

**Senate Bill No. 41**

(By Senators Jenkins, Foster, Stollings and Williams)

[Introduced January 12, 2011; referred to the Committee on Economic Development; and then to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2H-1, §5B-2H-2, §5B-2H-3, §5B-2H-4, §5B-2H-5 and §5B-2H-6, all relating to requiring a jobs impact statement for certain proposed legislation.

*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 §5B-2H-1, §5B-2H-2, §5B-2H-3, §5B-2H-4, §5B-2H-5 and §5B-2H-6, all to read as follows:

**ARTICLE 2H. JOBS IMPACT STATEMENT.**

**§5B-2H-1. Short title.**

This article may be cited as the "Jobs Impact Statement Act."

**§5B-2H-2. Legislative findings.**

The Legislature finds that, in order to maintain and create an

1 economic climate which will sustain and promote the creation and  
2 retention of jobs in the State of West Virginia and provide  
3 employment opportunities for as many citizens as possible, it is  
4 important to understand the jobs impact of Legislature acts. The  
5 Legislature further finds that without appropriate information it  
6 may enact legislation that would adversely affect employment in the  
7 state.

8 **§5B-2H-3. Persons empowered to request jobs impact statement;**  
9 **preparation by West Virginia Development Office;**  
10 **time limitations.**

11 Upon written request by the Governor or the presiding officer  
12 of either house of the Legislature, proposed legislation which has  
13 an impact on the state's economy shall be reviewed by the West  
14 Virginia Development Office, which shall prepare a jobs impact  
15 statement. The request shall be accompanied by ten copies of the  
16 proposed legislation. In preparing a jobs impact statement, the  
17 Director of the West Virginia Development Office may seek  
18 assistance or data from, or contract with, any organization or  
19 state agency which may facilitate the compilation of the jobs  
20 impact statement. Any state agency shall provide requested  
21 information within ten days from the date of the request.

22 The West Virginia Development Office shall return a jobs  
23 impact statement to the requesting party within twenty days of the  
24 date of the original request.

1 **§5B-2H-4. Contents of the jobs impact statement; explanations**  
2 **required for omissions.**

3 (a) *General rule.* -- The jobs impact statement, using  
4 generally accepted methodology, shall detail both short-term and  
5 long-term job effects of the proposed legislation and shall  
6 include, but is not limited to, the following information:

7 (1) A determination of the probable result of the legislation  
8 in terms of the number of West Virginia jobs which will be created,  
9 retained or eliminated;

10 (2) A statement of the probable net impact of the legislation  
11 on employment levels and employment patterns in West Virginia; and

12 (3) A determination of the relative impact on the number of  
13 West Virginia jobs by broad industrial sector, two-digit standard  
14 industrial classification.

15 (b) *Omission.* -- A jobs impact statement that omits any  
16 information required by subsection (a) of this section shall  
17 specifically note its omission, the reason for its omission, the  
18 importance of any relevant information so omitted to a complete and  
19 realistic assessment of the economic impact of the legislation and  
20 the additional time and effort required to obtain any information  
21 needed for the assessment.

22 **§5B-2H-5. Lack of jobs impact statement not to affect consideration**  
23 **or validity of legislation.**

1        If, in the opinion of the Director of the West Virginia  
2 Development Office, a jobs impact statement cannot be prepared  
3 within the statutory time frame, the unavailability of a jobs  
4 impact statement does not affect the validity of legislation which  
5 is enacted nor does the unavailability restrict consideration of  
6 pending legislation. No provision of this article alters, amends  
7 or invalidates any rule of the Senate, rule of the House of  
8 Delegates or joint rule of the Senate and House of Delegates.

9 **§5B-2H-6. Availability of copies of jobs impact statements.**

10        One copy of a jobs impact statement requested under section  
11 three of this article shall be made available to the Governor and  
12 the presiding officers of both houses of the Legislature, who shall  
13 distribute the statement to all members of the respective house.  
14 Copies of the statement shall be made available to the public at  
15 the office of the clerk of the respective houses of the  
16 Legislature.

NOTE: The purpose of this bill is to require a jobs impact statement to be completed by the West Virginia Development Office for certain proposed legislation which may impact both short-term and long-term jobs in this state.

This article is new; therefore, strike-throughs and underscoring have been omitted.