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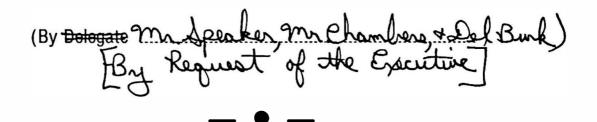
OFFICE OF WEST VICTIMA SECFLEXING OF SILVER

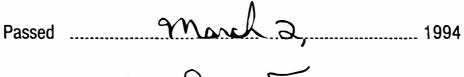
# WEST VIRGINIA LEGISLATURE

**REGULAR SESSION. 1994** 

ENROLLED

Com. Jul. for HOUSE BILL No. 4025





In Effect 90 Days From Passage @ GCU - 360-C

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OFFICE OF AEST VIRGINIA SECRETARY OF STATE

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#### COMMITTEE SUBSTITUTE

## FOR

# H. B. 4025

(By Mr. Speaker, Mr. Chambers, and Delegate Burk) [By Request of the Executive]

[Passed March 2, 1994; in effect ninety days from passage.]

AN ACT to amend chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article twelved, relating to the establishment of the office of business registration and centralize records for business registration; legislative findings and declaration of purpose; establishment of an interagency advisory group; establishment of a centralized data base to store registration, licensing and other similar information concerning the initiation of new businesses in West Virginia; development of a single basic registration form and an agency contact list; providing for the confidentiality of records; directing that staffing come from existing positions and certain costs come from existing appropriations; and ensuring limited effect so that no existing agency responsibilities or powers are changed.

### Be it enacted by the Legislature of West Virginia:

That chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article twelve-d, to read as follows:

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#### ARTICLE 12D. ESTABLISHMENT OF OFFICE OF BUSINESS REGISTRATION; CREATION OF CENTRAL-IZED RECORDS.

# §11-12D-1. Legislative findings and declaration of purpose.

1 The Legislature hereby finds and declares that the 2 assistance, promotion, encouragement, development and 3 advancement of economic prosperity and employment 4 throughout this state requires an efficient, coherent, 5 accurate and simplified system for the registration of 6 businesses with state and local agencies. The Legislature 7 further finds and declares that the establishment of such 8 a system will promote consistent, fair and efficient 9 compliance with registration, licensing and other similar statutory obligations by all businesses in the 10 state. The Legislature finds that staff of the secretary 11 of state, the department of tax and revenue and the 12 13 bureau of employment programs, as well as staff from other state agencies with an interest in the issue, have 14 15 studied the need for, and the feasibility of, a simplified system of business registration and have designed 16 17 certain elements of such a system, specifically, a 18 common data base of information regarding businesses registering with said agencies. The Legislature recog-19 20 nizes the need for continued involvement and coopera-21 tion by said agencies and it is the intent of the 22 Legislature to build upon the work of these agencies in 23 order to develop a simplified business registration system in the manner contemplated by this article. The 24 25 purposes of the system created by this article are 26 therefore to make government more responsive to the 27 needs of West Virginia businesses in their dealings with 28 government and to better enable government agencies 29 to assure that all West Virginia businesses comply with 30 legal requirements.

### §11-12D-2. Establishment of office of business registration; centralized business registration records.

- 1 (a) There is hereby established in the tax division of
- 2 the department of tax and revenue the office of business
- 3 registration.

(b) For the purpose of designing and implementing 4 5 the simplified business registration system contem-6 plated by this article, there is hereby established the business registration interagency advisory group, which 7 8 shall consist of representatives designated by the 9 secretary of state; the secretary of tax and revenue; the 10 executive director of the development office; secretary of commerce, labor and environmental resources; and 11 12 the commissioner of the bureau of employment pro-13 grams. The advisory group shall consult with represen-14 tatives of such other state offices and agencies as 15 necessary to accomplish the purposes of this article. In 16 implementing the simplified business registration 17 system described in this article, the tax commissioner 18 shall be guided by the recommendations of the advisory 19 group.

20 (c) The office of business registration, with the 21 cooperation and assistance of all interested governmen-22 tal entities, shall establish a system of centralized 23 records, which may be in the form of a centralized data 24 base, for the acquisition and storage of information the 25 departments, divisions and agencies may require for 26 registration, licensing and other similar statutory 27 purposes related to the initiation of new businesses in 28 West Virginia.

29 (d) Not later than the thirtieth day of November, one 30 thousand nine hundred ninety-four, the office of business 31 registration shall design a single basic registration 32 information form for the purpose of fulfilling, to the 33 extent feasible, the business registration information 34 requirements of the department of tax and revenue, the 35 secretary of state and the bureau of employment 36 programs. The information to be provided on the form 37 will include the name, address and telephone number of 38 the prospective new business; the standard industry 39 code or codes appropriate to the business; the number **40** of employees of the business; and such other appropriate 41 information. Prospective new businesses must register 42 with the office of business registration and disclose the 43 business registration information required by that 44 office.

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(e) For each prospective new business seeking to do
business in the state of West Virginia, a record of
registration information will be entered into the
centralized records or data base for new business
registration.

50 (f) If all of the business registration information 51 required by the secretary of state, the department of tax and revenue and the bureau of employment programs 52 53 can not feasibly be included in a single form, the office of business registration will include on the single form 54 55 as much of the information as is feasible and will design a system which avoids, to the maximum extent possible, 56 57 duplication of effort by businesses seeking to register. 58 No later than the thirtieth day of June. one thousand 59 nine hundred ninety-five, the office of business registra-**60** tion and the advisory group shall make joint recommen-61 dations as to additional measures, whether administra-62 tive or legislative, needed in order to:

63 (1) Permit a business to provide all needed registra-64 tion information in a single step;

65 (2) Bring all interested governmental entities into the 66 simplified registration system; and

67 (3) Simplify in any other manner the dealings of
68 businesses with government agencies in West Virginia,
69 with particular emphasis on data management tech70 niques.

## §11-12D-3. Agency contact list, dispersal of data base information to agencies, agency contact with prospective businesses.

(a) An agency contact list consisting of those state 1 2 government agencies and offices having registration, 3 licensing or other similar statutory provisions related to the initiation of new businesses in West Virginia or 4 5 which should otherwise have contact with a new 6 business, will be maintained by the office of business registration in conjunction with the centralized records 7 8 for new business registration.

9 (b) Based upon the proposed location, size, number of 10 employees, type of business, standard industry code or 11 codes and other pertinent information relating to the 12 business, each prospective new business, upon having a 13 record established in the centralized records for new business registration, shall be informed by the office of 14 15 business registration of those state agencies or offices 16 having a registration, licensing and other similar 17 statutory provisions related to the initiation of a new 18 business in West Virginia or other function relating to 19 prospective new business such that the agency or office 20 should by law or regulation be given notice of the 21 establishment or operation of a new business in West 22 Virginia. The office of business registration shall 23 establish a record of the new business in the centralized 24 data base for the use and benefit of any agency or officer 25 of the state of West Virginia having access to the data 26 base and which should, by law or regulation, receive 27 notice of the establishment or operation of a particular 28 business. The record should contain such information as 29 is necessary to fulfill the regulatory, registration or 30 licensing function of that agency, or in lieu of such 31 information, the name, address and other pertinent 32 information relating to the particular business whereby 33 the agency or office may initiate such procedures or 34 make such contact with the particular business as is 35 appropriate for the fulfillment of the regulatory, 36 registration, licensing or other statutory duties of the 37 office or agency.

# §11-12D-4. Confidentiality of records of the centralized data base for new business registration.

1 (a) Notwithstanding any other provision of this code, 2 new business registration information may be dissem-3 inated to the state of West Virginia, its political 4 subdivisions, agencies and offices in accordance with 5 this article.

6 (b) Information from the centralized records for new 7 business registration received by any state, local or 8 municipal agency or office is confidential and the 9 provisions of sections five-d and five-s, article ten of this 10 chapter concerning confidentiality and disclosure of 11 taxpayer information apply to such information.

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## §11-12D-5. Staffing for office of business registration; costs of centralized records system; legislative intent.

1 (a) It is the intent of the Legislature that the staff of 2 the office of business registration established by this 3 article be composed of existing positions within the 4 departments, divisions and agencies of the state whose 5 functions are centralized by this article, and particu-6 larly from existing staff of the department of tax and 7 revenue and the bureau of employment programs.

8 (b) It is the intent of the Legislature that costs associated with the office of business registration and 9 the centralized records system established in this article 10 11 be paid, to the maximum extent possible, from existing 12 appropriations to the department of tax and revenue and the bureau of employment programs, except for 13 such additional costs as may be attributable to the 14 development and maintenance of the centralized records 15 system or data base. To carry out this intent, the 16 17 governor may redirect funds from such appropriations.

# §11-12D-6. Limited effect of article; intent of Legislature.

1 It is the intent of the Legislature in enacting this 2 article to simplify the methods by which government 3 agencies gather information from businesses for the purposes of registration, licensing or other similar 4 statutory purpose related to the initiation of new 5 6 businesses in West Virginia: Provided, That this article 7 shall not be construed to change any existing requirement of this code, nor to modify any existing agency 8 9 responsibility or power, except as may be necessary to 10 simplify the information-gathering functions described 11 in this article.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. Chairman Senate Committee 9 Chairman House Committee Originating in the House. Takes effect ninety days from passage, no CN Clerk of the Senate he House esident of the Senate Speaker of the House of Delegates J6 A The within 12 approved this the day of ..... Governo C CCUC we

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