

COMMITTEE SUBSTITUTE

FOR

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FOR

Senate Bill No. 187

(By Senators Kessler (Mr. President) and M. Hall,
By Request of the Executive)

[Originating in the Committee on Finance;
reported March 21, 2013.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all relating to creating the Jobs Impact Statement Act; requiring that the West Virginia Development Office prepare a jobs impact statement when requested by the Governor or leader of either house of the Legislature for certain proposed legislation; 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-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5 and §5B-2I-6, all to read as follows:

ARTICLE 2I. JOBS IMPACT STATEMENT.

§5B-2I-1. Short title.

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

§5B-2I-2. Legislative findings.

1 The Legislature finds that to maintain and create an
2 economic climate which will sustain and promote the creation
3 and retention of jobs in the State of West Virginia and provide
4 for employment opportunities for as many citizens as possible,

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5 it is important to understand the jobs impact of Acts of the
6 Legislature. The Legislature further finds that without
7 appropriate information it may enact legislation that would
8 adversely affect employment in the state.

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

1 Upon written request by the Governor or the presiding
2 officer of either house of the Legislature, proposed legislation
3 which has an impact on the state's economy shall be
4 reviewed by the West Virginia Development Office, which
5 shall prepare a jobs impact statement. The request shall be
6 accompanied by one copy of the proposed legislation. In
7 preparing a jobs impact statement, the Director of the West
8 Virginia Development Office may seek assistance or data
9 from, or contract with, any organization or state agency
10 which may facilitate the compilation of the jobs impact
11 statement. Any state agency shall provide requested
12 information within ten days from the date of the request.

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

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

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

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

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

12 (3) A determination of the relative impact on the number
13 of West Virginia jobs by general industrial sector using the

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14 two-digit standard North American Industry Classification
15 System (NAICS) codes as found in the current version of the
16 Official U. S. NAICS Manual.

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

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

1 If, in the opinion of the Director of the West Virginia
2 Development Office, a jobs impact statement cannot be
3 prepared within the statutory time frame, the unavailability
4 of a jobs impact statement does not affect the validity of
5 legislation which is enacted nor does the unavailability
6 restrict consideration of pending legislation. A provision of
7 this article may not be determined to alter, amend or

8 invalidate any rule of the Senate, rule of the House of
9 Delegates or joint rule of the Senate and House of Delegates.

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

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