

1 COMMITTEE SUBSTITUTE

2 FOR

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4 FOR

5 **Senate Bill No. 187**

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

7 By Request of the Executive)

8 \_\_\_\_\_  
9 [Originating in the Committee on Finance;

10 reported March 21, 2013.]

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

1 Delegates; and describing the manner in which copies of the  
2 jobs impact statement shall be made available.

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

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

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

8 **§5B-2I-1. Short title.**

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

10 **§5B-2I-2. Legislative findings.**

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

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

22 Upon written request by the Governor or the presiding officer  
23 of either house of the Legislature, proposed legislation which has  
24 an impact on the state's economy shall be reviewed by the West

1 Virginia Development Office, which shall prepare a jobs impact  
2 statement. The request shall be accompanied by one copy of the  
3 proposed legislation. In preparing a jobs impact statement, the  
4 Director of the West Virginia Development Office may seek  
5 assistance or data from, or contract with, any organization or  
6 state agency which may facilitate the compilation of the jobs  
7 impact statement. Any state agency shall provide requested  
8 information within ten days from the date of the request.

9 The West Virginia Development Office shall return a jobs  
10 impact statement to the requesting party within twenty days of the  
11 date of the original request.

12 **§5B-2I-4. Contents of the jobs impact statement; explanations**  
13 **required for omissions.**

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

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

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

23 (3) A determination of the relative impact on the number of  
24 West Virginia jobs by general industrial sector using the two-digit

1 standard North American Industry Classification System (NAICS)  
2 codes as found in the current version of the Official U. S. NAICS  
3 Manual.

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

11 **§5B-2I-5. Lack of jobs impact statement not to affect**  
12 **consideration or validity of legislation.**

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

22 **§5B-2I-6. Availability of copies of jobs impact statements.**

23 One copy of a jobs impact statement requested under section  
24 three of this article shall be made available to the Governor and

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