

HOUSE BILL REPORT

2SHB 1639

As Passed House:

March 6, 2023

Title: An act relating to the Billy Frank Jr. national statuary hall selection committee.

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).

Brief History:

Committee Activity:

State Government & Tribal Relations: 2/3/23, 2/10/23 [DPS];

Appropriations: 2/21/23, 2/23/23 [DP2S(w/o sub SGOV)].

Floor Activity:

Passed House: 3/6/23, 96-0.

Brief Summary of Second Substitute Bill

- Assigns additional tasks to the Billy Frank Jr. National Statuary Hall Selection Committee, and modifies its membership.
- Permits the use of the State General Fund to supplement the Billy Frank Jr. National Statuary Hall Collection Fund to fund the creation and installation of the replacement statue.
- Designates March 9 as Billy Frank Jr. Day.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL RELATIONS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.

Signed by 7 members: Representatives Ramos, Chair; Stearns, Vice Chair; Abbarno, Ranking Minority Member; Christian, Assistant Ranking Minority Member; Gregerson, Low and Mena.

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.

Staff: Jason Zolle (786-7124).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Relations. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

Staff: Emily Stephens (786-7157).

Background:

National Statuary Hall Collection.

The National Statuary Hall Collection (Hall) was authorized by Congress in 1864 to allow 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 donated two statues to 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 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 known for his commitment to protecting the endangered salmon and his efforts to protect the 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 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 legislation requesting that a Billy Frank Jr. statue be placed in the Hall created a committee to represent the state in carrying out the 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 replacement process;
- selecting and contracting with a sculptor to design and carve or cast a statue of Billy Frank Jr. and design and fabricate its pedestal;
- ensuring that the statue complies with the federal guidelines;
- arranging for the removal and transportation of the Marcus Whitman statue to Washington;
- 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; and
- performing all other matters necessary to complete the replacement process.

The Committee has currently performed the first two of these six 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 replacement process.

Ethics Laws.

The state has enacted a number of laws regulating 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 of Second Substitute Bill:

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 this 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.

The Historical Society is 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 or the Historical Society 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.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony (State Government & Tribal Relations):

(In support) The decision to have a Billy Frank Jr. statue represent this state in at the United States Capitol was made to recognize a man important to Washington and this nation. Billy Frank Jr. was able to sit with people on both sides of the aisle and collaborate, to do things together and seek a better way of living. It was monumental when the 2021 bill passed, recognizing the importance of Billy Frank Jr. to the state's history and ensuring the Marcus Whitman statue would go home with honor. This bill has been well vetted by the majority and minority parties as well as tribes across the state. The Division of Archives and Records Management should not be removed from the Committee, however, so that they can provide input and capture the importance of the process from archival perspective.

(Opposed) None.

Staff Summary of Public Testimony (Appropriations):

(In support) The committee is reduced in size because the expense of having so many agency staff and legislative members around the table is no longer needed. Using the General Fund is the next step in funding this project. Both other statues have been paid for by the state. The remaining costs will bring the Marcus Whitman statue back to Washington and honor it, while replacing it with the new statue in Statuary Hall.

(Opposed) None.

Persons Testifying (State Government & Tribal Relations): Representative Debra Lekanoff, prime sponsor; Brian Hatfield, Office of the Secretary of State; and Jeff MacDonald, Department of Enterprise Services.

Persons Testifying (Appropriations): Representative Debra Lekanoff, prime sponsor.

Persons Signed In To Testify But Not Testifying (State Government & Tribal Relations): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.