

SENATE BILL REPORT

2SHB 1639

As Reported by Senate Committee On:
State Government & Elections, March 17, 2023
Ways & Means, April 3, 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: Passed House: 3/6/23, 96-0.

Committee Activity: State Government & Elections: 3/14/23, 3/17/23 [DP-WM].
Ways & Means: 3/28/23, 4/03/23 [DPA].

Brief Summary of Amended Bill

- Assigns additional tasks to the Billy Frank Jr. National Statuary Hall Selection Committee, and modifies its membership.
- Allows legislators to raise funds for the Billy Frank Jr. National Statuary Hall Collection Fund, outside of the legislative fund-raising freeze periods.
- 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 9th as Billy Frank Jr. Day.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member;

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.

Dozier, Fortunato, Hasegawa and Kuderer.

Staff: Danielle Creech (786-7412)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Tianyi Lan (786-7432)

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 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 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, and one member of each of the following:

- an environmental or environmental justice nonprofit organization, appointed by the Governor;
- Billy Frank Jr.'s family, appointed by the Governor;
- the Washington State Legacy Project;
- the state Division of Archives and Records Management;
- the Washington State Historical Society;
- the Washington State Department of Archeology and Historic Preservation; and
- the Washington 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 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.

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 Public Lands Day.

Summary of Amended Bill: Changes to the Billy Frank Jr. National Hall Selection Committee Responsibilities. The Committee is given additional tasks, including to support and oversee the design and creation of the statue of Billy Frank Jr. as well as all communications, public relations, outreach, and educational materials related to the design,

creation, and unveiling of the statue. The committee is also given the additional tasks of arranging for a duplicate cast of the statue to be created and installed at the legislative building on the Olympia Capitol Campus and entering into an agreement with a member of the Nisqually Indian Tribe to provide cultural competency to the Committee and any involved state agencies.

Changes to the Billy Frank Jr. National Hall Selection Committee Membership. The Committee is instructed to select three co-chairs, 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. The act is null and void if specific funding is not provided in the omnibus appropriations act by June 30, 2023.

Billy Frank Jr. Day. March 9th is legislatively recognized as Billy Frank Jr. Day, which is not to be treated as a state holiday.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Allows legislators to raise funds for the Billy Frank Jr. National Statuary Hall Collection Fund, outside of the legislative fund-raising freeze periods.
- Provides that 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.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Second Substitute House Bill (State Government & Elections): PRO: Billy Frank Jr. represents Washington State. He engaged as a native man representing Washingtonians, the Nisqually people, the Coast Salish people, and himself as a veteran who fought for American values. Billy is going to be an incredible leader to carry the words, voices, and values of Washington. We bring home Marcus Whitman who represented us and will be celebrated by his family and hometown of Walla Walla. Billy will represent Washington values and who we are as a people—we rise above, overcome and work together.

Persons Testifying (State Government & Elections): PRO: Representative Debra Lekanoff, Prime Sponsor.

Persons Signed In To Testify But Not Testifying (State Government & Elections): No one.

Staff Summary of Public Testimony on Second Substitute House Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: Billy Frank Jr. represents Washington State. He engaged as a native man representing Washingtonians, the Nisqually people, the Coast Salish people, and himself as a veteran who fought for American values. Billy is going to be an incredible leader to carry the words, voices, and values of Washington. We bring home Marcus Whitman who represented us and will be celebrated by his family and hometown of Walla Walla. Billy will represent Washington values and who we are as a people—we rise above, overcome and work together.

Persons Testifying (Ways & Means): No one.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.