

H. B. 2158

(By Delegate Lane)

[Introduced January 20, 2015; referred to the
Committee on the Judiciary then Finance.]

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 creating the Jobs Impact Statement Act; requiring that the college of business of either West Virginia University or Marshall University prepare a jobs impact statement when requested to do so for certain proposed legislation by the Governor or leader of either house of the Legislature; outlining the contents of the jobs impact statement; providing that this article does not affect the validity of legislation, restrict consideration of pending legislation or otherwise alter, amend or invalidate any rule of the Senate, the House of Delegates or joint rules of the Senate and House of Delegates; and describing the manner in which copies of the jobs impact statement shall be made available.

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

1 as follows:

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

3 **§5B-2H-1. Short title.**

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

5 **§5B-2H-2. Legislative findings.**

6 The Legislature finds that to maintain and create an economic climate which will sustain and
7 promote the creation and retention of jobs in the State of West Virginia and provide for employment
8 opportunities for as many citizens as possible, it is important to understand the jobs impact of Acts
9 of the Legislature. The Legislature further finds that without appropriate information it may enact
10 legislation that would adversely affect employment in the state.

11 **§5B-2H-3. Persons empowered to request jobs impact statement; preparation; time**
12 **limitations.**

13 Upon: (1) Written request by the Governor; (2) written request by any two of the following
14 three persons: The Speaker of the House, the Chairman of Economic Development and Small
15 Business and the House minority leader; or (3) written request by any two of the following three
16 persons: The President of the Senate, the Chairman of Economic Development and the Senate
17 minority leader, proposed legislation which has an impact on the state's economy shall be reviewed
18 by either the College of Business of West Virginia University or of Marshall University, whichever
19 of the two is selected, and that college shall prepare a jobs impact statement. The request shall be
20 accompanied by one copy of the proposed legislation. The dean of the college of business of the
21 requested university shall designate a professor of economics, or professor with similar
22 qualifications, to prepare the jobs impact statement. In preparing a jobs impact statement, the

1 professor may seek assistance or data from, or contract with, any organization or state agency which
2 may facilitate the compilation of the jobs impact statement. Any state agency shall provide requested
3 information within ten days from the date of the request.

4 The university shall return a jobs impact statement to the requesting party within twenty days
5 of the date of the original request.

6 **§5B-2H-4. Contents of the jobs impact statement; explanations required for omissions.**

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

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

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

14 (3) A determination of the relative impact on the number of West Virginia jobs by general
15 industrial sector using the two-digit standard North American Industry Classification System
16 (NAICS) codes as found in the current version of the Official U. S. NAICS Manual.

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

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

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

7 **§5B-2H-6. Availability of copies of jobs impact statements.**

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

NOTE: The purpose of this bill is to provide for the preparation of jobs impact statements for proposed legislation.

This article is new, therefore, it has been completely underscored.