

SB 553

FILED

2008 MAR 28 PM 4:27

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 553

(SENATORS McCABE, CARUTH, BOWMAN, JENKINS, UNGER,
PLYMALE AND FOSTER, *original sponsors*)

[Passed March ⁸~~12~~, 2008; in effect ninety days from passage.]

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SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 553

(SENATORS McCABE, CARUTH, BOWMAN, JENKINS, UNGER,
PLYMALE AND FOSTER, *original sponsors*)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5A-6A-1, §5A-6A-2, §5A-6A-3, §5A-6A-4, §5A-6A-5, §5A-6A-6, §5A-6A-7, §5A-6A-8 and §5A-6A-9, all relating to establishing the Permitting and Licensing Information Act; authorizing the Governor's Office of Technology to establish a permitting and licensing information system; providing legislative findings; definitions; establishing authority and duties of the office; creating duty for

agencies to provide permitting and licensing information; reporting requirements; granting rule-making authority; and providing for limitations of the article.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §5A-6A-1, §5A-6A-2, §5A-6A-3, §5A-6A-4, §5A-6A-5, §5A-6A-6, §5A-6A-7, §5A-6A-8 and §5A-6A-9, all to read as follows:

ARTICLE 6A. PERMITTING AND LICENSING INFORMATION ACT.

§5A-6A-1. Short title.

1 *Short title.* — This article may be known and cited as
2 the Permitting and Licensing Information Act.

§5A-6A-2. Legislative findings.

1 (a) The Legislature finds that:

2 (1) Persons conducting business activities in this state
3 are required to obtain permits and licenses from various
4 agencies that regulate those activities;

5 (2) The efficiency of the permitting and licensing
6 process is an integral component of effective
7 government, business development and public
8 participation; and

9 (3) It is in the public interest that the permitting and
10 licensing process for business activities should be
11 efficient and streamlined.

12 (b) Therefore, the Legislature declares that the

13 permitting and licensing process for business activities
14 be facilitated and coordinated by the Governor's Office
15 of Technology.

§5A-6A-3. Definitions.

1 For the purposes of this article, the following words
2 have the meaning assigned unless the context indicates
3 otherwise:

4 (1) "Agency" means any board, department, division,
5 authority, commission or other public entity that
6 requires a permit or license to be obtained from the
7 entity to conduct a business activity in this state.

8 (2) "Office" means the Governor's Office of
9 Technology.

10 (3) "Permit" means any permit, license, authorization,
11 certification, registration or other approval required to
12 perform a business activity.

§5A-6A-4. Permit and license information authority.

1 (a) The Legislature hereby authorizes the Governor's
2 Office of Technology to facilitate and coordinate the
3 permitting and licensing process for business activities
4 in this state.

5 (b) The office has the following authority to:

6 (1) Establish a central permit and license information
7 repository;

8 (2) Determine the type of information that each

9 agency must submit in order to provide adequate
10 information to the public regarding the permits and
11 licenses needed for a particular business activity;

12 (3) Require state agencies and local agencies to
13 provide their permit and license information, including
14 the type and purpose of all permits and licenses the
15 agency issues;

16 (4) Create an online permitting and licensing program
17 monitored through the state web page; and

18 (5) Make recommendations to the Governor and the
19 Legislature concerning the functionality of the central
20 permit and license information repository to ensure its
21 accessibility and reliability for use by agencies and the
22 public.

**§5A-6A-5. Duty of agencies to provide permitting and
licensing information; development of
permitting and licensing information
repository.**

1 (a) On or before the first day of October, two thousand
2 eight, the office shall provide notice to all agencies that
3 beginning on the first day of February, two thousand
4 nine, that the agency shall submit licensing and
5 permitting information to the office.

6 (b) On or before the first day of December, two
7 thousand eight, the office shall establish, and provide to
8 agencies that issue permits and licenses, the procedures
9 and methods for submission of required permitting and
10 licensing information for the permitting and licensing
11 information repository.

12 (c) On or before the first day of February, two
13 thousand nine, an agency that issues permits and
14 licenses shall submit the required permitting and
15 licensing information to the office in accordance with
16 the procedures and methods established in this article.

17 (d) On or before the first day of July, two thousand
18 nine, the office will create an internet-based, publicly
19 accessible permitting and licensing information
20 repository, in coordination with the state's e-
21 government initiatives, that contains the following:

22 (1) A comprehensive detailed listing of the types of
23 permits and licenses required for specific business
24 activities;

25 (2) The purposes of the permits and licenses; and

26 (3) The agencies responsible for issuance of the
27 permits and licenses, including the agency contact
28 information.

29 (e) The permitting and licensing information
30 repository shall allow individuals to obtain a listing of
31 the types of permits and licenses required for specific
32 business activities.

**§5A-6A-6. Requirements for adopted, revised or terminated
permitting or licensing information.**

1 No later than thirty days prior to the effective date of
2 the implementation, revision or termination of any
3 permitting or licensing requirement, an agency, subject
4 to the provisions of this article, is required to provide
5 to the office the current information relating to a

6 permit or license.

§5A-6A-7. Reporting requirements.

1 Annually, by the thirtieth day of December, the office
2 shall report to the Joint Committee on Government and
3 Finance and the Governor the status of the permitting
4 and licensing information repository and identify any
5 agency that has failed to comply with the requirements
6 of this article.

§5A-6A-8. Rule-making authority.

1 The office may propose rules for legislative approval
2 pursuant to the provisions of article three, chapter
3 twenty-nine-a of this code to effectuate the purpose
4 and provisions of this article.

§5A-6A-9. Limitation.

1 Although this article creates a central permitting and
2 licensing information repository, each agency shall
3 continue to administer its own permitting and licensing
4 procedures and charge and collect the appropriate fees.

7 [Enr. Com. Sub. for S. B. No. 553

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee

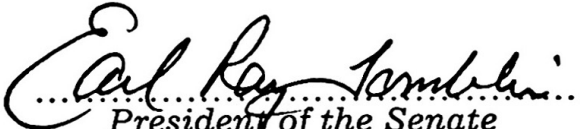

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is appended this
the 28th Day of March, 2008.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 25 2008

Time 3:45pm