

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 187**

4 (By Senators Kessler (Mr. President) and M. Hall,

5 By Request of the Executive)

6 _____
7 [Originating in the Committee on Economic Development;

8 reported March 14, 2013.]

**FISCAL
NOTE**

9 _____
10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new article, designated §5B-2I-1, §5B-2I-2,
13 §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to
14 creating the Jobs Impact Statement Act; requiring that the
15 West Virginia Development Office prepare a jobs impact
16 statement when requested by the Governor or a majority of
17 certain leaders of either house of the Legislature for certain
18 proposed legislation; outlining the contents of the jobs
19 impact statement; providing that this article does not affect
20 the validity of legislation, restrict consideration of pending
21 legislation or otherwise alter, amend or invalidate any rule
22 of the Senate, the House of Delegates or joint rules of the
23 Senate and House of Delegates; and describing the manner in
24 which copies of the jobs impact statement shall be made

1 available.

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

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

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

7 **§5B-2I-1. Short title.**

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

9 **§5B-2I-2. Legislative findings.**

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

18 **§5B-2I-3. Persons empowered to request jobs impact statement;**
19 **preparation by West Virginia Development Office; time**
20 **limitations.**

21 Upon (1) written request by the Governor, (2) written request
22 by any two of the following three persons: the Speaker of the
23 House, the Chairman of Economic Development and Small Business and
24 the House minority leader, or (3) written request by any two of the

1 following three persons: the President of the Senate, the Chairman
2 of Economic Development and the Senate minority leader, proposed
3 legislation which has an impact on the state's economy shall be
4 reviewed by the West Virginia Development Office, which shall
5 prepare a jobs impact statement. The request shall be accompanied
6 by one copy of the proposed legislation. In preparing a jobs
7 impact statement, the Director of the West Virginia Development
8 Office may seek assistance or data from, or contract with, any
9 organization or state agency which may facilitate the compilation
10 of the jobs impact statement. Any state agency shall provide
11 requested information within ten days from the 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
18 generally accepted methodology, shall detail both the short-term
19 and 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

1 on employment levels and employment patterns in West Virginia; and

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

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

14 **§5B-2I-5. Lack of jobs impact statement not to affect**
15 **consideration or validity of legislation.**

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

1 **§5B-2I-6. Availability of copies of jobs impact statements.**

2 One copy of a jobs impact statement requested under section
3 three of this article shall be made available to the Governor and
4 the presiding officers of both houses of the Legislature, who shall
5 distribute the statement to all members of their respective houses.
6 Copies of the statement shall be made available to the public at
7 the office of the clerk of the respective houses of the
8 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 cause an impact on the West Virginia economy, when so requested by the Governor or leader of either House of the Legislature.

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