

HB 4025  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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# ENROLLED

Com. Sub. for  
HOUSE BILL No. 4025

(By Delegate Mr. Speaker, Mr. Chambers, & Del. Bunk)  
[By Request of the Executive]

— ● —

Passed March 2, 1994

In Effect 90 Days From Passage

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COMMITTEE SUBSTITUTE

FOR

**H. B. 4025**

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)  
[By Request of the Executive]

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

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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 twelve-d, 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:

**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  
10 similar statutory obligations by all businesses in the  
11 state. The Legislature finds that staff of the secretary  
12 of state, the department of tax and revenue and the  
13 bureau of employment programs, as well as staff from  
14 other state agencies with an interest in the issue, have  
15 studied the need for, and the feasibility of, a simplified  
16 system of business registration and have designed  
17 certain elements of such a system, specifically, a  
18 common data base of information regarding businesses  
19 registering with said agencies. The Legislature recog-  
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  
24 system in the manner contemplated by this article. The  
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 registra-  
tion; 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.

4 (b) For the purpose of designing and implementing  
5 the simplified business registration system contem-  
6 plated by this article, there is hereby established the  
7 business registration interagency advisory group, which  
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  
11 of commerce, labor and environmental resources; and  
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.

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

50 (f) If all of the business registration information  
51 required by the secretary of state, the department of tax  
52 and revenue and the bureau of employment programs  
53 can not feasibly be included in a single form, the office  
54 of business registration will include on the single form  
55 as much of the information as is feasible and will design  
56 a system which avoids, to the maximum extent possible,  
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 tech-  
70 niques.

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

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

**§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  
9 associated with the office of business registration and  
10 the centralized records system established in this article  
11 be paid, to the maximum extent possible, from existing  
12 appropriations to the department of tax and revenue  
13 and the bureau of employment programs, except for  
14 such additional costs as may be attributable to the  
15 development and maintenance of the centralized records  
16 system or data base. To carry out this intent, the  
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  
4 purposes of registration, licensing or other similar  
5 statutory purpose related to the initiation of new  
6 businesses in West Virginia: *Provided*, That this article  
7 shall not be construed to change any existing require-  
8 ment of this code, nor to modify any existing agency  
9 responsibility or power, except as may be necessary to  
10 simplify the information-gathering functions described  
11 in this article.

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

*[Handwritten signature]*

Chairman Senate Committee

*Ernest C Moore*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carroll E. Edinger*

Clerk of the Senate

*Donald L. Hoff*

Clerk of the House of Delegates

*Bill Bissett*

President of the Senate

*Bill Collier*

Speaker of the House of Delegates

The within *is approved* this the *16<sup>th</sup>* day of *March* 1994.

*Caston Caperton*

Governor



PRESENTED TO THE

GOVERNOR'S

Date 3/10/94

Time 9:30 am