

SENATE BILL REPORT

ESHB 1372

As of March 15, 2021

Title: An act relating to replacing the Marcus Whitman statue in the national statutory hall collection with a statue of Billy Frank Jr..

Brief Description: Replacing the Marcus Whitman statue in the national statutory hall collection with a statue of Billy Frank Jr.

Sponsors: House Committee on State Government & Tribal Relations (originally sponsored by Representatives Lekanoff, Shewmake, Peterson, Dolan, Johnson, J., Slatter, Cody, Fitzgibbon, Lovick, Sells, Wicks, Kloba, Taylor, Valdez, Bateman, Wylie, Santos, Ormsby, Senn, Leavitt, Ybarra, Goodman, Ramel, Gregerson, Macri, Callan, Fey, Ramos, Pollet, Ryu, Berg and Simmons).

Brief History: Passed House: 3/8/21, 92-5.

Committee Activity: State Government & Elections: 3/17/21.

Brief Summary of Bill

- Expresses the Legislature's request to the United States Joint Committee on the Library of Congress to replace the Marcus Whitman statue from the National Statuary Hall Collection at the U.S. Capitol with a statue of Billy Frank Jr., and requires the Governor to send a written request of the same.
- Creates the Billy Frank Jr. National Statuary Hall Selection Committee to act on behalf of the state in carrying out the replacement process.
- Requires the Governor coordinate with the legislative body of the selected county to carry out the relocation and transfer of ownership for the Marcus Whitman statue.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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Background: National Statuary Hall Collection. The creation of the National Statuary Hall Collection was authorized by the United States Congress in 1864 to allow each State to provide two statues of notable citizens for display in the United States Capitol. Washington has contributed to the collection a statue of Marcus Whitman in 1953, and a statue of Mother Joseph in 1980.

In 2000 Congress enacted legislation that authorized any state to request the Joint Committee on the Library of Congress to approve the replacement of a statue the state has provided for display in Statuary Hall if: (1) the request has been approved by a resolution adopted by the Legislature of the state and the request has been approved by the Governor of the state, and (2) the statue to be replaced has been displayed in the Capitol of the United States for at least ten years. The resolution must:

- identify the statue to be replaced;
- name the individual to be newly commemorated and cite his or her qualifications;
- select a committee or commission to represent the state in selecting the sculptor; and
- direct the method of obtaining the necessary funds to carry the resolution into effect.

The Joint Committee on the Library of Congress has oversight of the collection, and, under the committee's direction, the Architect of the Capitol (AOC) is responsible for the reception, placement, and care of the statues. A duly authorized state official, usually the Governor, must submit to the AOC:

- a written request to provide a new statue;
- a description of the location in the state where the replaced statue will be displayed after it is transferred back to the state; and
- a copy of the applicable enacted state legislation authorizing the replacement.

Once the replacement request is approved, in order to carry out the replacement of a statue in Statuary Hall, the state must enter into an agreement with AOC that the state will:

- follow AOC guidelines for the design and fabrication of the statue; and
- pay any costs related to the replacement, including costs in connection with the design, construction, transportation, and placement of the new statue, the removal and transportation of the statue being replaced, and any unveiling ceremony.

Billy Frank Jr. Billy Frank Jr. was born in Washington on March 9, 1931, and was a Nisqually tribal member. He was known for his commitment to protecting the endangered salmon and the treaty rights guaranteed to Washington tribes and tribal members to fish at all usual and accustomed grounds and stations. Billy Frank Jr. helped to organize "fish-ins" and demonstrations to reassert the tribal fishing rights reserved in the treaties. These events eventually led to what is known as the "Boldt Decision" in *United States v. Washington*, a 1974 federal court case that reaffirmed tribal rights.

Billy Frank Jr. served as Chair of the Northwest Indian Fisheries Commission for nearly 30

years. He was involved in the Nisqually Tribe's work in conjunction with the federal government to remove the dike system that held back seawater and restore the Nisqually River Delta. In 1974, the Nisqually National Wildlife Refuge was established to protect the delta and was later renamed after Billy Frank Jr. in honor of his work.

Billy Frank Jr. received several awards, including the Common Cause Award for Human Rights Efforts, the Albert Schweitzer Prize for Humanitarianism, the American Indian Distinguished Service Award, the Wallace Stegner Award, and the Washington State Environmental Excellence Award. In 2015, Billy Frank Jr. was posthumously awarded the Presidential Medal of Freedom by President Barack Obama. Billy Frank Jr. died on May 5, 2014, at the age of 83.

Whitman Mission. In 1836, Marcus Whitman established the Whitman Mission in Waiilatpu located along the Oregon Trail. The Whitman Mission National Historic Site is located approximately seven miles west of Walla Walla, Washington.

Summary of Bill: The Legislature expresses its request that the statue of Marcus Whitman be removed from the National Statuary Hall Collection and replaced with the statue of Billy Frank Jr.

The Governor must select a county in the state where the Marcus Whitman statue will be displayed after it is removed and returned to the state. The selected county must be a county that contains the historical location of the Whitman Mission. The legislative body of the county must approve the location within the county where the statue will be sited. The Governor, acting on behalf of the state, and the selected county shall enter into an agreement for the transfer of ownership of the Marcus Whitman statue.

By September 30, 2021, the Governor must send the AOC a written request to remove the Marcus Whitman statue and replace it with a Billy Frank Jr. statue. The notice must include:

- a description of the location where the Marcus Whitman statute will be displayed;
- a copy of the enacted legislation authorizing the replacement; and
- notification that the Billy Frank Jr. National Statuary Hall Selection Committee (Committee) will act on behalf of the state in the replacement process.

The Committee is established to represent the state in carrying out the replacement process. The Committee consists of the following members, who shall select the chair of the committee:

- the Governor, or Governor's designee;
- the Lieutenant Governor;
- the Speaker of the House of Representatives;
- the minority leader of both the Senate and the House of Representatives;
- two members representing the Western Washington treaty tribes, appointed by the Governor after consideration of the three nominees solicited from the Northwest

Indian Fisheries Commission;

- one member representing an environmental, conservation, or environmental justice nonprofit organization, appointed by the Governor;
- one member from Billy Frank Jr.'s family, appointed by the Governor;
- one member from the Washington State Legacy Project;
- one member from the Division of Archives and Records Management;
- one member from the Washington State Historical Society;
- one member from the Washington State Department of Archeology and Historic Preservation; and
- one member from the Washington State Arts Commission.

Upon approval of the replacement request by the Joint Committee on the Library of Congress, the Governor must convene the Committee. The Committee must:

- enter into an agreement with the AOC to carry out the replacement process;
- select and contract with a sculptor to design and carve or cast a statue of Billy Frank Jr., and design and fabricate its pedestal;
- ensure that the statue designed and created complies with the AOC guidelines;
- arrange for the removal, transportation, and an unveiling ceremony at the relocation site for the Marcus Whitman statue;
- arrange for the transportation, placement, and one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statue; and
- perform all other matters necessary to complete the replacement process.

The Committee may accept gifts, grants, or endowments for the purpose of carrying out its responsibilities in the replacement process. However, no general fund resources may be used to carry out the replacement process. The Billy Frank Jr. National Statuary Hall Collection Fund is created in the custody of the State Treasurer, where all gifts, grants, or endowments must be deposited. The fund is subject to allotment procedures, but an appropriation is not required for expenditures.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.