

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

House Bill 3312

BY DELEGATES STEELE AND MALLOW

[Originating in the Committee Government Organization; January 19, 2022]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §10-3A-1, §10-3A-2, §10-3A-3, §10-3A-4, §10-3A-5, §10-3A-6, and §10-3A-7,
3 all relating to the establishment of a monument to child labor; providing for legislative
4 findings; establishing a short title; creating a commission to oversee the siting, design,
5 construction, and dedication of the monument; establishing membership of the
6 commission; outlining the goals of the commission regarding location of the monument;
7 providing for a funding mechanism from existing revenue sources for construction and
8 maintenance of the monument; creating an inscription or plaque to be used in the
9 dedication of the monument; disbanding the commission upon meeting certain conditions;
10 granting the City of Fairmont the ownership of the monument; providing funds for the City
11 of Fairmont to maintain the monument; and establishing a mechanism for maintenance
12 and ownership of the monument under certain conditions.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 10. PUBLIC LIBRARIES; PUBLIC RECREATION; ATHLETIC
ESTABLISHMENTS; MONUMENTS AND MEMORIALS; ROSTER OF
SERVICEMEN; EDUCATIONAL BROADCASTING AUTHORITY.**

ARTICLE 3A. THE WEST VIRGINIA MEMORIAL TO CHILD LABOR.

§10-3A-1. Legislative findings, purposes, intent, and short title.

1 (a) The Legislature finds that child labor in hazardous industry was commonplace in West
2 Virginia and the United States until state and federal laws prohibited such labor in the early 20th
3 century. Throughout West Virginia, children worked in coal mines, factories, salt works, and other
4 inherently dangerous places. Due to their diminutive size and because child workers could be
5 paid less, many employers preferred to utilize children in formal employment and informal
6 employment arrangements. Because many children were informally employed, the number of
7 children who were permanently maimed or killed due to hazardous labor is unknown.

8 (b) In order to preserve the memory of children who worked in a hazardous industry, a
9 monument in memory of all children shall be constructed. The monument will be constructed in
10 Fairmont, West Virginia due to the scale of the mine explosion at Monongah, West Virginia on
11 December 6, 1907, and due to the unknown number of children who were killed in that disaster.

12 (c) This article may be cited as the “West Virginia Child Labor Memorial.”

§10-3A-2. Monument construction commission.

1 (a) A commission shall be established on July 1, 2022, to oversee construction of the
2 monument. The commission shall be comprised of:

3 (1) The Curator of the Department of Arts, Culture, and History, who shall serve as
4 chairperson;

5 (2) A member of the West Virginia House of Delegates, who shall be appointed by the
6 Speaker of the House of Delegates;

7 (3) A member of the West Virginia Senate, who shall be appointed by the President of the
8 Senate;

9 (4) A representative of the City of Fairmont, to be appointed by the city council of Fairmont,
10 West Virginia; and

11 (5) A representative of the West Virginia University College of Creative Arts.

12 (b) A majority of the members of the commission must be present at a meeting to
13 constitute a quorum, and a majority of those members present at a meeting must vote in the
14 affirmative in order to pass a motion. A meeting may be called by the chair and at least five days
15 written notice of the meeting must be provided to the members of the commission. The chair may
16 call a meeting upon a written demand by at least three members.

§10-3A-3. Design, construction, and administration of the monument.

1 (a) The commission shall choose a design for the monument by December 31, 2022, that:

2 (1) Adheres to the principles described in §10-3A-1,

3 (2) The commission finds to be aesthetically pleasing, and

4 (3) Preserves green space on the plot chosen.

5 (b) The commission shall solicit bids for construction of the monument and shall adhere
6 to all state purchasing and payment processing laws and regulations in paying its construction
7 vendors, with a target completion date of November 15, 2023. The commission shall target a date
8 of December 6, 2023, for dedication of the monument, that being the 116th anniversary of the
9 Monongah mine disaster.

**§10-3A-4. Funding for the monument; authority for obtaining additional funds to complete
or enhance the monument.**

1 The Division of Labor shall allocate funds in the amount of \$500,000 toward the completion
2 of the monument from any available funds that are managed or utilized by the Division of Labor.
3 The commission shall have the authority to obtain funding through grants, charitable donations,
4 or other appropriate means for the completion or enhancement of the monument.

§10-3A-5. Memorial inscription or plaque.

1 The following text shall be inscribed or engraved upon the monument, or otherwise
2 permanently affixed by means of a plaque:

3 “On December 6, 1907, an explosion destroyed the Number 6 and Number 8 mines of
4 Fairmont Coal Company in Monongah, West Virginia. The official death toll was 362, but this did
5 not account for miners’ family members, including dozens of children, who were present in the
6 mines that day.

7 Whether due to enslavement or poverty, child labor was a grievous part of our state’s
8 industrial history—not only in coal mining, but also in factories, salt works, and other inherently
9 hazardous professions—until it was restricted by state and federal laws in the early 20th century.

10 This monument stands as a memorial to all children who were victimized by child labor in
11 hazardous industry, and may this park serve as a reminder that the primary employment of
12 children ought to be to learn and to play.”

§10-3A-6. Conclusion of the commission's work.

1 (a) The Commission shall be disbanded on December 31, 2023: *Provided*, That the
2 monument has been completed as outlined in this article, and that the monument has been
3 appropriately dedicated. If the monument is not completed or dedicated by December 31, 2023,
4 the commission shall continue until such time as the monument is completed and dedicated.

5 (b) On December 31, 2023 or such time the commission is disbanded, ownership of the
6 monument shall transfer to the City of Fairmont, West Virginia, and any funds remaining in the
7 commission's control at that time shall be granted to the City of Fairmont for the monument's
8 enhancement and perpetual maintenance.

§10-3A-7. Return of monument to state administration.

1 If at any time after the completion and dedication of the monument, the City of Fairmont
2 is unable or unwilling to continue maintaining the monument and its attached greenspace, then
3 ownership of the property shall revert to the Department of Arts, Culture, and History.

NOTE: The purpose of this bill is to establish a memorial to child labor and child workers who died in the course of employment in this state.

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