

LEGISLATIVE BILL 807

Approved by the Governor April 23, 2018

Introduced by Harr, 8; Blood, 3; Vargas, 7; Brewer, 43.

A BILL FOR AN ACT relating to state government; to state findings; to provide for replacement of statues in the National Statuary Hall of the United States Capitol as prescribed; to create committees and cash funds; to provide duties; and to declare an emergency.
Be it enacted by the people of the State of Nebraska,

Section 1. The Legislature finds and declares:

(1) In 1864, the United States Congress established the National Statuary Hall Collection in the Old Hall of the House of Representatives in the United States Capitol and authorized each state to contribute to the hall collection two statues that represent important historical figures of each state;

(2) Nebraska currently has on display in the National Statuary Hall Collection statues of William Jennings Bryan and Julius Sterling Morton given by the State of Nebraska in 1937;

(3) In 2000, the United States Congress enacted legislation authorizing states to request that the Joint Committee on the Library of Congress approve the replacement of statues the state had provided for display in the hall collection;

(4)(a) Willa Cather is a significant historical and literary figure from Red Cloud, Nebraska;

(b) Willa Cather immortalized Nebraska in such works as My Antonia and O Pioneers!;

(c) Willa Cather won the 1923 Pulitzer Prize for her novel One of Ours;
and

(d) Willa Cather is worthy of recognition in the National Statuary Hall;
and

(5)(a) Ponca Chief Standing Bear is a significant historical and civil rights figure from Nebraska's Niobrara River Valley region;

(b) Chief Standing Bear's epic return to his Nebraska homeland to bury his son culminated in the historic court case, United States ex rel. Crook v. Standing Bear, which took place in Omaha, Nebraska, in May 1879;

(c) The court case set the historic precedent that Chief Standing Bear, as a Native American individual, was found to be a person under the law; and

(d) Chief Standing Bear is worthy of recognition in the National Statuary Hall.

Sec. 2. The Secretary of State shall submit to the United States Architect of the Capitol for his or her review for completeness a written request to approve the replacement of the statue of Julius Sterling Morton currently on display in the National Statuary Hall Collection in the United States Capitol with a statue of Willa Cather. The written request shall request authorization to provide a new statue, a description of the location in Nebraska where the replaced statue will be displayed after it is transferred, and a copy of the Nebraska statute authorizing such replacement. After such review, it is the intent of the Legislature that the architect forward the request to the Joint Committee on the Library of Congress for its approval or denial. If the request is approved by the committee, the architect and the Willa Cather National Statuary Hall Selection Committee created pursuant to section 3 of this act, acting on behalf of the State of Nebraska, shall enter into an agreement as provided in 2 U.S.C. 2132(b).

Sec. 3. (1) The Willa Cather National Statuary Hall Selection Committee is created. The committee shall consist of members of the Nebraska Hall of Fame Commission created pursuant to section 72-724.

(2) Upon approval by the Joint Committee on the Library of Congress and pursuant to the agreement described in section 2 of this act, the Willa Cather National Statuary Hall Selection Committee shall:

(a) Select a sculptor to create a statue of Willa Cather to be placed in the National Statuary Hall and review and approve the plans for the statue; and

(b) Identify a method to obtain necessary funding to pay for all of the following. All funds shall be privately donated and separately managed. No state funds shall be expended for such purposes:

(i) The sculptor for designing and carving or casting the statue;

(ii) The design and fabrication of the pedestal;

(iii) The transportation of the statue and pedestal to the United States Capitol;

(iv) The removal and transportation of the replaced statue;

(v) The temporary placement of the new statue in the Rotunda of the United States Capitol for the unveiling ceremony;

(vi) The unveiling ceremony; and

(vii) Any other expenses that the committee determines are necessary to incur.

(3) The committee has the authority to receive and disburse gifts.

(4) The committee shall execute the requirements of this section no later than June 30, 2023.

Sec. 4. The Willa Cather National Statuary Hall Cash Fund is created. The fund shall be administered by the Nebraska State Historical Society. The fund shall consist of privately donated funds pursuant to subdivision (2)(b) of section 3 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 5. The Secretary of State shall submit to the United States Architect of the Capitol for his or her review for completeness a written request to approve the replacement of the statue of William Jennings Bryan currently on display in the National Statuary Hall Collection in the United States Capitol with a statue of Ponca Chief Standing Bear. The written request shall request authorization to provide a new statue, a description of the location in Nebraska where the replaced statue will be displayed after it is transferred, and a copy of the Nebraska statute authorizing such replacement. After such review, it is the intent of the Legislature that the architect forward the request to the Joint Committee on the Library of Congress for its approval or denial. If the request is approved by the committee, the architect and the Chief Standing Bear National Statuary Hall Selection Committee created pursuant to section 6 of this act, acting on behalf of the State of Nebraska, shall enter into an agreement as provided in 2 U.S.C. 2132(b).

Sec. 6. (1) The Chief Standing Bear National Statuary Hall Selection Committee is created. The committee shall consist of (a) a representative of the Commission on Indian Affairs, selected by the chairperson of the commission, (b) a member of the State-Tribal Relations Committee of the Legislature, selected by the chairperson of the committee, (c) the chairperson of the Lincoln Partners for Public Art Development or its successor, and (d) the Historic Preservation Planner of the City of Lincoln.

(2) Upon approval by the Joint Committee on the Library of Congress and pursuant to the agreement described in section 5 of this act, the Chief Standing Bear National Statuary Hall Selection Committee may:

(a) Select a sculptor to create a statue of Chief Standing Bear to be placed in the National Statuary Hall and review and approve the plans for the statue; and

(b) Identify a method to obtain necessary funding to pay for all of the following. All funds shall be privately donated and separately managed. No state funds shall be expended for such purposes:

(i) The sculptor for designing and carving or casting the statue;

(ii) The design and fabrication of the pedestal;

(iii) The transportation of the statue and pedestal to the United States Capitol;

(iv) The removal and transportation of the replaced statue;

(v) The temporary placement of the new statue in the Rotunda of the United States Capitol for the unveiling ceremony;

(vi) The unveiling ceremony; and

(vii) Any other expenses that the committee determines are necessary to incur.

(3) The committee has the authority to receive and disburse gifts.

(4) The committee shall execute the requirements of this section no later than June 30, 2023.

Sec. 7. The Chief Standing Bear National Statuary Hall Cash Fund is created. The fund shall be administered by the Commission on Indian Affairs. The fund shall consist of privately donated funds pursuant to subdivision (2)(b) of section 6 of this act. Any money in the fund available for investment shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

Sec. 8. Since an emergency exists, this act takes effect when passed and approved according to law.