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ENGROSSED SUBSTITUTE HOUSE BILL 1372

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State of Washington

67th Legislature

2021 Regular Session

**By** House State Government & Tribal Relations (originally sponsored by Representatives Lekanoff, Shewmake, Peterson, Dolan, J. Johnson, 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)

READ FIRST TIME 02/08/21.

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

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

6 NEW SECTION. **Sec. 1.** The legislature finds that:

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

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

15 (3) Marcus Whitman was a missionary who traveled to present-day  
16 Washington state with his wife Narcissa. Together, they established  
17 several missions as well as their own settlement, Waiilatupu, near  
18 present-day Walla Walla. Whitman assisted in the "great emigration"  
19 of 1843, which established the Oregon trail. Whitman's contributions  
20 to the creation of Washington were profound and important. Whitman  
21 has represented the state in the statuary hall for nearly 70 years.

1 The legislature finds that it is appropriate to replace his statue  
2 with one of a more contemporary Washingtonian to further celebrate  
3 the state and the continuous contributions Washingtonians have made  
4 in the 20th and 21st centuries.

5 (4) In the 1850s, the United States government signed a series of  
6 treaties with tribes in the region under which the tribes ceded  
7 millions of acres of land to the United States in exchange for  
8 agreeing to live on reservations while reserving what was most  
9 important to them: The right to continue to hunt, fish, and gather in  
10 all of their traditional places. Billy Frank Jr., born on March 9,  
11 1931, on the banks of the Nisqually river in Washington, was a  
12 Nisqually tribal member and fought tirelessly to ensure that the  
13 United States government would honor the promises made in the  
14 treaties with Washington tribes. During his efforts, Billy Frank Jr.  
15 was arrested more than 50 times for exercising his treaty-protected  
16 right to fish for salmon, the first arrest being when he was 14 years  
17 old. He helped to stage "fish-ins" as protests, where he and others  
18 demanded that treaty tribes have the right to fish in their usual and  
19 accustomed places, a right that had been reserved in the treaty of  
20 Medicine Creek. His activism and perseverance paved the way for the  
21 "Boldt decision" in *United States v. Washington*, which affirmed the  
22 right of Washington treaty tribes to take up to half of the  
23 harvestable salmon in western Washington, reaffirmed tribal treaty-  
24 reserved rights, and established the tribes as comanagers of the  
25 salmon resource.

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

39 (6) Billy Frank Jr. was a patron and the longtime chairman of,  
40 the northwest Indian fisheries commission, which assists its 20

1 member tribes in managing salmon and other natural resources and  
2 upholding tribal treaty rights, serves as an information  
3 clearinghouse, provides a forum for tribes to address issues of  
4 mutual concern, and works to establish relationships with government  
5 agencies and nongovernment organizations to recover salmon.

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

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

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

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

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

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

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

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

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

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

6            (ii) The lieutenant governor;

7            (iii) The speaker of the house of representatives;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (d) Arrange, in coordination with the architect of the United  
5 States capitol, for the removal and transportation of the Marcus  
6 Whitman statue to Washington, and arrange for an unveiling ceremony  
7 at the relocation site as selected in accordance with section 4 of  
8 this act;

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

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

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

17 (4) The committee may accept gifts, grants, or endowments from  
18 public and private sources that are made in trust or otherwise for  
19 the use and benefit of the purposes of the committee in carrying out  
20 this act. The committee may spend gifts, grants, or endowments or  
21 income from public or private sources according to their terms. All  
22 receipts from gifts, grants, and endowments received pursuant to this  
23 subsection must be deposited in the Billy Frank Jr. national statuary  
24 hall collection fund established under section 5 of this act.

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

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

29 NEW SECTION. **Sec. 4.** (1) The governor shall select a county in  
30 Washington where the Marcus Whitman statue will be displayed after it  
31 is removed from the national statuary hall collection and transferred  
32 to the state. The county selected must be a county that contains the  
33 historical location of the Whitman mission. The legislative body of  
34 the county must approve the location within the county where the  
35 statue will be sited. After any unveiling ceremonies held pursuant to  
36 section 3 of this act are concluded, the governor, on behalf of the  
37 state, and the selected county shall enter into an agreement for the  
38 transfer of ownership of the Marcus Whitman statue as authorized  
39 under RCW 39.33.010. The governor shall coordinate with the

1 legislative body of the selected county to carry out the relocation  
2 process.

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

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

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.08  
15 RCW to read as follows:

16 (1) The Billy Frank Jr. national statuary hall collection fund is  
17 created in the custody of the state treasurer. All receipts from  
18 gifts, grants, or endowments from public and private sources as  
19 authorized under section 3 of this act must be deposited into the  
20 fund. Expenditures from the fund may be used only to carry out the  
21 provisions of this act. Only the chair of the committee may authorize  
22 expenditures from the fund. The fund is subject to allotment  
23 procedures under chapter 43.88 RCW, but an appropriation is not  
24 required for expenditures.

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

27 NEW SECTION. **Sec. 6.** The Billy Frank Jr. national statuary hall  
28 selection committee must provide written notice of the expiration  
29 date of section 5 of this act to affected parties, the chief clerk of  
30 the house of representatives, the secretary of the senate, the office  
31 of the code reviser, and others deemed appropriate by the committee.

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