

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/25/15

A Bill

HOUSE BILL 1844

5 By: Representatives Gillam, E. Armstrong, Dotson, Eubanks, Gossage, M.J. Gray, S. Meeks
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH A STATE BUSINESS PORTAL WITHIN
9 THE OFFICE OF THE SECRETARY OF STATE; TO PROMOTE
10 EFFICIENT INTERACTIONS BETWEEN BUSINESS AND STATE
11 GOVERNMENT; AND FOR OTHER PURPOSES.
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Subtitle

14 TO ESTABLISH A STATE BUSINESS PORTAL
15 WITHIN THE OFFICE OF THE SECRETARY OF
16 STATE; AND TO PROMOTE EFFICIENT
17 INTERACTIONS BETWEEN BUSINESS AND STATE
18 GOVERNMENT.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 *SECTION 1. DO NOT CODIFY. Legislative findings.*

25 *The General Assembly finds that:*

26 *(1) Historically, a business has been required to submit various*
27 *applications to numerous state and local governmental agencies to obtain*
28 *necessary licenses, permits, and approvals to conduct business in this state;*

29 *(2) State and local governmental agencies do not use a uniform*
30 *application system to authorize or issue a license, permit, or approval to*
31 *conduct business;*

32 *(3) A business may submit the same basic information through the*
33 *use of numerous forms, formats, and multiple websites as required by those*
34 *separate agencies;*

35 *(4) Advances in information technology should enable*
36 *governmental agencies to make the exchange of information from business to*



1 government, from government to business, and across governmental agencies
2 more efficient and effective for the parties;

3 (5) States that make required transactions among businesses and
4 governmental agencies faster, easier, and cheaper than compared to other
5 states will provide a competitive advantage for businesses and encourage
6 economic development within the state; and

7 (6) The State of Arkansas should strive to become a national
8 leader for online interaction between business and government through the
9 establishment of a state business portal within the office of the Secretary
10 of State to provide a single, secure portal to transact business with the
11 intent to improve efficiency, eliminate redundancy, streamline the
12 establishment of businesses, improve accountability, and enhance economic
13 development within this state.

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15 SECTION 2. Arkansas Code Title 4, Chapter 27, is amended to add an
16 additional subchapter to read as follows:

17
18 Subchapter 19 – Arkansas Business Portal Act

19
20 4-27-1901. Title.

21 This subchapter shall be known and may be cited as the “Arkansas
22 Business Portal Act”.

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24 4-27-1902. Purpose.

25 It is the purpose of this subchapter to provide access for a state
26 business portal to facilitate interaction among businesses and governmental
27 agencies located in this state by allowing businesses to conduct necessary
28 transactions with various governmental agencies through use of a state
29 business portal.

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31 4-27-1903. Definitions.

32 As used in this subchapter:

33 (1) “Business” means a person or entity that:

34 (A) Performs a service or engages in a trade for profit
35 and is required by the Internal Revenue Service to file a:

36 (i) Schedule C, Form 1040, Profit or Loss From

1 Business, or its equivalent or successor form;

2 (ii) Schedule E, Form 1040, Supplemental Income and
3 Loss, or its equivalent or successor form; or

4 (iii) Schedule F, Form 1040, Profit or Loss From
5 Farming, or its equivalent or successor form, for that activity; or

6 (B) Is organized as a business under this chapter,
7 including an entity that is required to file an annual report with the
8 Secretary of State, whether or not the entity performs a service or engages
9 in a trade or business for profit;

10 (2) "State business license" means any license issued to a
11 business in this state; and

12 (3) "Wages" means any remuneration paid for personal services,
13 including commissions and bonuses, and payable in any medium other than cash.

14
15 4-27-1904. Administration – Duties of the Secretary of State.

16 The Secretary of State shall:

17 (1) Administer this subchapter;

18 (2) Establish, through cooperative efforts, the standards and
19 requirements necessary to design, build, and implement the state business
20 portal;

21 (3) Establish the standards and requirements necessary for a
22 state or local agency to participate in the state business portal;

23 (4) Authorize a state or local agency to participate in the
24 state business portal if the Secretary of State determines that the agency
25 meets the standards and requirements necessary to participate;

26 (5) Determine the appropriate requirements to be used by
27 businesses and governmental agencies conducting transactions through use of
28 the state business portal;

29 (6) Adopt procedures to administer this subchapter; and

30 (7)(A) Establish a unique identifier for each business entity
31 registered to do business in this state.

32 (B) The unique identifier shall be:

33 (i) Alphabetical, alphanumeric, or numeric as
34 determined by the Secretary of State;

35 (ii) Unique to each registered business entity;

36 (iii) The statewide business identifier for each

1 business entity; and

2 (iv) Recognized by all state, county, city, and
3 local governments as the unique business identifier for each business entity
4 registered in this state.

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6 4-27-1905. Funding.

7 (a) The Secretary of State shall use cash funds of the office of the
8 Secretary of State to administer this subchapter.

9 (b) The Secretary of State may use cash funds to:

10 (1) Enter into contracts or agreements with private or public
11 entities to assist the Secretary of State in establishing, operating, or
12 maintaining the state business portal; and

13 (2) Apply for and accept a gift, donation, bequest, grant, or
14 other source of money to carry out this subchapter.

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16 4-27-1906. Applications for licenses – Initial – Renewal.

17 (a) A business may submit an application to the Secretary of State on
18 a form prescribed by the Secretary of State for a state business license
19 under this subchapter.

20 (b)(1) A business shall renew the state business license annually as
21 long as the business is operating within this state.

22 (2) A business shall apply for renewal of a license issued under
23 this subchapter by submitting an application for renewal on the form
24 prescribed by the Secretary of State.

25 (c) An application for a state business license under this subchapter
26 shall:

27 (1) Be made using an online form as determined by the Secretary
28 of State;

29 (2)(A) State the name under which the applicant transacts or
30 intends to transact business.

31 (B) If the applicant is an entity organized under this
32 chapter and on file with the Secretary of State, the applicant shall state
33 the exact name on file with the Secretary of State, including the entity
34 number as assigned by the Secretary of State, if known, and all the
35 applicant's places of business;

36 (3) Be accompanied by a fee in the amount of one hundred fifty

1 dollars (\$150); and

2 (4) Include any other information that the Secretary of State
3 deems necessary.

4 (d) If an applicant is an entity organized under this chapter and on
5 file with the Secretary of State and the applicant does not have an
6 established principal place of business located within the state, the address
7 of the applicant's registered agent is the location of the applicant's
8 principal place of business within this state.

9 (e) The application shall be signed by:

10 (1) The owner of a business that is owned by a natural person;

11 (2) A member or partner of an association or partnership;

12 (3) A general partner of a limited partnership;

13 (4) A managing partner of a limited-liability partnership;

14 (5) A manager or managing member of a limited-liability company;

15 or

16 (6) An officer of a corporation or an individual specifically
17 authorized by the corporation to sign the application.

18 (f) If the application for a state business license is defective or
19 incomplete, the Secretary of State may return the incomplete application to
20 the applicant to complete or to submit proper payment.

21 (g) A state business license under this subchapter does not replace or
22 substitute an authorization or license required to conduct business from a
23 local jurisdiction where the business activity is conducted.

24 (h) A person may apply for a license under this subchapter if a
25 business for which a person is responsible:

26 (1) Is organized under this chapter;

27 (2) Has an office or other base of operations within this state;

28 (3) Has a registered agent that is located within this state;

29 and

30 (4) Pays wages or other remuneration to an individual who
31 performs any duties associated with the business within this state.

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33 4-27-1907. Rules.

34 The Secretary of State shall adopt rules to implement and administer
35 this subchapter.

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1 4-27-1908. Noncompliance.

2 (a) If a person that holds a state business license fails to comply
3 with this subchapter or any rule of the Secretary of State adopted under this
4 subchapter, the Secretary of State may revoke or suspend the state business
5 license of the person as determined by the Secretary of State.

6 (b) If a state business license is suspended or revoked, the Secretary
7 of State shall provide written notice of the action to the licensee.

8 (c) The Secretary of State shall not issue a new license to the former
9 holder of a revoked state business license unless the Secretary of State
10 finds that the applicant is complying with this subchapter and the rules of
11 the Secretary of State adopted under this subchapter.

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13 /s/Gillam
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