

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 3398

By Delegate McGeehan

[Originating in the Committee on Government
Organization, reported on February 20, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §10-3B-1, §10-3B-2, §10-3B-3, §10-3B-4, §10-3B-5, and §10-3B-6, all relating
3 to the establishment of the West Virginia Memorial to Fallen Heroes of the Global War on
4 Terrorism.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 3B. THE WEST VIRGINIA MEMORIAL TO FALLEN HEROES OF THE
GLOBAL WAR ON TERRORISM.**

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

1 (a) In order to preserve the memory of the West Virginia soldiers killed in action in the
2 conflicts in Iraq, Afghanistan, and other locations of the United States War on Terror a monument
3 will be constructed on the State Capitol grounds to recognize and honor the West Virginians who
4 were killed in actions during these conflicts.

5 (b) This article may be cited as the "West Virginia Memorial to Fallen Heroes of the Global
6 War on Terrorism."

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

1 (a) A commission shall be established on July 1, 2023, 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) The Secretary of the Department of Administration;

6 (3) The State Treasurer;

7 (4) A member of the West Virginia House of Delegates, who shall be appointed by the
8 Speaker of the House of Delegates; and

9 (5) A member of the West Virginia Senate, who shall be appointed by the President of the
10 Senate.

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

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

1 (a) The commission shall choose a design for the monument by December 31, 2023, that:
2 (1) Is inspired by the Sebastian of Milan, the traditional patron archetype of soldiers, who
3 as captain of the praetorian guard, remained faithful unto death for principled convictions; and in
4 addition, the design shall be in congruence with Western classical architecture;
5 (2) Adheres to the principles described in §10-3B-1 of this code;
6 (3) The commission finds to be aesthetically pleasing; and
7 (4) Is placed on the grounds of the West Virginia State Capitol.
8 (b) The commission shall solicit bids for construction of the monument and shall adhere to
9 all state purchasing and payment processing laws and regulations in paying its construction
10 vendors, with a target completion date of December 31, 2024.

§10-3B-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 up to \$750,000 toward the
2 completion of the monument from any available funds that are managed or utilized by the Division
3 of Labor. The commission shall have the authority to obtain funding through grants, charitable
4 donations, or other appropriate means for the completion or enhancement of the monument.

§10-3B-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 (1) "Blessed are the peacemakers, for they will be called children of God" "-Matthew 5:9"

4 (2) Names of West Virginians killed in action during the United States War on Terror as
5 described in §10-3B-1 of this code.

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

1 (a) The commission shall be disbanded on December 31, 2024: *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, 2024,
4 the commission shall continue until such time as the monument is completed and dedicated.

5 (b) On December 31, 2024, or such time the commission is disbanded, ownership of the
6 monument shall transfer to the Department of Arts, Culture, and History, and any funds remaining
7 in the commission's control at that time shall be granted to the Department of Arts, Culture, and
8 History for the monument's enhancement and perpetual maintenance.

NOTE: The purpose of this bill is to establish the West Virginia Memorial to Fallen Heroes of the Global War on Terrorism.

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