

1 **Senate Bill No. 187**

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

3 By Request of the Executive)

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5 [Introduced February 15, 2013; referred to the Committee on
6 Economic Development; and then to the Committee on Finance.]

**FISCAL
NOTE**

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

1 jobs impact statement shall be made 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 written request by the Governor or the presiding officer
22 of either house of the Legislature, proposed legislation which has

1 an impact on the state's economy shall be reviewed by the West
2 Virginia 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 may seek
6 assistance or data from, or contract with, any organization or
7 state agency which may facilitate the compilation of the jobs
8 impact statement. Any state agency shall provide requested
9 information within ten days from the date of the request.

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

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

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

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

22 (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,

1 rule of the House of Delegates, or joint rule of the Senate and
2 House of Delegates.

3 **§5B-2I-6. Availability of copies of jobs impact statements.**

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