

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **Senate Bill 334**

BY SENATORS MAYNARD, HAMILTON, ROBERTS, AND

CLINE

[Introduced January 16, 2019; Referred  
to the Committee on Government Organization; and then  
to the Committee on Finance]

1 A BILL to amend and reenact §31D-1-131 of the Code of West Virginia, 1931, as amended,  
 2 relating to the Secretary of State; and requiring the establishment of searchable databases  
 3 for West Virginia registered corporation and sole proprietorship information.

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

**ARTICLE 1. GENERAL PROVISIONS.**

**PART III.**

**SECRETARY OF STATE.**

**§31D-1-131. One-stop electronic state business portal.**

1 (a) The Secretary of State shall establish a web-based business portal to facilitate  
 2 interaction among businesses and governmental agencies in West Virginia. The web-based  
 3 business portal shall provide a single point-of-entry to state government for businesses based in  
 4 the state and for businesses looking to establish a presence in the state. The web-based business  
 5 portal shall:

6 (1) Provide guidance to users who want to start, operate, or expand a business in the  
 7 state;

8 (2) Permit e-payments and provide businesses information about transaction statuses in  
 9 a paperless environment;

10 (3) Provide business owners with the option to electronically:

11 (A) Make application, including the payment of fees, for permits and licenses;

12 (B) Make application, including the payment of fees, for the renewal of permits and  
 13 licenses;

14 (C) File annual reports;

15 (D) Pay unemployment taxes;

16 (E) Pay sales and use taxes through a link to the web-based portal maintained by the Tax  
 17 Division of the Department of Revenue for electronic payment; and

18 (F) Pay any other fees or remittances that the business owners are subject to under state  
19 law;

20 (4) Provide businesses with downloadable access to all editable forms that are necessary  
21 for compliance with all reporting and filing requirements with the following agencies:

22 (A) West Virginia State Tax Department;

23 (B) Workforce West Virginia;

24 (C) West Virginia Division of Labor; and

25 (D) West Virginia Secretary of State;

26 (5) Provide for the electronic filing of documents by city, county, and local governments:

27 *Provided*, That nothing in this section ~~shall~~ may be construed to permit the Secretary of State to  
28 receive tax returns, or any other documents required to be filed with the State Tax Commissioner,  
29 or to require any taxpayer to file tax returns, or any other documents required to be filed with the  
30 State Tax Commissioner, with the Secretary of State. Nor ~~shall~~ may the Secretary of State be  
31 permitted to receive payments for taxes, including interest, penalties, or additions to tax, that are  
32 required to be collected by the Tax Commissioner. Notwithstanding the foregoing, the Secretary  
33 of State and the Tax Commissioner may develop policies and procedures allowing the Secretary  
34 of State to accept applications and renewals, and to collect the appropriate fee, for Business  
35 Registration Certificates. *Provided, however*, That nothing in this section ~~shall~~ may be construed  
36 as requiring the State Tax Commissioner or the Tax Division of the Department of Revenue to  
37 disclose confidential taxpayer information to the Secretary of State.

38 (6) Provide, by July 1, 2019, a searchable database available on the Secretary of State's  
39 website which provides information relating to domestic or foreign corporations, domestic or  
40 foreign limited liability companies, domestic or foreign partnerships, and domestic or foreign  
41 associations; specifically: The type of business, including any tradenames; the name of the  
42 registered agent(s) or owner(s). The Secretary of State and the State Tax Commissioner shall  
43 collaborate on the manner in which the information relating to sole proprietorships shall be made

44 available: *Provided*, That proprietary, revenue, income, tax-related, or any other confidential  
45 information may not be contained in the database.

46 (b) The Secretary of State shall establish a consolidated call center to be staffed by trained  
47 and knowledgeable persons who are able to assist businesses obtain information and services  
48 relating to compliance with state law.

49 (c) The Secretary of State shall:

50 (1) Develop the requirements of the web-based business portal by August 31, 2015,  
51 including, but not limited to:

52 (A) Establishing, through cooperative efforts, the standards and requirements necessary  
53 to design, build, implement, and maintain the business portal; and

54 (B) Establishing the standards and requirements necessary for a state or local agency to  
55 participate in the business portal;

56 (2) Coordinate and cooperate with the appropriate entities to facilitate the payment by  
57 businesses of any payments or remittances made pursuant to this section, via the web-based  
58 business portal; and

59 (3) Propose rules for legislative approval, in accordance with the provisions of §29A-3-1  
60 *et seq.* of this code, to implement the provisions of this article.

NOTE: The purpose of this bill is to require the Secretary of State to establish a searchable database for West Virginia registered corporation and sole proprietorship information. The bill requires the Secretary of State and the State Tax Commissioner to collaborate on the database.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.