

# **WEST VIRGINIA LEGISLATURE**

**2017 REGULAR SESSION**

**Introduced**

## **Senate Bill 330**

BY SENATORS TRUMP, BOSO AND BLAIR

[Introduced February 16, 2017; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as  
2 amended, all relating to the West Virginia Workplace Freedom Act; eliminating the term  
3 “state” from the definitions section of the act; eliminating provisions addressing the  
4 construction of the West Virginia Workplace Freedom Act; eliminating language regarding  
5 the applicability of the West Virginia Workplace Freedom Act to collective bargaining or  
6 collective bargaining agreements in the building and construction industry; clarifying dates  
7 of applicability; and specifying that changes are to be applied retroactively.

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

1 That §21-5G-1 and §21-5G-7 of the Code of West Virginia, 1931, as amended, be  
2 amended and reenacted, all to read as follows:

**ARTICLE 5G. WEST VIRGINIA WORKPLACE FREEDOM ACT.**

**§21-5G-1. Definitions.**

1 As used in this article: ~~the following terms have the following definitions~~

2 ~~(a)~~ (1) The term “person” means any individual, proprietorship, partnership, firm,  
3 association, corporation, labor organization or any other legal entity.

4 ~~(b)~~ (2) The term “labor organization” means any organization, agency, union or employee  
5 representation committee of any kind that exists, in whole or in part, to assist employees in  
6 negotiating with employers concerning grievances, labor disputes, wages, rates of pay or other  
7 terms or conditions of employment.

8 ~~(c)~~ (3) The term “employer” means any person employing at least one individual in the  
9 state or any agent of an employer employing at least one individual in the state.

10 ~~(d) The term “state” means any officer, board, branch, commission, department, division,  
11 bureau, committee, agency, authority or other instrumentality of the State of West Virginia~~

**§21-5G-7. Construction; Applicability; severability.**

1 ~~(a) Construction. — Except to the extent expressly prohibited by the provisions of this  
2 article, nothing in this article is intended, or should be construed, to change or affect any law~~

3 ~~concerning collective bargaining or collective bargaining agreements in the building and~~  
4 ~~construction industry~~

5 ~~(b)~~ (a) *Applicability.* — This article applies to any written or oral contract or agreement  
6 entered into, modified, renewed or extended on or after July 1, 2016: *Provided*, That the provisions  
7 of this article ~~shall~~ do not otherwise apply to or abrogate a written or oral contract or agreement  
8 in effect on or before June 30, 2016. The changes made to this article during the 2017 regular  
9 session of the Legislature shall be applied retroactively.

10 ~~(c)~~ (b) *Severability.* — If any provision of this ~~act~~ article or the application of any ~~such~~  
11 provision of this article to any person or circumstance ~~should be~~ is held invalid by a court of  
12 competent jurisdiction, the remainder of this ~~act~~ article or the application of its provisions to  
13 persons or circumstances other than those to which it is held invalid ~~shall~~ is not be affected  
14 thereby.

NOTE: The purpose of this bill is to provide technical corrections to the definitions of the West Virginia Workplace Freedom Act and to repeal provisions relating to the statutory construction of the act.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.