

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1639

68th Legislature
2023 Regular Session

Passed by the House April 14, 2023
Yeas 96 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1639** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1639

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington **68th Legislature** **2023 Regular Session**

By House Appropriations (originally sponsored by Representatives Lekanoff, Ramel, Gregerson, and Santos; by request of Arts Commission)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to the Billy Frank Jr. national statuary hall
2 selection committee; amending RCW 1.16.050; amending 2021 c 20 s 3
3 (uncodified); reenacting and amending RCW 43.79A.040; adding a new
4 section to chapter 42.52 RCW; and creating a new section.

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

6 **Sec. 1.** 2021 c 20 s 3 (uncodified) is amended to read as
7 follows:

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

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

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

13 ~~(ii))~~ The lieutenant governor;

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

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

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

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

1 (iv) One member who represents the western Washington treaty
2 tribes, appointed by the governor. The governor shall solicit from
3 the northwest Indian fisheries commission a list of at least three
4 nominees representing the western Washington treaty tribes and, in
5 making the appointment, shall consider the list of nominees
6 submitted;

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

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

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

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

16 ~~((x))~~ (vii) One member from the Washington state historical
17 society; and

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

20 ~~(xii))~~ (viii) One member from the Washington state arts
21 commission.

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

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

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

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

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

37 (d) Support and oversee all communications, public relations,
38 outreach, and educational materials related to the design, creation,
39 and unveiling of the statue. The committee may enter into an

1 agreement with a qualified communications firm or organization as
2 necessary to accomplish this task;

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

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

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

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

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

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

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

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

38 (6) The implementation of this section shall first be funded
39 through moneys in the Billy Frank Jr. national statuary hall
40 collection fund. Any additional funding necessary may be provided

1 from the state general fund. Any funds remaining in the Billy Frank
2 Jr. national statutory hall collection fund upon completion of the
3 tasks described under chapter 20, Laws of 2021, must be granted to
4 the Washington state historical society.

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

9 (8) For the purposes of this section, "committee" means the Billy
10 Frank Jr. national statutory hall selection committee.

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

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

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

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

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

33 (b) The following accounts and funds must receive their
34 proportionate share of earnings based upon each account's or fund's
35 average daily balance for the period: The 24/7 sobriety account, the
36 Washington promise scholarship account, the Gina Grant Bull memorial
37 legislative page scholarship account, the Rosa Franklin legislative
38 internship program scholarship account, the Washington advanced
39 college tuition payment program account, the Washington college

1 savings program account, the accessible communities account, the
2 Washington achieving a better life experience program account, the
3 Washington career and college pathways innovation challenge program
4 account, the community and technical college innovation account, the
5 agricultural local fund, the American Indian scholarship endowment
6 fund, the behavioral health loan repayment program account, the Billy
7 Frank Jr. national statutory hall collection fund, the foster care
8 scholarship endowment fund, the foster care endowed scholarship trust
9 fund, the contract harvesting revolving account, the Washington state
10 combined fund drive account, the commemorative works account, the
11 county ((enhanced)) 911 excise tax account, the county road
12 administration board emergency loan account, the toll collection
13 account, the developmental disabilities endowment trust fund, the
14 energy account, the energy facility site evaluation council account,
15 the fair fund, the family and medical leave insurance account, the
16 fish and wildlife federal lands revolving account, the natural
17 resources federal lands revolving account, the food animal
18 veterinarian conditional scholarship account, the forest health
19 revolving account, the fruit and vegetable inspection account, the
20 educator conditional scholarship account, the game farm alternative
21 account, the GET ready for math and science scholarship account, the
22 Washington global health technologies and product development
23 account, the grain inspection revolving fund, the Washington history
24 day account, the industrial insurance rainy day fund, the juvenile
25 accountability incentive account, the law enforcement officers' and
26 firefighters' plan 2 expense fund, the local tourism promotion
27 account, the low-income home rehabilitation revolving loan program
28 account, the multiagency permitting team account, the northeast
29 Washington wolf-livestock management account, the produce railcar
30 pool account, the public use general aviation airport loan revolving
31 account, the regional transportation investment district account, the
32 rural rehabilitation account, the Washington sexual assault kit
33 account, the stadium and exhibition center account, the youth
34 athletic facility account, the self-insurance revolving fund, the
35 children's trust fund, the Washington horse racing commission
36 Washington bred owners' bonus fund and breeder awards account, the
37 Washington horse racing commission class C purse fund account, the
38 individual development account program account, the Washington horse
39 racing commission operating account, the life sciences discovery
40 fund, the Washington state library-archives building account, the

1 reduced cigarette ignition propensity account, the center for deaf
2 and hard of hearing youth account, the school for the blind account,
3 the Millersylvania park trust fund, the public employees' and
4 retirees' insurance reserve fund, the school employees' benefits
5 board insurance reserve fund, the public employees' and retirees'
6 insurance account, the school employees' insurance account, the long-
7 term services and supports trust account, the radiation perpetual
8 maintenance fund, the Indian health improvement reinvestment account,
9 the department of licensing tuition recovery trust fund, the student
10 achievement council tuition recovery trust fund, the tuition recovery
11 trust fund, the Washington student loan account, the industrial
12 insurance premium refund account, the mobile home park relocation
13 fund, the natural resources deposit fund, the Washington state health
14 insurance pool account, the federal forest revolving account, and the
15 library operations account.

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

23 (d) Any state agency that has independent authority over accounts
24 or funds not statutorily required to be held in the custody of the
25 state treasurer that deposits funds into a fund or account in the
26 custody of the state treasurer pursuant to an agreement with the
27 office of the state treasurer shall receive its proportionate share
28 of earnings based upon each account's or fund's average daily balance
29 for the period.

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

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

35 (1) The following are state legal holidays:

36 (a) Sunday;

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

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

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

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

5 (f) The nineteenth day of June, recognized as Juneteenth, a day
6 of remembrance for the day the African slaves learned of their
7 freedom;

8 (g) The fourth day of July, the anniversary of the Declaration of
9 Independence;

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

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

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

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

16 (l) The twenty-fifth day of December, commonly called Christmas
17 Day.

18 (2) Employees of the state and its political subdivisions, except
19 employees of school districts and except those nonclassified
20 employees of institutions of higher education who hold appointments
21 or are employed under contracts to perform services for periods of
22 less than twelve consecutive months, are entitled to one paid holiday
23 per calendar year in addition to those specified in this section.
24 Each employee of the state or its political subdivisions may select
25 the day on which the employee desires to take the additional holiday
26 provided for in this section after consultation with the employer
27 pursuant to guidelines to be promulgated by rule of the appropriate
28 personnel authority, or in the case of local government by ordinance
29 or resolution of the legislative authority.

30 (3) Employees of the state and its political subdivisions,
31 including employees of school districts and those nonclassified
32 employees of institutions of higher education who hold appointments
33 or are employed under contracts to perform services for periods of
34 less than twelve consecutive months, are entitled to two unpaid
35 holidays per calendar year for a reason of faith or conscience or an
36 organized activity conducted under the auspices of a religious
37 denomination, church, or religious organization. This includes
38 employees of public institutions of higher education, including
39 community colleges, technical colleges, and workforce training
40 programs. The employee may select the days on which the employee

1 desires to take the two unpaid holidays after consultation with the
2 employer pursuant to guidelines to be promulgated by rule of the
3 appropriate personnel authority, or in the case of local government
4 by ordinance or resolution of the legislative authority. If an
5 employee prefers to take the two unpaid holidays on specific days for
6 a reason of faith or conscience, or an organized activity conducted
7 under the auspices of a religious denomination, church, or religious
8 organization, the employer must allow the employee to do so unless
9 the employee's absence would impose an undue hardship on the employer
10 or the employee is necessary to maintain public safety. Undue
11 hardship shall have the meaning established in rule by the office of
12 financial management under RCW 43.41.109.

13 (4) If any of the state legal holidays specified in this section
14 are also federal legal holidays but observed on different dates, only
15 the state legal holidays are recognized as a paid legal holiday for
16 employees of the state and its political subdivisions. However, for
17 port districts and the law enforcement and public transit employees
18 of municipal corporations, either the federal or the state legal
19 holiday is recognized as a paid legal holiday, but in no case may
20 both holidays be recognized as a paid legal holiday for employees.

21 (5) Whenever any state legal holiday:

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

24 (b) Falls upon a Saturday, the preceding Friday is the legal
25 holiday.

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

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

34 (a) The thirteenth day of January, recognized as Korean-American
35 day;

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

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

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

- 1 (e) The seventh day of August, recognized as purple heart
2 recipient recognition day;
- 3 (f) The second Sunday in October, recognized as Washington state
4 children's day;
- 5 (g) The sixteenth day of April, recognized as Mother Joseph day;
- 6 (h) The fourth day of September, recognized as Marcus Whitman
7 day;
- 8 (i) The seventh day of December, recognized as Pearl Harbor
9 remembrance day;
- 10 (j) The twenty-seventh day of July, recognized as national Korean
11 war veterans armistice day;
- 12 (k) The nineteenth day of February, recognized as civil liberties
13 day of remembrance;
- 14 (l) The thirtieth day of March, recognized as welcome home
15 Vietnam veterans day;
- 16 (m) The eleventh day of January, recognized as human trafficking
17 awareness day;
- 18 (n) The thirty-first day of March, recognized as Cesar Chavez
19 day;
- 20 (o) The tenth day of April, recognized as Dolores Huerta day;
- 21 (p) The fourth Saturday of September, recognized as public lands
22 day; ((and))
- 23 (q) The eighteenth day of December, recognized as blood donor
24 day; and
- 25 (r) The ninth day of March, recognized as Billy Frank Jr. day.

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

28 This chapter does not prohibit the members of the Billy Frank Jr.
29 national statutory hall selection committee, members of the
30 legislature, when outside the period in which solicitation of
31 contributions is prohibited by RCW 42.17A.560, or employees of the
32 Washington state historical society from soliciting contributions for
33 the purposes established in chapter 20, Laws of 2021, and for deposit
34 into the Billy Frank Jr. national statutory hall collection fund
35 created in RCW 43.08.800.

36 NEW SECTION. **Sec. 5.** If specific funding for the purposes of
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2023, in the omnibus appropriations act, this
2 act is null and void.

--- **END** ---