

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Enrolled

Senate Bill 330

BY SENATORS TRUMP, BOSO AND BLAIR

[Passed March 17, 2017; in effect 90 days from passage]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2017 APR 12 P 2:02

FILED

Certified Copy



Stephen J. Harrison
Clerk of the West Virginia House of Delegates
and Keeper of the Rolls of the Legislature

SB 330 (veto override)

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1 AN ACT 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; eliminating a provision regarding construction of the
4 act as it relates to the building and construction industry; and clarifying dates of
5 applicability.

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:

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

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


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

1 (a) *Applicability.* — This article applies to any written or oral contract or agreement entered
2 into, modified, renewed or extended on or after July 1, 2016: *Provided,* That the provisions of this
3 article do not otherwise apply to or abrogate a written or oral contract or agreement in effect on
4 or before June 30, 2016.

5 (b) *Severability*. — If any provision of this article or the application of any such provision
6 of this article to any person or circumstance is held invalid by a court of competent jurisdiction,
7 the remainder of this article or the application of its provisions to persons or circumstances other
8 than those to which it is held invalid is not affected thereby.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

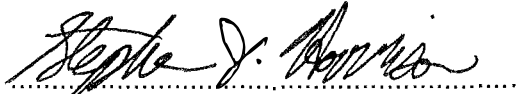

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Chairman, Senate Committee


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Chairman, House Committee

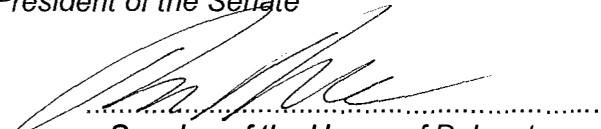
Originated in the Senate.

In effect 90 days from passage.


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Clerk of the Senate



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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

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2017 APR 12 P 2:02
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within is disapproved this the 28th
Day of March 2017.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 22 2017

Time 3:24 pm

In accordance with Section 14, Article VII of the Constitution of West Virginia, the Senate repassed, without amendment, Enrolled Senate Bill 330 by a majority of those elected to the Senate, to take effect ninety days from passage, notwithstanding the objections of the Governor.

The Clerk of the Senate to the House of Delegates.



Clerk of the Senate

March 30, 2017

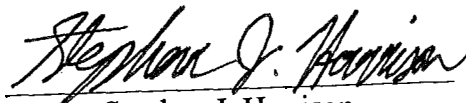
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2017 APR 12 P 2:03

OFFICE WEST VIRGINIA
SECRETARY OF STATE

In accordance with Section 14, Article VII of the Constitution, the House of Delegates reconsidered and again passed Enrolled Senate Bill 330, by a majority of those elected to the House, to take effect ninety days from passage, notwithstanding the objections of the Governor.

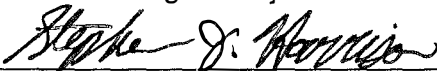
The Clerk of the House to the Senate.



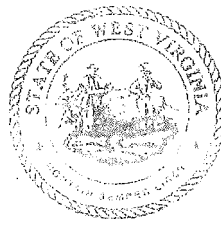
Stephen J. Harrison
Clerk of the House of Delegates

April 7, 2017

I, Stephen J. Harrison, Clerk of the House of Delegates, and as such Clerk, Keeper of the Rolls of the Legislature of West Virginia, hereby certify that the foregoing bill, Enrolled Senate Bill 330, disapproved by the Governor on the 28th day of March, 2017, was subsequently repassed by the Legislature, notwithstanding the objections of the Governor, on the 7th day of April, 2017.



Stephen J. Harrison
Clerk of the House of Delegates
and Keeper of the Rolls of the Legislature



Jim Justice
Governor of West Virginia

March 28, 2017

VIA HAND DELIVERY

The Honorable Mitch Carmichael
President, West Virginia Senate
Room 229M, Building 1
State Capitol
Charleston, West Virginia 25305

FILED
2017 APR 12 P 2:02
OFFICE WEST VIRGINIA
SECRETARY OF STATE

Re: Enrolled Senate Bill 330

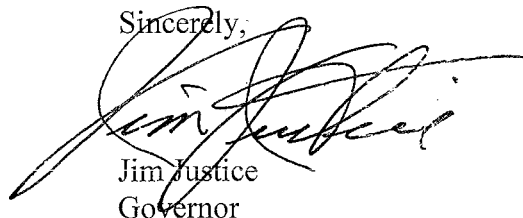
Dear President Carmichael:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Senate Bill 330 due to pending litigation calling into question the constitutionality of this bill's underlying statute and for public policy reasons.

I disapprove this bill because its underlying legislation (SB1 2016 Regular Legislative Session) is currently being challenged as unconstitutional in Kanawha County Circuit Court and the injunctive relief issued by that Court has been appealed to the West Virginia Supreme Court of Appeals. The Attorney General has requested that the Circuit Court issue a final decision by May 1, 2017. A decision by the Supreme Court regarding the current appeal is expected after April 21, 2017. Any amendment to this statute before such time as a Court has finally determined its constitutionality is imprudent and contrary to public policy.

For the foregoing reasons, I disapprove and return the bill.

Sincerely,



Jim Justice
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates

The Hon. Mac Warner
Secretary of State