

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 9

By Senators Maynard, Karnes, Rucker, Woodrum,

Azinger, Maroney, and Taylor

[Introduced January 11, 2023; referred
to the Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §29-1-8e, relating to the West Virginia Monument and Memorial Protection Act
 3 of 2023; 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 is
 6 located on public property and has been erected for, 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.

§29-1-8e. 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 2023".

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

- 7 (1) The military history of West Virginia;
 8 (2) The history of industrial development in West Virginia, including the labor union
 9 movement and activities, mining disasters or mine wars;
 10 (3) The struggle for African-American Civil Rights, or the struggle for Women’s Civil Rights;

11 or

12 (4) The history of Native Americans or American Indians in West Virginia.

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

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

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