

2SHB 1639 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/11/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. 2021 c 20 s 3 (uncodified) is amended to read as
4 follows:

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

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

9 (i) ~~((The governor or the governor's designee;~~
10 ~~(ii))~~) The lieutenant governor;

11 ~~((iii) The speaker of the house of representatives;~~

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

14 ~~(v) Two members))~~ (ii) One member from each of the two largest
15 caucuses in the house of representatives, appointed by the speaker of
16 the house and the minority leader;

17 (iii) One member from each of the two largest caucuses in the
18 senate, appointed by the majority leader and the minority leader;

19 (iv) One member who represents the western Washington treaty
20 tribes, appointed by the governor. The governor shall solicit from
21 the northwest Indian fisheries commission a list of at least three
22 nominees representing the western Washington treaty tribes and, in
23 making the appointment, shall consider the list of nominees
24 submitted;

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

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

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

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

3 ~~((x))~~ (vii) One member from the Washington state historical
4 society; and

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

7 ~~(xii))~~ (viii) One member from the Washington state arts
8 commission.

9 (b) The members described in (a) of this subsection shall select
10 ~~((a chair))~~ three cochairs of the committee.

11 (3) Upon the approval of the request under section 2, chapter 20,
12 Laws of 2021 by the joint committee on the library of congress, the
13 governor shall convene the committee, and the committee shall:

14 (a) Enter into an agreement with the architect of the United
15 States capitol pursuant to 2 U.S.C. Sec. 2132 to carry out the
16 replacement of the statues as described in chapter 20, Laws of 2021;

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

20 (c) ~~((Ensure))~~ Support and oversee the design and creation of the
21 statue of Billy Frank Jr., and ensure that the statue designed and
22 created under (b) of this subsection complies with the conditions and
23 restrictions set forth under 2 U.S.C. Sec. 2131;

24 (d) Support and oversee all communications, public relations,
25 outreach, and educational materials related to the design, creation,
26 and unveiling of the statue. The committee may enter into an
27 agreement with a qualified communications firm or organization as
28 necessary to accomplish this task;

29 (e) Arrange, in coordination with the sculptor and the department
30 of enterprise services, for a duplicate cast of the statue to be
31 created and installed at the legislative building on the capitol
32 campus in Olympia;

33 (f) Arrange, in coordination with the architect of the United
34 States capitol, for the removal and transportation of the Marcus
35 Whitman statue to Washington, and arrange for an unveiling ceremony
36 at the relocation site as selected in accordance with section 4,
37 chapter 20, Laws of 2021;

38 ~~((e))~~ (g) Arrange for the transportation and placement of the
39 Billy Frank Jr. statue in the national statuary hall, in coordination
40 with the architect of the United States capitol;

1 ~~((f))~~ (h) Arrange for one or more ceremonies to celebrate the
2 unveiling of the Billy Frank Jr. statues in the national statuary
3 hall and on the capitol campus. The ceremonies may take place in
4 Washington state, the United States capitol, or both; and

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

7 (4) The committee shall enter into an agreement with the
8 Nisqually tribe, of which Billy Frank Jr. was a member, to provide
9 cultural competency to the committee as it carries out its duties
10 under this section, and to any state agencies involved in
11 implementation of this section. The tribe shall be compensated for
12 its services under this subsection.

13 (5) The committee and the Washington state historical society may
14 solicit and accept gifts, grants, or endowments from public and
15 private sources that are made in trust or otherwise for the use and
16 benefit of the purposes of the committee in carrying out chapter 20,
17 Laws of 2021. The committee may spend gifts, grants, or endowments or
18 income from public or private sources according to their terms. All
19 receipts from gifts, grants, and endowments received pursuant to this
20 subsection must be deposited in the Billy Frank Jr. national statuary
21 hall collection fund established under RCW 43.08.800.

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

24 (6) The implementation of this section shall first be funded
25 through moneys in the Billy Frank Jr. national statuary hall
26 collection fund. Any additional funding necessary may be provided
27 from the state general fund. Any funds remaining in the Billy Frank
28 Jr. national statuary hall collection fund upon completion of the
29 tasks described under chapter 20, Laws of 2021, must be granted to
30 the Washington state historical society.

31 (7) The Washington state arts commission may submit expenses for
32 reimbursement to the committee for providing administrative support
33 to the committee, coordinating and overseeing artist selection, and
34 managing procurements.

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

37 **Sec. 2.** RCW 43.79A.040 and 2022 c 244 s 3, 2022 c 206 s 8, 2022
38 c 183 s 16, and 2022 c 162 s 6 are each reenacted and amended to read
39 as follows:

1 (1) Money in the treasurer's trust fund may be deposited,
2 invested, and reinvested by the state treasurer in accordance with
3 RCW 43.84.080 in the same manner and to the same extent as if the
4 money were in the state treasury, and may be commingled with moneys
5 in the state treasury for cash management and cash balance purposes.

6 (2) All income received from investment of the treasurer's trust
7 fund must be set aside in an account in the treasury trust fund to be
8 known as the investment income account.

9 (3) The investment income account may be utilized for the payment
10 of purchased banking services on behalf of treasurer's trust funds
11 including, but not limited to, depository, safekeeping, and
12 disbursement functions for the state treasurer or affected state
13 agencies. The investment income account is subject in all respects to
14 chapter 43.88 RCW, but no appropriation is required for payments to
15 financial institutions. Payments must occur prior to distribution of
16 earnings set forth in subsection (4) of this section.

17 (4) (a) Monthly, the state treasurer must distribute the earnings
18 credited to the investment income account to the state general fund
19 except under (b), (c), and (d) of this subsection.

20 (b) The following accounts and funds must receive their
21 proportionate share of earnings based upon each account's or fund's
22 average daily balance for the period: The 24/7 sobriety account, the
23 Washington promise scholarship account, the Gina Grant Bull memorial
24 legislative page scholarship account, the Rosa Franklin legislative
25 internship program scholarship account, the Washington advanced
26 college tuition payment program account, the Washington college
27 savings program account, the accessible communities account, the
28 Washington achieving a better life experience program account, the
29 Washington career and college pathways innovation challenge program
30 account, the community and technical college innovation account, the
31 agricultural local fund, the American Indian scholarship endowment
32 fund, the behavioral health loan repayment program account, the Billy
33 Frank Jr. national statutory hall collection fund, the foster care
34 scholarship endowment fund, the foster care endowed scholarship trust
35 fund, the contract harvesting revolving account, the Washington state
36 combined fund drive account, the commemorative works account, the
37 county ((enhanced)) 911 excise tax account, the county road
38 administration board emergency loan account, the toll collection
39 account, the developmental disabilities endowment trust fund, the
40 energy account, the energy facility site evaluation council account,

1 the fair fund, the family and medical leave insurance account, the
2 fish and wildlife federal lands revolving account, the natural
3 resources federal lands revolving account, the food animal
4 veterinarian conditional scholarship account, the forest health
5 revolving account, the fruit and vegetable inspection account, the
6 educator conditional scholarship account, the game farm alternative
7 account, the GET ready for math and science scholarship account, the
8 Washington global health technologies and product development
9 account, the grain inspection revolving fund, the Washington history
10 day account, the industrial insurance rainy day fund, the juvenile
11 accountability incentive account, the law enforcement officers' and
12 firefighters' plan 2 expense fund, the local tourism promotion
13 account, the low-income home rehabilitation revolving loan program
14 account, the multiagency permitting team account, the northeast
15 Washington wolf-livestock management account, the produce railcar
16 pool account, the public use general aviation airport loan revolving
17 account, the regional transportation investment district account, the
18 rural rehabilitation account, the Washington sexual assault kit
19 account, the stadium and exhibition center account, the youth
20 athletic facility account, the self-insurance revolving fund, the
21 children's trust fund, the Washington horse racing commission
22 Washington bred owners' bonus fund and breeder awards account, the
23 Washington horse racing commission class C purse fund account, the
24 individual development account program account, the Washington horse
25 racing commission operating account, the life sciences discovery
26 fund, the Washington state library-archives building account, the
27 reduced cigarette ignition propensity account, the center for deaf
28 and hard of hearing youth account, the school for the blind account,
29 the Millersylvania park trust fund, the public employees' and
30 retirees' insurance reserve fund, the school employees' benefits
31 board insurance reserve fund, the public employees' and retirees'
32 insurance account, the school employees' insurance account, the long-
33 term services and supports trust account, the radiation perpetual
34 maintenance fund, the Indian health improvement reinvestment account,
35 the department of licensing tuition recovery trust fund, the student
36 achievement council tuition recovery trust fund, the tuition recovery
37 trust fund, the Washington student loan account, the industrial
38 insurance premium refund account, the mobile home park relocation
39 fund, the natural resources deposit fund, the Washington state health

1 insurance pool account, the federal forest revolving account, and the
2 library operations account.

3 (c) The following accounts and funds must receive 80 percent of
4 their proportionate share of earnings based upon each account's or
5 fund's average daily balance for the period: The advance right-of-way
6 revolving fund, the advanced environmental mitigation revolving
7 account, the federal narcotics asset forfeitures account, the high
8 occupancy vehicle account, the local rail service assistance account,
9 and the miscellaneous transportation programs account.

10 (d) Any state agency that has independent authority over accounts
11 or funds not statutorily required to be held in the custody of the
12 state treasurer that deposits funds into a fund or account in the
13 custody of the state treasurer pursuant to an agreement with the
14 office of the state treasurer shall receive its proportionate share
15 of earnings based upon each account's or fund's average daily balance
16 for the period.

17 (5) In conformance with Article II, section 37 of the state
18 Constitution, no trust accounts or funds shall be allocated earnings
19 without the specific affirmative directive of this section.

20 **Sec. 3.** RCW 1.16.050 and 2021 c 295 s 2 are each amended to read
21 as follows:

22 (1) The following are state legal holidays:

23 (a) Sunday;

24 (b) The first day of January, commonly called New Year's Day;

25 (c) The third Monday of January, celebrated as the anniversary of
26 the birth of Martin Luther King, Jr.;

27 (d) The third Monday of February, to be known as Presidents' Day
28 and celebrated as the anniversary of the births of Abraham Lincoln
29 and George Washington;

30 (e) The last Monday of May, commonly known as Memorial Day;

31 (f) The nineteenth day of June, recognized as Juneteenth, a day
32 of remembrance for the day the African slaves learned of their
33 freedom;

34 (g) The fourth day of July, the anniversary of the Declaration of
35 Independence;

36 (h) The first Monday in September, to be known as Labor Day;

37 (i) The eleventh day of November, to be known as Veterans' Day;

38 (j) The fourth Thursday in November, to be known as Thanksgiving
39 Day;

1 (k) The Friday immediately following the fourth Thursday in
2 November, to be known as Native American Heritage Day; and

3 (1) The twenty-fifth day of December, commonly called Christmas
4 Day.

5 (2) Employees of the state and its political subdivisions, except
6 employees of school districts and except those nonclassified
7 employees of institutions of higher education who hold appointments
8 or are employed under contracts to perform services for periods of
9 less than twelve consecutive months, are entitled to one paid holiday
10 per calendar year in addition to those specified in this section.
11 Each employee of the state or its political subdivisions may select
12 the day on which the employee desires to take the additional holiday
13 provided for in this section after consultation with the employer
14 pursuant to guidelines to be promulgated by rule of the appropriate
15 personnel authority, or in the case of local government by ordinance
16 or resolution of the legislative authority.

17 (3) Employees of the state and its political subdivisions,
18 including employees of school districts and those nonclassified
19 employees of institutions of higher education who hold appointments
20 or are employed under contracts to perform services for periods of
21 less than twelve consecutive months, are entitled to two unpaid
22 holidays per calendar year for a reason of faith or conscience or an
23 organized activity conducted under the auspices of a religious
24 denomination, church, or religious organization. This includes
25 employees of public institutions of higher education, including
26 community colleges, technical colleges, and workforce training
27 programs. The employee may select the days on which the employee
28 desires to take the two unpaid holidays after consultation with the
29 employer pursuant to guidelines to be promulgated by rule of the
30 appropriate personnel authority, or in the case of local government
31 by ordinance or resolution of the legislative authority. If an
32 employee prefers to take the two unpaid holidays on specific days for
33 a reason of faith or conscience, or an organized activity conducted
34 under the auspices of a religious denomination, church, or religious
35 organization, the employer must allow the employee to do so unless
36 the employee's absence would impose an undue hardship on the employer
37 or the employee is necessary to maintain public safety. Undue
38 hardship shall have the meaning established in rule by the office of
39 financial management under RCW 43.41.109.

1 (4) If any of the state legal holidays specified in this section
2 are also federal legal holidays but observed on different dates, only
3 the state legal holidays are recognized as a paid legal holiday for
4 employees of the state and its political subdivisions. However, for
5 port districts and the law enforcement and public transit employees
6 of municipal corporations, either the federal or the state legal
7 holiday is recognized as a paid legal holiday, but in no case may
8 both holidays be recognized as a paid legal holiday for employees.

9 (5) Whenever any state legal holiday:

10 (a) Other than Sunday, falls upon a Sunday, the following Monday
11 is the legal holiday; or

12 (b) Falls upon a Saturday, the preceding Friday is the legal
13 holiday.

14 (6) Nothing in this section may be construed to have the effect
15 of adding or deleting the number of paid holidays provided for in an
16 agreement between employees and employers of political subdivisions
17 of the state or as established by ordinance or resolution of the
18 local government legislative authority.

19 (7) The legislature declares that the following days are
20 recognized as provided in this subsection, but may not be considered
21 legal holidays for any purpose:

22 (a) The thirteenth day of January, recognized as Korean-American
23 day;

24 (b) The twelfth day of October, recognized as Columbus day;

25 (c) The ninth day of April, recognized as former prisoner of war
26 recognition day;

27 (d) The twenty-sixth day of January, recognized as Washington
28 army and air national guard day;

29 (e) The seventh day of August, recognized as purple heart
30 recipient recognition day;

31 (f) The second Sunday in October, recognized as Washington state
32 children's day;

33 (g) The sixteenth day of April, recognized as Mother Joseph day;

34 (h) The fourth day of September, recognized as Marcus Whitman
35 day;

36 (i) The seventh day of December, recognized as Pearl Harbor
37 remembrance day;

38 (j) The twenty-seventh day of July, recognized as national Korean
39 war veterans armistice day;

- 1 (k) The nineteenth day of February, recognized as civil liberties
2 day of remembrance;
- 3 (l) The thirtieth day of March, recognized as welcome home
4 Vietnam veterans day;
- 5 (m) The eleventh day of January, recognized as human trafficking
6 awareness day;
- 7 (n) The thirty-first day of March, recognized as Cesar Chavez
8 day;
- 9 (o) The tenth day of April, recognized as Dolores Huerta day;
- 10 (p) The fourth Saturday of September, recognized as public lands
11 day; (~~and~~)
- 12 (q) The eighteenth day of December, recognized as blood donor
13 day; and
- 14 (r) The ninth day of March, recognized as Billy Frank Jr. day.

15 NEW SECTION. **Sec. 4.** A new section is added to chapter 42.52
16 RCW to read as follows:

17 This chapter does not prohibit the members of the Billy Frank Jr.
18 national statutory hall selection committee, members of the
19 legislature, when outside the period in which solicitation of
20 contributions is prohibited by RCW 42.17A.560, or employees of the
21 Washington state historical society from soliciting contributions for
22 the purposes established in chapter 20, Laws of 2021, and for deposit
23 into the Billy Frank Jr. national statutory hall collection fund
24 created in RCW 43.08.800.

25 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2023, in the omnibus appropriations act, this
28 act is null and void."

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By Committee on Ways & Means

ADOPTED 04/11/2023

29 On page 1, line 2 of the title, after "committee;" strike the
30 remainder of the title and insert "amending RCW 1.16.050; amending
31 2021 c 20 s 3 (uncodified); reenacting and amending RCW 43.79A.040;

1 adding a new section to chapter 42.52 RCW; and creating a new
2 section."

EFFECT: Allows legislators to raise funds for the Billy Frank Jr. national statuary hall collection fund, outside of the legislative fund-raising freeze periods. Any funds remaining in the Billy Frank Jr. national statuary hall collection fund upon the completion of the work of the committee will be granted to the Washington state historical society.

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