

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 543**

4 (By Senators Edgell, Kessler (Mr. President), Jenkins,
5 Carmichael, Cole, Williams, Plymale, Blair, D. Hall, M. Hall,
6 Sypolt, Wells, Walters, Boley, Beach and Nohe)

7 _____
8 [Originating in the Committee on the Economic Development;
9 reported February 19, 2014.]
10 _____

11
12 A BILL to amend the Code of West Virginia, 1931, as amended, by
13 adding thereto a new article, designated §5B-2I-1, §5B-2I-2,
14 §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to
15 creating the Jobs Impact Statement Act; requiring that the
16 West Virginia Development Office prepare a jobs impact
17 statement when requested by the Governor, presiding officer of
18 either house or minority leader of either house of the
19 Legislature for certain proposed legislation; defining duties
20 of the West Virginia Development Office, Marshall University,
21 West Virginia University and other state agencies in
22 responding to request for jobs impact statement; outlining the
23 contents of the jobs impact statement; providing that this
24 article does not affect the validity of legislation, restrict
25 consideration of pending legislation or otherwise alter, amend
26 or invalidate any rule of the Senate, the House of Delegates

1 or joint rules of the Senate and House of Delegates; and
2 describing the manner in which copies of the jobs impact
3 statement shall be made available.

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

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

8 **ARTICLE 2I. JOBS IMPACT STATEMENT.**

9 **§5B-2I-1. Short title.**

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

11 **§5B-2I-2. Legislative findings.**

12 The Legislature finds that to maintain and create an economic
13 climate which will sustain and promote the creation and retention
14 of jobs in the State of West Virginia and provide for employment
15 opportunities for as many citizens as possible, it is important to
16 understand the jobs impact of acts of the Legislature. The
17 Legislature further finds that without appropriate information it
18 may enact legislation that would adversely affect employment in the
19 state.

20 **§5B-2I-3. Persons empowered to request jobs impact statement;
21 preparation by West Virginia Development Office; time
22 limitations.**

23 Upon written request by the Governor, the presiding officer of
24 either house, or the leader of the minority party of either house
25 of the Legislature, proposed legislation which has an impact on the

1 state's economy shall be reviewed by the Joint West Virginia Jobs
2 Impact and Development Office, which shall prepare a jobs impact
3 statement. The request shall be accompanied by one copy of the
4 proposed legislation. In preparing a jobs impact statement, the
5 Director of the West Virginia Development Office, in consultation
6 with the schools of business and economics at Marshall University
7 and West Virginia University, may seek assistance or data from, or
8 contract with, any organization or state agency which may
9 facilitate the compilation of the jobs impact statement. Any state
10 agency shall provide requested information within ten days from the
11 date of the request.

12 The West Virginia Development Office shall return a jobs
13 impact statement to the requesting party within twenty days of the
14 date of the original request.

15 **§5B-2I-4. Contents of the jobs impact statement; explanations**
16 **required for omissions.**

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

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

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

26 (3) A determination of the relative impact on the number of

1 West Virginia jobs by general industrial sector using the two-digit
2 standard North American Industry Classification System (NAICS)
3 codes as found in the current version of the Official U. S. NAICS
4 Manual.

5 (b) *Omission.* - A jobs impact statement that omits any
6 information required by subsection (a) of this section shall
7 specifically note its omission, the reason for its omission, the
8 importance of any relevant information so omitted to a complete and
9 realistic assessment of the economic impact of the legislation and
10 the additional time and effort required to obtain any information
11 needed for the assessment.

12 **§5B-2I-5. Lack of jobs impact statement not to affect**
13 **consideration or validity of legislation.**

14 If, in the opinion of the Director of the West Virginia
15 Development Office, in consultation with the schools of business
16 and economics of Marshall University and West Virginia University,
17 a jobs impact statement cannot be prepared within the statutory
18 time frame, the unavailability of a jobs impact statement does not
19 affect the validity of legislation which is enacted nor does the
20 unavailability restrict consideration of pending legislation. A
21 provision of this article may not be determined to alter, amend or
22 invalidate any rule of the Senate, rule of the House of Delegates
23 or joint rule of the Senate and House of Delegates.

24 **§5B-2I-6. Availability of copies of jobs impact statements.**

25 One copy of a jobs impact statement requested under section

1 three of this article shall be made available to the Governor and
2 the presiding officers of both houses of the Legislature, who shall
3 distribute the statement to all members of their respective houses.
4 Copies of the statement shall be made available to the public at
5 the office of the clerk of the respective houses of the
6 Legislature.