

SB # 42

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



**ENROLLED**  
Committee Substitute for  
**SENATE BILL NO. 42**

(By Senator Whitlow, et al)



PASSED March 12, 1994  
In Effect 90 days from Passage

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 42**

(SENATORS WHITLOW, ANDERSON, MILLER,  
CLAYPOLE, ROSS, AND HELMICK)

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[Passed March 12, 1994; in effect ninety days from passage.]

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AN ACT to amend article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section forty-one, relating to county boards of education; prohibiting the prohibition by county school boards of certain documents based solely on religious references; definitions; and criteria.

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

That article five, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section forty-one, to read as follows:

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-41. Content based censorship of American history prohibited.**

- 1 (a) No county board of education shall prohibit the
- 2 use as an educational resource or teaching device any

3 historical document related to the founding of the  
4 United States of America or any government publica-  
5 tion solely because the document contains a religious  
6 reference or references: *Provided*, That the use of  
7 such materials must serve a bona fide secular educa-  
8 tional purpose which does not advance or inhibit a  
9 religion or particular religious belief.

10 (b) (1) As used in subsection (a) of this section, the  
11 term "historical document related to the founding of  
12 the United States of America" shall include, but not  
13 be limited to, such documents as the declaration of  
14 independence and the United States constitution.

15 (2) As used in subsection (a) of this section, the term  
16 "government publication" shall include, but not be  
17 limited to, such documents as decisions of the United  
18 States supreme court and acts of Congress.

19 (c) In determining the purpose of the use of a  
20 document containing a reference to a deity or a  
21 religion, consideration shall be given to the overall  
22 context of the document's use.

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

*[Handwritten Signature]*  
.....  
Chairman Senate Committee

*[Handwritten Signature: Ernest C. Moore]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*  
.....  
Clerk of the Senate

*[Handwritten Signature]*  
.....  
Clerk of the House of Delegates

*[Handwritten Signature]*  
.....  
President of the Senate

*[Handwritten Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *30<sup>th</sup>* .....  
day of *March* ....., 1994.

*[Handwritten Signature: Gaston Caperton]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/28/94

Time

9:45 am