

FINAL BILL REPORT

2SHB 1639

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Synopsis as Enacted

Brief Description: Concerning the Billy Frank Jr. national statuary hall selection committee.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Lekanoff, Ramel, Gregerson and Santos; by request of Arts Commission).

House Committee on State Government & Tribal Relations

House Committee on Appropriations

Senate Committee on State Government & Elections

Senate Committee on Ways & Means

Background:

National Statuary Hall Collection.

The National Statuary Hall Collection (Hall) was authorized by Congress in 1864 for each state to provide two statues of notable citizens for display in the United States Capitol. The Hall consists of 100 statues contributed by the 50 states. Washington has two statues featured in the Hall: Marcus Whitman, designated in 1949; and Mother Joseph, designated in 1977. Replicas of these statues are found in the north vestibule of the state legislative building in Olympia.

In 2000 Congress authorized any state to request the Joint Committee on the Library of Congress to approve the replacement of a state's statue. Washington did so in 2021, selecting Billy Frank Jr. to replace the statue of Marcus Whitman.

Billy Frank Jr.

A member of the Nisqually Indian Tribe, Billy Frank Jr. was born in Washington on March 9, 1931. He is best known for his commitment to protecting endangered salmon and his efforts to protect treaty rights guaranteed to tribes and tribal members. Billy Frank Jr. helped to organize "fish-ins" and demonstrations to reassert the tribal fishing rights secured by various treaties. Billy Frank Jr. received several awards, including the Common Cause Award for Human Rights Efforts, the Albert Schweitzer Prize for Humanitarianism, the

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American Indian Distinguished Service Award, the 2006 Wallace Stegner Award, and the Washington State Environmental Excellence Award. Billy Frank Jr. died on May 5, 2014, at the age of 83.

The Billy Frank Jr. National Statuary Hall Selection Committee.

The 2021 act requesting that a Billy Frank Jr. statue be placed in the Hall created a committee to represent the state in carrying out the statue replacement process. The Billy Frank Jr. National Hall Selection Committee (Committee) was convened after the Joint Committee on the Library of Congress approved the state's request. The Committee has the following duties:

- entering into an agreement with the Architect of the Capitol to carry out the statue replacement process;
- selecting and contracting with a sculptor to design and carve or cast a statue of Billy Frank Jr. and to design and fabricate its pedestal;
- ensuring that the statue complies with federal guidelines;
- arranging for the removal and transportation of the Marcus Whitman statue from Washington D.C. to Washington state;
- arranging for an unveiling ceremony at the relocation site for the Marcus Whitman statue;
- arranging for one or more ceremonies to celebrate the unveiling of the Billy Frank Jr. statue in Washington D.C.; and
- performing all other matters necessary to complete the replacement process.

The Committee has currently performed the first two of these duties, having entered into an agreement and selected a sculptor, Seattle artist Hai Ying Wu.

The Committee consists of the following members:

- the Governor or a designee;
- the Lieutenant Governor;
- the Speaker of the House of Representatives;
- the minority leader from each the Senate and the House of Representatives;
- two members representing the Western Washington treaty tribes, nominated by the Northwest Indian Fisheries Commission and appointed by the Governor;
- one member representing an environmental 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 state Division of Archives and Records Management;
- one member from the Washington State Historical Society (Historical Society);
- one member from the Washington State Department of Archeology and Historic Preservation; and
- one member from the Washington Arts Commission (Arts Commission).

The Committee may accept gifts, grants, or endowments for the purpose of carrying out its

responsibilities in the replacement process. The Billy Frank Jr. National Statuary Hall Collection Fund (Statuary Hall Fund) was created in the custody of the State Treasurer, where all receipts from any gifts, grants, or endowments received by the Committee must be deposited. State General Fund resources may not be used to carry out the statue replacement process.

Ethics Laws.

The state has many laws regulating the ethics of public servants, including provisions that govern the extent to which state officers and state employees may ask for money or gifts. For example, state officers or employees may not accept or solicit anything of economic value as a gift if it could be reasonably expected that the gift would influence their vote, action, or judgment. State officers or employees also may not ask for or receive any gift from a source for omitting or deferring the performance of any official duty. Several categories of employees have been given explicit permission to solicit gifts, grants, or donations without running afoul of any ethics laws. These exemptions include: Secretary of State designees who solicit and accept contributions to the Washington State Flag Account; legislative employees who solicit contributions to the Gina Grant Bull Memorial Legislative Page Scholarship Account; and any state employees who solicit gifts for the purpose of expanding tourism.

State Days of Recognition.

While the state has designated 11 days as state legal holidays, another 17 days are recognized by the Legislature but are not considered legal holidays. Some of those days commemorate specific events, such as Welcome Home Vietnam Veterans Day. Other days commemorate groups of people, such as Korean-American Day, or certain ideas, such as Human Trafficking Awareness Day and Public Lands Day.

Summary:

Changes to the Committee.

The Committee is given additional tasks to:

- support and oversee the design and creation of the statue of Billy Frank Jr.;
- support and oversee all communications, public relations, outreach, and educational materials related to the design, creation, and unveiling of the statue;
- arrange for a duplicate cast of the statue to be created and installed at the legislative building on the Olympia Capitol Campus; and
- enter into an agreement with a member of the Nisqually Indian Tribe to provide cultural competency to the Committee and any involved state agencies.

The Committee membership is altered. The Committee is instructed to select three cochairs, rather than one. The Legislature is now represented by one member from each of the two largest caucuses in each the House of Representatives and the Senate, appointed by the respective caucus leaders. The following members are removed from the Committee:

- the Governor or a designee;

- one of the two representatives of the Western Washington treaty tribes; and
- the representatives from the Washington State Legacy Project and the Washington State Department of Archeology and Historic Preservation.

Changes to Project Funding.

The ban on using State General Fund resources for the implementation of the statue replacement project is removed. Funding for the project must first come from the moneys in the Statuary Hall Fund, and any additional necessary funding may be provided from the State General Fund. The Arts Commission may be reimbursed by the Committee for its support. Any funds remaining in the Statuary Hall Fund after completion of all tasks related to the statue replacement must be granted to the Historical Society.

The Historical Society and members of the Legislature are given the authority to solicit and accept gifts, grants, or endowments alongside the Committee. Language is added to clarify that the Ethics Act does not prohibit members of the Committee, the Historical Society, or the Legislature from soliciting contributions for the Statuary Hall Fund.

The Statuary Hall Fund is added to a list of funds that receive a share of their investment earnings from the State Treasurer based on their daily balance.

Billy Frank Jr. Day.

March 9 is legislatively recognized as Billy Frank Jr. Day. It is not a state legal holiday.

The act is null and void if specific funding is not provided in the omnibus appropriations act by June 30, 2023.

Votes on Final Passage:

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| House | 96 | 0 | |
| Senate | 48 | 0 | (Senate amended) |
| House | 96 | 0 | (House concurred) |

Effective: July 23, 2023