.T. or BT;
- (b) Chartered or Chtd.;
- (c) Company or Co.;
- (d) Corporation or Corp.;
- (e) Incorporated, Incorp. or Inc.;
- (f) Limited or Ltd.;
- (g) L.C. or LC;
- (h) Limited-Liability Company, L.L.C. or LLC;

(i) *Limited-Liability Limited Partnership, L.L.L.P. or LLLP;*

(j) Limited-Liability Partnership, L.L.P. or LLP;

~~(k)~~ (k) Limited Partnership, L.P. or LP; and

~~(l)~~ (l) Professional Corporation, Professional Corp., Prof. Corp., P.C. or PC.

2. If one or more of the following words follow the main body of the proposed name of a corporation, such words shall be deemed to be part of the proposed name for the purposes of determining whether the proposed name is distinguishable from the name of an existing business entity:

(a) And Associates;

(b) Association;

(c) Casino;

(d) Club;

(e) Consortium;

(f) Enterprise or Enterprises;

(g) Family;

(h) Foundation;

(i) Group;

(j) Hotel;

(k) Motel;

(l) *Organization;*

(m) Partners;

~~(n)~~ (n) Resort; and

~~(o)~~ (o) Unlimited.

Sec. 2. Chapter 87A of NAC is hereby amended by adding thereto a new section to read as follows:

To determine whether a proposed name of a limited partnership or limited-liability limited partnership is distinguishable from the name of an existing business entity, the Secretary of State will consider, without limitation, the rules set forth in NAC 78.020 to 78.100, inclusive.

Sec. 3. NAC 88.010 is hereby amended to read as follows:

88.010 To determine whether a proposed name of a limited partnership *or limited-liability limited partnership* is distinguishable from the name of an existing business entity, the Secretary of State will consider, without limitation, the rules set forth in NAC 78.020 to 78.100, inclusive.

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R071-11

November 21, 2011

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

AUTHORITY: §§1-11, NRS 78.795.

A REGULATION relating to registered agents; adopting provisions governing the process by which a natural person or corporation may register a willingness to serve as the registered agent of an entity; adopting provisions governing the publication and updating of the list of natural persons and corporations that have registered a willingness to serve as the registered agent of an entity; authorizing the Secretary of State to charge a fee to cover the cost of providing a printed version of the list of natural persons and corporations that have registered a willingness to serve as the registered agent of an entity; and providing other matters properly relating thereto.

Section 1. Chapter 78 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Entity” has the meaning ascribed to it in NRS 77.060.*

Sec. 4. *“Registered agent” has the meaning ascribed to it in NRS 77.230.*

Sec. 5. *“Registered Agent List” means the list of natural persons and corporations residing or located in this State that have registered a willingness to serve as the registered agent of an entity pursuant to NRS 78.795.*

Sec. 6. 1. *To be included on the Registered Agent List for a calendar year pursuant to NRS 78.795, a natural person or corporation must submit to the Secretary of State:*

(a) The registration form prescribed by the Secretary of State; and

(b) The fee required by subsection 1 of NRS 78.795.

2. *The Secretary of State may reject a registration form submitted pursuant to subsection 1 if the form is incomplete.*

3. *Except as otherwise provided in section 11 of this regulation, a natural person or corporation which submits the registration form and fee described in subsection 1:*

(a) Between December 1 and December 31 will be included on the Registered Agent List compiled and published by the Secretary of State for the following calendar year pursuant to subsection 1 of section 10 of this regulation. The registration will expire on December 31 of the year following the year in which the registration form and fee were submitted.

(b) At any time other than between December 1 and December 31 will be included on the Registered Agent List for that calendar year as updated by the Secretary of State pursuant to subsection 2 of section 10 of this regulation. The registration will expire on December 31 of the year in which the registration form and fee were submitted, and the fee will not be prorated.

Sec. 7. 1. *A natural person or corporation included on the Registered Agent List may amend any information listed for that natural person or corporation by submitting to the Secretary of State:*

(a) The amendment form prescribed by the Secretary of State; and

(b) The fee required pursuant to subsection 3 of NRS 78.795.

2. *The Secretary of State may reject an amendment form submitted pursuant to subsection 1 if the form is incomplete.*

3. *As soon as reasonably practicable after receiving an amendment form and the fee required pursuant to subsection 3 of NRS 78.795, the Secretary of State will update the Registered Agent List to reflect the requested amendment.*

Sec. 8. 1. *A natural person or corporation included on the Registered Agent List may withdraw from the Registered Agent List at any time by submitting to the Secretary of State a request to be withdrawn from the Registered Agent List.*

2. *If a natural person or corporation submits a request to be withdrawn from the Registered Agent List, the Secretary of State will not refund any portion of any fee paid by the person to be included on the Registered Agent List.*

3. *As soon as reasonably practicable after receiving a request to be withdrawn from the Registered Agent List, the Secretary of State will remove the natural person or corporation submitting the request from the Registered Agent List.*

Sec. 9. *A natural person or corporation submitting a form or request pursuant to section 6, 7 or 8 of this regulation may request expedited service from the Secretary of State by:*

1. Requesting expedited service in the same manner as expedited service is requested for other documents filed with the Secretary of State; and

2. Paying the applicable fee prescribed by paragraph (d) of subsection 2 of NRS 225.140.

Sec. 10. *1. On or before February 1 of each year, the Secretary of State will compile and publish the Registered Agent List for that calendar year.*

2. The Secretary of State will update the Registered Agent List as soon as reasonably practicable after:

(a) Receiving a registration of a willingness to serve as the registered agent of an entity pursuant to section 6 of this regulation at any time other than between December 1 and December 31;

(b) Receiving an amendment form pursuant to section 7 of this regulation;

(c) Receiving a request to be withdrawn from the Registered Agent List pursuant to section 8 of this regulation; or

(d) Removing a natural person or corporation from the Registered Agent List pursuant to section 11 of this regulation.

3. The Secretary of State will list in alphabetical order the name of each natural person and corporation included on the Registered Agent List. If a symbol or numeral is used in place of a word that represents the symbol or number, the spelling of the meaning of the symbol or numeral will be used to alphabetize the Registered Agent List. Punctuation will not be considered in determining the alphabetical order of the Registered Agent List.

4. The Secretary of State will:

(a) Make the Registered Agent List available in electronic form on the Secretary of State's website.

(b) Upon request, provide a printed version of the Registered Agent List. The Secretary of State will charge a fee to a person who requests a printed version of the Registered Agent List to cover the cost of providing the printed version of the Registered Agent List.

Sec. 11. 1. If a corporation:

(a) Submits to the Secretary of State a registration form pursuant to section 6 of this regulation or is included on the Registered Agent List; and

(b) Is not in good standing with the Secretary of State,

↳ the Secretary of State will provide to the corporation a written notification stating the reason that the corporation is not in good standing with the Secretary of State and that the Secretary of State will refuse to include the corporation on the Registered Agent List or will remove the corporation from the Registered Agent List unless the corporation corrects any deficiencies necessary to come into good standing with the Secretary of State.

2. If a corporation does not come into good standing with the Secretary of State after receiving a written notification pursuant to subsection 1, the Secretary of State will:

(a) Refuse to include the corporation on the Registered Agent List or remove the corporation from the Registered Agent List, whichever is applicable; and

(b) Notify the corporation of the action taken by the Secretary of State.

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R073-11

November 21, 2011

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

AUTHORITY: §§1-3, NRS 225.085.

A REGULATION relating to records; establishing provisions governing the determination of whether a record has been timely filed with the Secretary of State; adopting provisions governing the imposition of penalties for the failure to timely file a record with the Secretary of State; establishing provisions governing the circumstances under which the Secretary of State will refuse to accept a record filed with him or her; and providing other matters properly relating thereto.

Section 1. Chapter 225 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *A record authorized or required by law to be filed with the Secretary of State pursuant to title 7 of NRS which must be filed on or before a due date specified by law is filed with the Secretary of State in compliance with that due date if:*

(a) The record is received in the Office of the Secretary of State on or before the close of business of the Office of the Secretary of State on the date of the deadline.

(b) The record is submitted electronically to the Office of the Secretary of State and is received in the Office of the Secretary of State before midnight on the day immediately following the due date prescribed by law.

(c) The due date prescribed by law is a Saturday, Sunday or legal holiday pursuant to NRS 236.015 and:

(1) The record is received in the Office of the Secretary of State before the close of business of the Office of the Secretary of State on the next day which is not a Saturday, Sunday or legal holiday pursuant to NRS 236.015; or

(2) If the record is submitted electronically to the Office of the Secretary of State, the record is received in the Office of the Secretary of State before midnight on the day immediately following the next day which is not a Saturday, Sunday or legal holiday pursuant to NRS 236.015.

(d) The record was mailed to the Office of the Secretary of State by a method which guarantees delivery to a destination within a specific period, if the person mailing the record provides proof to the Secretary of State that the record was guaranteed to be delivered on or before the date of the deadline prescribed by law and the record is received in the Office of the Secretary of State not later than 3 days after the date of the deadline.

2. The date of the postmark dated by the post office on the envelope in which a record was mailed to the Office of the Secretary of State will not be considered when determining whether the record was received in the Office of the Secretary of State in compliance with a due date specified by law for that record.

Sec. 3. 1. *The Secretary of State will accept for filing any record authorized or required by law to be filed with the Secretary of State pursuant to title 7 of NRS if:*

(a) The record is received in the Office of the Secretary of State on or before any applicable due date as determined pursuant to section 2 of this regulation;

- (b) All information required by law for filing the record appears legibly on the record; and*
- (c) The record is accompanied by all applicable fees and penalties.*

2. If a record authorized or required by law to be filed with the Secretary of State pursuant to title 7 of NRS must be filed on or before a due date specified by law and is not received in the Office of the Secretary of State on or before that due date as determined pursuant to section 2 of this regulation, the Secretary of State will:

- (a) Impose any penalties and additional fees required by law.*
- (b) Except as otherwise provided in subsection 3, refuse to accept the record for filing*

unless:

(1) All information required by law for filing the record appears legibly on the record; and

(2) The record is accompanied by the appropriate fees and penalties.

3. The Secretary of State will not refuse to accept a record for filing pursuant to paragraph (b) of subsection 2 if:

(a) The person who submitted the record has requested expedited service pursuant to paragraph (d) of subsection 2 of NRS 225.140 for the filing of the record; and

(b) Upon verbal notification from the Office of the Secretary of State of any deficiency which is a basis for a refusal to accept the record for filing, the person who submitted the record immediately corrects the deficiency. If the Office of the Secretary of State is unable to provide verbal notification of the deficiency or if the person who submitted the record does not immediately correct the deficiency, the Secretary of State will refuse to accept the record for filing and will return the record pursuant to subsection 4 to the person who submitted it.

4. If the Secretary of State refuses to accept a record for filing pursuant to paragraph (b) of subsection 2 or subsection 3, the Secretary of State will:

(a) Return the record to the person who submitted the record; and

(b) Notify in writing or by electronic means the person who submitted the record of the reason for the refusal to accept the record for filing and the applicable penalties and additional fees required by law.

**PROPOSED REGULATION OF THE
SECRETARY OF STATE**

LCB File No. R080-11

November 16, 2011

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

AUTHORITY: §§1-10, NRS 76.140.

A REGULATION relating to business licenses; adopting provisions relating to state business licenses issued by the Secretary of State; and providing other matters properly relating thereto.

Section 1. Chapter 76 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Average annual wage” means the average annual wage for a calendar year as computed pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.*

Sec. 4. *“Federal tax year” means any period of 12 months for which a person is required to report income, tax deductions and tax credits pursuant to the provisions of the Internal Revenue Code and any regulations adopted pursuant thereto.*

Sec. 5. *For the purposes of this chapter and NRS 76.020, the Secretary of State interprets the term:*

1. “Governmental entity” to mean:

- (a) The government of the United States, this State or any other state or territory of the United States or an incorporated or unincorporated agency or instrumentality thereof;*
- (b) A corporation which is wholly owned by the government of the United States; and*
- (c) A county, city, town, district or other political subdivision of this State or any other state or territory of the United States.*

2. “Person who operates a business from his or her home” to mean a natural person who individually operates or a married couple who jointly operate a business from a personal residence in this State if:

- (a) No part of the personal residence is held open to the general public for use in furtherance of that business; and*
- (b) No real property is owned, leased, rented or licensed by the natural person or the married couple for use in furtherance of that business, other than the personal residence and any real property owned, leased, rented or licensed for the sole purpose of:*

- (1) Maintaining a post office box;*
- (2) Posting a business license in accordance with the requirements of a municipal or county ordinance; or*
- (3) Periodically exhibiting or selling goods or services at a temporary fair, market, show or exhibition.*

Sec. 6. *The exemption from the requirement to obtain a state business license which is set forth in paragraph (e) of subsection 2 of NRS 76.020 applies only to a person who:*

- 1. Is registered with the Division of Motion Pictures pursuant to paragraph (a) of subsection 1 of NRS 231.128;*
- 2. Provides annually to the Secretary of State the registration number assigned to the person by the Division of Motion Pictures; and*
- 3. Creates or produces in this State feature films, movies made for broadcast on television or programs made for broadcast on television in episodes.*

Sec. 7. The exemption from the requirement to obtain a state business license which is set forth in NRS 680B.020 applies only to a person who:

- 1. Conducts business under a license or certificate of authority issued by the Division of Insurance of the Department of Business and Industry pursuant to title 57 of NRS; and*
- 2. Provides to the Secretary of State the number of that license or certificate of authority.*

Sec. 8. 1. The exemption from the requirement to obtain a state business license which is set forth in paragraph (c) of subsection 2 of NRS 76.020 does not apply to a person who operates a business from his or her home during a federal tax year ending on or after December 31, 2010, in which:

(a) He or she at any time failed to qualify as a person who operates a business from his or her home; or

(b) His or her net earnings from that business were greater than 66 2/3 percent of the average annual wage for the most recent calendar year ending before the last day of that federal tax year.

2. Except as otherwise provided in NRS 76.120, a person described in subsection 1 must obtain a state business license for his or her home-based business not later than 180 days after

the last day of a federal tax year ending on or after December 31, 2010, in which the exemption for a home-based business does not apply to him or her.

Sec. 9. 1. *If a person who operates a business from his or her home is required to obtain a state business license as a result of his or her net earnings from that business, his or her liability for each annual fee required by NRS 76.130 depends upon the net earnings of the person from that business for the most recent federal tax year ending before the date on which that fee would otherwise become due. The person is not liable for the fee if he or she establishes to the reasonable satisfaction of the Secretary of State that those net earnings were less than 66 2/3 percent of the average annual wage for the most recent calendar year ending before the date on which that fee would otherwise become due.*

2. *For the purposes of this section, the Secretary of State will accept a copy of a federal income tax return filed with the Internal Revenue Service for a business which a person operates from his or her home as satisfactory evidence of the net earnings of the person from the business for the period covered by the return.*

Sec. 10. 1. *If a person, other than a natural person, has a state business license for the conduct of a business by that person, no natural person is required to obtain a state business license for any activity conducted in furtherance of that business solely because any income, tax deductions or tax credits attributable to that activity may be reported to the Internal Revenue Service as income or loss from a partnership, S corporation, estate, trust or real estate mortgage investment conduit on a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form.*

2. If a partnership or limited-liability company has a state business license for the conduct of a business by that person, no partner or member thereof is required to obtain a state business license for any activity conducted in furtherance of that business solely because any income, tax deductions or tax credits attributable to that activity may be reported to the Internal Revenue Service as income or loss from:

(a) A sole proprietorship on a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form; or

(b) A farm on a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form.

3. For the purposes of this section:

(a) "Limited-liability company" means a person organized pursuant to chapter 86 of NRS or the equivalent laws of another jurisdiction.

(b) "Partnership" means any association of two or more persons described in NRS 87.060, regardless of whether that association reports to the Internal Revenue Service partnership income, tax deductions or tax credits on Form 1065, U.S. Return of Partnership Income Form, or its equivalent or successor form.