

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 410

BY SENATORS MAYNARD, HAMILTON, CLINE, AND TARR

[Introduced January 24, 2019; Referred
to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-1-8c, relating to the West Virginia Monument and Memorial Protection Act
 3 of 2019; prohibiting the removal, renaming, alteration, or relocation of any statue,
 4 monument, memorial, nameplate, plaque, school, street, bridge, building, park, preserve,
 5 or reserve recognized by the West Virginia State Historic Preservation Office and which
 6 is located on public property and has been erected for, or named or dedicated in honor of,
 7 certain historical, military, labor, civil rights, and Native-American events, figures, and
 8 organizations; prohibiting any person from preventing the governmental entity having
 9 responsibility for maintaining the items, structures, or areas from taking proper measures
 10 to protect, preserve, care for, repair, or restore the items, structures, or areas recognized
 11 by the West Virginia State Historic Preservation Office; and authorizing the West Virginia
 12 State Historic Preservation Office to grant waivers under certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. DIVISION OF CULTURE AND HISTORY.

§29-1-8c. Protection of Monuments and Memorials; penalties.

1 (a) Short title.-- This section shall be known and may be cited as the "West Virginia
 2 Monument and Memorial Protection Act of 2019".

3 (b) No statue, monument, memorial, nameplate, plaque, school, street, bridge, building,
 4 park, preserve, or reserve recognized by the West Virginia State Historic Preservation Office
 5 which is located on public property may be removed, renamed, altered, or relocated, if such has
 6 been erected for, or named or dedicated in honor of leaders, persons, and events including any
 7 historical figure event or, organization in:

8 (A) The military history of West Virginia;

9 (B) The history of industrial development in West Virginia, including the labor union
 10 movement and activities, mining disasters or mine wars;

11 (C) The struggle for African-American Civil Rights, or the struggle for Women's Civil

12 Rights; or

13 (D) The history of Native Americans or American Indians in West Virginia.

14 (c) For the purposes of this section, "public property" means all property owned or leased
15 by the State of West Virginia; and, any county, municipality, or any other entity or political
16 subdivision that is created by act of the Legislature to perform any public function.

17 (d) No person may prevent a governmental entity from taking appropriate measures, for
18 the protection, preservation, care, repair, or restoration of those items, structures, or areas
19 described in subsection (b) of this section, however, the item or structure must be replaced in 30
20 days from being disturbed.

21 (e) This section does not apply to items, structures, or areas described in subsection (b)
22 of this section that are located on public property under the control of, or acquired by, the
23 Department of Transportation which may interfere with the construction, maintenance, or
24 operation of the public transportation system. The department shall strive to ensure that any such
25 items, structures, or areas are preserved to the greatest extent possible.

NOTE: The purpose of this bill is to prohibit the relocation, removal, alteration, or renaming, of any statue, monument, memorial, nameplate, or plaque which is located on public property and has been erected for, or named, or dedicated in honor of certain historical military, labor, civil rights, and Native American events, figures, and organizations; to prohibit any person from preventing the governmental entity having responsibility for maintaining the items, structures, or areas from taking proper measures to protect, preserve, care for, repair, or restore the items, structures, or areas.

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