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**SENATE BILL 5419**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senators Stanford, Nobles, Billig, Carlyle, Conway, Das, Frockt, Hasegawa, Hunt, Keiser, Liias, Nguyen, Pedersen, Randall, Robinson, Saldaña, and Wilson, C.

AN ACT Relating to replacing the Marcus Whitman statue in the national statuary hall collection with a statue of Billy Frank Jr.; adding a new section to chapter 43.08 RCW; creating new sections; and providing a contingent expiration date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  The legislature finds that:

(1) In 1864, the national statuary hall collection was established in the United States capitol authorizing each state to contribute two statues to the collection. The statues must be of deceased persons who were citizens of the respective state and are historically important figures or known for their distinguished civic or military service.

(2) Washington has contributed to the collection a statue of Mother Joseph in 1980 and a statue of Marcus Whitman in 1953.

(3) Marcus Whitman was a missionary who traveled to present-day Washington state with his wife Narcissa. Together, they established several missions as well as their own settlement, Waiilatupu, near present-day Walla Walla. Whitman assisted in the "great emigration" of 1843, which established the Oregon trail. Whitman's contributions to the creation of Washington were profound and important. Whitman has represented the state in the statuary hall for nearly 70 years. The legislature finds that it is appropriate to replace his statue with one of a more contemporary Washingtonian to further celebrate the state and the continuous contributions Washingtonians have made in the 20th and 21st centuries.

(4) In the 1850s, the United States government signed a series of treaties with tribes in the region under which the tribes ceded millions of acres of land to the United States in exchange for agreeing to live on reservations while reserving what was most important to them: The right to continue to hunt, fish, and gather in all of their traditional places. Billy Frank Jr., born on March 9, 1931, on the banks of the Nisqually river in Washington, was a Nisqually tribal member and fought tirelessly to ensure that the United States government would honor the promises made in the treaties with Washington tribes. During his efforts, Billy Frank Jr. was arrested more than 50 times for exercising his treaty-protected right to fish for salmon, the first arrest being when he was 14 years old. He helped to stage "fish-ins" as protests, where he and others demanded that treaty tribes have the right to fish in their usual and accustomed places, a right that had been reserved in the treaty of Medicine Creek. His activism and perseverance paved the way for the "Boldt decision" in *United States v. Washington*, which affirmed the right of Washington treaty tribes to take up to half of the harvestable salmon in western Washington, reaffirmed tribal treaty-reserved rights, and established the tribes as comanagers of the salmon resource.

(5) Billy Frank Jr. dedicated his life advocating for equality, justice, and environmental protections. He fought to protect tribal treaty rights, native cultures and traditions, and the natural resources they are based upon, including fish and shellfish. Despite long-standing persecution, Billy Frank Jr. worked tirelessly to protect salmon for the benefit and enjoyment of all Washingtonians. When salmon populations plummeted toward extinction, eventually to the point of being listed as threatened under the federal endangered species act, Billy Frank Jr. vocally advocated to unify people to reverse the trend. His endless work on salmon recovery was based on inclusivity and an understanding that tribal treaty rights will help recover salmon and would benefit the entire society and the economy in enumerable ways.

(6) Billy Frank Jr. was a patron and the longtime chairman of, the northwest Indian fisheries commission, which assists its 20 member tribes in managing salmon and other natural resources and upholding tribal treaty rights, serves as an information clearinghouse, provides a forum for tribes to address issues of mutual concern, and works to establish relationships with government agencies and nongovernment organizations to recover salmon.

(7) Billy Frank Jr.'s unwavering commitment to the fight for equality and the fight against racism and abuse was of global influence.

(8) Billy Frank Jr. has been likened to other humanitarians and civil rights leaders such as Reverend Dr. Martin Luther King Jr., Cesar Chavez, and Nelson Mandela.

(9) In recognition of his distinguished accomplishments, Billy Frank Jr. was awarded the Albert Schweitzer prize for humanitarianism, the common cause award for human rights efforts, the American Indian distinguished service award, the Washington state environmental excellence award, and the Wallace Stegner award. Billy Frank Jr. was posthumously awarded the presidential medal of freedom by President Barack Obama.

(10) Congress passed the Billy Frank Jr. tell your story act, renaming the Nisqually national wildlife refuge in honor of Billy Frank Jr., and establishing a national memorial within the Billy Frank Jr. Nisqually national wildlife refuge to commemorate the location of the signing of the 1854 treaty of Medicine Creek between the United States government and the Nisqually, Muckleshoot, Puyallup, and Squaxin Island tribes.

(11) Billy Frank Jr. passed away on May 5, 2014, but he continues to be an inspiration to many domestically and abroad.

(12) Billy Frank Jr. is a significant historical and civil rights figure who is worthy of recognition and inclusion in the national statuary hall collection.

NEW SECTION. **Sec.**  It is the intent and request of the legislature that the statue of Marcus Whitman be removed from the national statuary hall collection at the United States capitol and replaced with a statue of Billy Frank Jr., upon the approval of the joint committee on the library of congress in accordance with 2 U.S.C. Sec. 2132.

NEW SECTION. **Sec.**  (1) The Billy Frank Jr. national statuary hall selection committee is established to represent the state in the duties set forth under subsection (3) of this section.

(2)(a) The committee shall consist of the following members:

(i) The governor or the governor's designee;

(ii) The lieutenant governor;

(iii) The speaker of the house of representatives;

(iv) The minority leader of both the senate and house of representatives;

(v) Two members who represent the western Washington treaty tribes, appointed by the governor. The governor shall solicit from the northwest Indian fisheries commission a list of at least three nominees representing the western Washington treaty tribes and, in making the appointment, shall consider the list of nominees submitted;

(vi) One member representing an environmental, conservation, or environmental justice nonprofit organization, appointed by the governor;

(vii) One member from Billy Frank Jr.'s family, appointed by the governor;

(viii) One member from the Washington state legacy project, created under RCW 43.07.363;

(ix) One member from the division of archives and records management, established under RCW 40.14.020;

(x) One member from the Washington state historical society;

(xi) One member from the Washington state department of archaeology and historic preservation; and

(xii) One member from the Washington state arts commission.

(b) The members described in (a) of this subsection shall select a chair of the committee.

(3) Upon the approval of the request under section 2 of this act by the joint committee on the library of congress, the governor shall convene the committee, and the committee shall:

(a) Enter into an agreement with the architect of the United States capitol pursuant to 2 U.S.C. Sec. 2132 to carry out the replacement of the statues as described in this act;

(b) Select and contract with a sculptor to design and carve or cast a statue of Billy Frank Jr., and design and fabricate its pedestal, to be placed in the national statuary hall collection;

(c) Ensure that the statue designed and created under (b) of this subsection complies with the conditions and restrictions set forth under 2 U.S.C. Sec. 2131;

(d) Arrange, in coordination with the architect of the United States capitol, for the removal and transportation of the Marcus Whitman statue to Washington, and arrange for an unveiling ceremony at the relocation site as chosen by the governor under section 4 of this act;

(e) Arrange for the transportation and placement of the Billy Frank Jr. statue, in coordination with the architect of the United States capitol;

(f) Arrange for one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statue. The ceremonies may take place in Washington state, the United States capitol, or both; and

(g) Perform all other matters and things necessary to carry out the purpose and provisions of this section.

(4) The committee may accept gifts, grants, or endowments from public and private sources that are made in trust or otherwise for the use and benefit of the purposes of the committee in carrying out this act. The committee may spend gifts, grants, or endowments or income from public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17A.560.

(5) No general fund resources may be expended to implement this section.

(6) For the purposes of this section, "committee" means the Billy Frank Jr. national statuary hall selection committee.

NEW SECTION. **Sec.**  (1) The governor shall select the location where the Marcus Whitman statue will be displayed after it is removed from the national statuary hall collection and transferred to the state.

(2) By September 30, 2021, the governor shall submit to the architect of the United States capitol a written request to remove the Marcus Whitman statue and replace it with a statue of Billy Frank Jr. The request must include a description of the location in Washington where the Marcus Whitman statue will be displayed after it is transferred to the state, and a copy of this act authorizing the replacement.

(3) The governor shall notify the architect of the United States capitol in writing that the committee established under section 3 of this act is the entity that will act on behalf of the state in the replacement process.

NEW SECTION. **Sec.**  A new section is added to chapter 43.08 RCW to read as follows:

(1) The Billy Frank Jr. national statuary hall collection fund is created in the custody of the state treasurer. All receipts from gifts, grants, or endowments from public and private sources must be deposited into the fund. Expenditures from the fund may be used only to carry out the provisions of this act. Only the chair of the committee may authorize expenditures from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) This section expires when the duties under section 3 and 4 of this act are completed.

NEW SECTION. **Sec.**  The Billy Frank Jr. national statuary hall selection committee must provide written notice of the expiration date of section 5 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others deemed appropriate by the committee.

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