

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 141 National Statuary Hall

SPONSOR(S): Appropriations Committee; Economic Development & Tourism Subcommittee; Diaz and others

TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 310

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Economic Development & Tourism Subcommittee	9 Y, 0 N, As CS	Hancock	Duncan
2) Appropriations Committee	18 Y, 1 N, As CS	Cobb	Leznoff
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state for placement in the National Statuary Hall. The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.

Florida provided the statue of Dr. John Gorrie in 1914. Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Florida provided the statue of General Edmund Kirby Smith in 1922. General Smith was a soldier and educator, originally from St. Augustine, Florida. Following graduation from the United States Military Academy, General Smith served in the Mexican War and later joined the Confederate forces when Florida seceded from the Union. He commanded the last armed forces of the Confederate States to surrender. He held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893.

The bill provides for the replacement of the marble statue of Dr. Gorrie and the bronze statue of General Smith, and directs the ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State to select two prominent deceased Florida citizens to represent the state in place of the statue of Dr. Gorrie and General Smith. The bill also directs the Florida Council on Arts and Culture within the Department of State to select a sculptor to design the two replacement statues. The Department of State is required to submit the findings and recommendations of the Division of Historical Resources and the Division of Cultural Affairs to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2017.

The bill provides for submission by memorial of the state's request to the United States Joint Committee on the Library of Congress for approval to replace the two statues.

The bill will have an indeterminate, negative fiscal impact to state expenditures. While there appears to be some indeterminate costs associated with the provisions of the bill, the Department of State has not provided an official estimate as requested therefore it is assumed any costs can be absorbed within existing resources. See fiscal section.

The bill provides for an effective date of upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Background

Federal law permits each state to provide and furnish the United States Capitol with two statues, in marble or bronze, of deceased persons who were prominent citizens of the state “illustrious for their historic renown or for distinguished civic or military service” for placement in the National Statuary Hall.¹ The entire collection now consists of 100 statues contributed by all 50 states with each state contributing two statues.² The National Statuary Hall is under the supervision and direction of the Architect of the Capitol.³

Currently, Florida has two statues in the National Statuary Hall Collection: one of Dr. John Gorrie and one of General Edmund Kirby Smith. Florida provided the statue of Dr. John Gorrie in 1914.⁴ Dr. Gorrie, a physician, scientist, inventor, and humanitarian is credited with the invention of refrigeration and air-conditioning. Dr. Gorrie’s original model of the ice-making machine, and his scientific articles are housed at the Smithsonian Institution.⁵ Dr. Gorrie is buried in Gorrie Square in Apalachicola, Florida.⁶

Florida provided the statue of General Edmund Kirby Smith in 1922.⁷ General Smith was a soldier and educator, originally from St. Augustine, Florida. General Smith graduated from the United States Military Academy in 1845 and first served in the Mexican War. Following the war he taught mathematics at the Military Academy and had botany reports published by the Smithsonian Institution. He joined the Confederate Army when Florida seceded from the union.⁸ Smith commanded the last armed forces of the Confederate States to surrender. Concerned that he would be tried for treason, General Smith fled to Mexico before settling in Cuba for a short period.⁹ Returning to the United States, Smith took an oath of amnesty and held positions as the president of the Atlantic and Pacific Telegraph Company; chancellor of the University of Nashville; and professor of mathematics at the University of the South in Sewanee, Tennessee, where he remained until his death in 1893. He was the last surviving general of either army.¹⁰

Due to overcrowding and weight restrictions, the National Statuary Hall collection is located in several areas of the Capitol: the National Statuary Hall (Old Hall of the House), the Rotunda, the second-floor House and Senate corridors, the Hall of Columns, the Crypt, and the Capitol Visitor Center.¹¹ Florida’s

¹ 2 U.S.C § 2131.

² AOC website, National Statuary Hall Collection, available at: <http://www.aoc.gov/the-national-statuary-hall-collection> (last visited Oct. 28, 2015).

³ 2 U.S.C § 2131.

⁴ See supra note 2.

⁵ AOC website, National Statuary Hall, Florida List, John Gorrie, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-gorrie> (last visited Oct. 28, 2015).

⁶ Encyclopedia.com available at <http://www.encyclopedia.com/doc/1G2-3404707805.html> (last visited Oct. 28, 2015).

⁷ See supra note 5.

⁸ AOC website, National Statuary Hall, Florida List, General Edmund Kirby Smith, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/edmund-kirby-smith> (last visited Oct. 28, 2015).

⁹ About.com, Military History, *American Civil War: General Edmund Kirby Smith* available at <http://militaryhistory.about.com/od/ConfederateLeaders/p/American-Civil-War-General-Edmund-Kirby-Smith.htm> (last visited Oct. 28, 2015).

¹⁰ See supra note 8.

¹¹ See supra note 2.

statue of Dr. John Gorrie is located in the National Statuary Hall, and the statue of General Edmund Kirby Smith is located in the Capitol Visitor Center.¹²

Since 1864 when the U. S. Congress authorized the creation of the National Statuary Hall, only six states have replaced statues (Alabama, Arizona, California, Iowa, Kansas, and Michigan) with three of those replacements being former United States Presidents: Ronald Reagan (CA), Dwight D. Eisenhower (KS), and Gerald Ford (MI).¹³ Once a statue has been replaced it must remain in the National Statuary Hall for a minimum of ten years.¹⁴

States are responsible for the following costs:

- paying the sculptor for designing and carving or casting the statue;
- designing and fabricating the pedestal;
- transporting the statue and pedestal to the United States Capitol;
- removing and transporting the replaced statue;
- any costs incurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.¹⁵

Recently, the state of Arizona replaced its statue of John Campbell Greenway, which represented the state in the National Statuary Hall Collection from 1930-2015.¹⁶ In 2015 the statue was replaced by one of Barry Goldwater.¹⁷ Legislation requesting Congress to replace John Campbell Greenway's statue was signed by the Arizona Governor in May 2008, but the completed replacement statue of Barry Goldwater did not make its way to the National Statuary Hall until February 2015.¹⁸ The timing delay was due to fundraising challenges.¹⁹ One estimate for the total cost of the replacement is \$500,000.²⁰

Ohio is currently in the process of replacing former Ohio Governor William Allen with a statue of Thomas Edison.²¹ William Allen was a pro-slavery Civil War-era governor who opposed fighting in the Civil War. Ohio lawmakers began the process of the replacement in 2007.²² However, the efforts did not take off until 2010 when the Ohio Historical Society polled 48,000 Ohioans, who selected Thomas Edison as the prime replacement candidate.²³ The statue of Thomas Edison was unveiled in Columbus, Ohio in May 2015. The state of Ohio is currently waiting for sufficient funds to be gathered to complete the replacement project.²⁴ One estimate for the total cost of the replacement is \$250,000.²⁵

¹² AOC website, National Statuary Hall, By Location, available at <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/nsh-location> (last visited Oct. 28, 2015).

¹³ See supra note 2.

¹⁴ 2 U.S.C. § 2132. However, the Joint Committee may waive this requirement for cause at the request of a state.

¹⁵ 2 U.S.C. § 2132

¹⁶ AOC website, National Statuary Hall Collection, John Campbell Greenway, available at: <http://www.aoc.gov/capitol-hill/national-statuary-hall-collection/john-campbell-greenway-replaced> (last visited Oct. 28, 2015).

¹⁷ *Id.*

¹⁸ Arizona Central News, *Goldwater statue dedicated in National Statuary Hall*, available at: <http://www.azcentral.com/story/news/arizona/politics/2015/02/11/goldwater-statue-dedicated-national-statuary-hall/23227893/> (last visited Oct. 28, 2015).

¹⁹ Cronkite News, *Months after unveiling, Goldwater statue still awaiting trip to the U.S. capitol*, available at: <http://cronkitenewsonline.com/2014/09/months-after-unveiling-goldwater-statue-still-awaiting-trip-to-the-u-s-capitol/> (last visited Oct. 27, 2015).

²⁰ *Id.*

²¹ The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

²² The Toledo Blade, *New statue of Thomas Edison unveiled in Columbus*, available at: <http://www.toledoblade.com/State/2015/05/20/New-statue-of-Thomas-Edison-unveiled-in-Columbus.html> (last visited Oct. 27, 2015).

²³ The Columbus Dispatch, *Ohio's Edison Sculpture Set to Occupy Statuary Hall*, available at: <http://www.dispatch.com/content/stories/local/2015/08/10/edison-sculpture-set-to-occupy-statuary-hall.html> (last visited Oct. 27, 2015).

²⁴ See supra note 22.

Great Floridians Program

State law provides that an ad hoc committee of the Great Floridians Program within the Division of Historical Resources of the Department of State is responsible for recognizing and honoring Floridians who have made significant contributions to the welfare and progress of the nation or to the state of Florida.²⁶ The Great Floridian ad hoc committee is comprised of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State.²⁷

Florida Council on Arts and Culture

The Florida Council on Arts and Culture, which is administratively housed in the Department of State, consists of 15 members. The Governor appoints seven members, and the President of the Senate and the Speaker of the House each appoint four members to the Council.²⁸ The Council is responsible for the following:

- advocating for arts and culture by encouraging the study, participation, and presentation of arts and cultural activities that are of public interest throughout the state;
- advising the Secretary of State in matters pertaining to arts and cultural programs and grants administered by the division;
- encouraging the participation in and appreciation of arts and culture to meet the needs and aspirations of persons in all parts of the state;
- encouraging public interest in the state's cultural heritage and the expansion of its cultural resources;
- encouraging and assisting freedom of artistic expression that is essential for the well-being of the arts;
- advising the Secretary of State in matters concerning the awarding of grants for arts and culture;
- promoting the reading, writing, and appreciation of poetry throughout the state and accepting nominations and recommending nominees for appointment as the State Poet Laureate²⁹; and
- reviewing applications for grants for the acquisition, renovation, or construction of cultural facilities and recommending a priority for the receipt of such grants.³⁰

Effect of the Bill

The bill provides for the replacement of the statue of Dr. John Gorrie and the statue of General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol.

To do so, the bill directs the Great Floridians Program (GFP) within the Division of Historical Resources of the Department of State to select two individuals of distinguished civil or military service to be commemorated in the National Statuary Hall in the place of Dr. Gorrie General Smith.

Additionally, the bill directs the Florida Council on Arts and Culture (FCAC) to select, according to guidelines prescribed by the Department of State, a sculptor to design the two replacement statues.

²⁵ *Id.*

²⁶ Section 267.0731, F.S.

²⁷ Section 267.0731(1)(b), F.S.

²⁸ Section 265.285 (1)(a), F.S.

²⁹ *See* s. 265.2863, F.S., relating to the State Poet Laureate.

³⁰ Section 265.285 (2)(a-h), F.S.

The bill also requires the Department of State to coordinate the recommendations of the Division of Historical Resources and the Division of Cultural Affairs and submit a report of the findings to the Governor, the President of the Senate, and the Speaker of the House of Representatives. At a minimum, the report must include:

- The name of the two prominent citizens and the process used in selection
- The name of the sculptor and process used to select the sculptor
- An estimate of the total costs associated with the replacement of the two statues.

Lastly, the bill provides that upon receiving the report of findings from the Department of State, the Florida Legislature is directed to request by memorial that the United States Joint Committee on the Library of Congress replace the two statues, and for the Architect of the Capitol to carry out the request.

B. SECTION DIRECTORY:

Section 1: Creates an unnumbered section of law and calls for the replacement of Dr. John Gorrie and General Edmund Kirby Smith in the National Statuary Hall of the United States Capitol with two alternative deceased Floridians of distinguished civil or military service.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will have an indeterminate, negative fiscal impact to state expenditures. While there appears to be some indeterminate costs associated with the provisions of the bill, the Department of State has not provided an official estimate as requested therefore it is assumed any costs can be absorbed within existing resources.

The state (as opposed to the federal government) is responsible for the following costs:

- paying the sculptor for designing and carving or casting the two statues;
- designing and fabricating the pedestal;
- transporting the two statues and pedestal to the United States Capitol;
- removing and transporting the two replaced statues;
- any costs incurred with the unveiling ceremony; and
- any other expenses that the State commission may deem necessary.³¹

The state of Arizona has recently replaced one of its statues, and the one cost estimate to do so was \$500,000.³² The state of Ohio has also recently replaced one of its statues, and one cost estimate to do so was \$250,000.³³

³¹ 2 U.S.C. § 2132.

³² Cronkite News, *Months after unveiling, Goldwater statue still awaiting trip to the U.S. capitol*, available at: <http://cronkitenewsonline.com/2014/09/months-after-unveiling-goldwater-statue-still-awaiting-trip-to-the-u-s-capitol/> (last visited Jan, 5, 2016).

³³ The Toledo Blade, *New statue of Thomas Edison unveiled in Columbus*, available at: <http://www.toledoblade.com/State/2015/05/20/New-statue-of-Thomas-Edison-unveiled-in-Columbus.html> (last visited Jan, 5, 2016).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a municipality or county to expend funds or to take any action requiring the expenditure of funds. The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate. The bill does not require a reduction of the percentage of state tax shared with municipalities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill does not prescribe who or what entity will be responsible for removing the statue of Dr. Gorrie and the statue of General Smith, and does not indicate where the statue will be housed after its removal from the National Statuary Hall. However, the bill does require a report to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives to include, at a minimum, the names of the two Florida citizens, the name of the sculptor, and an estimate of the total costs associated with the replacement of the two statues.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 4, 2015, the Economic Development & Tourism subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Clarifies that the ad hoc committee of the Great Floridians Program must select a prominent Florida citizen, including but not limited to a person of distinguished civil or military service to be commemorated in the National Statuary Hall of the United States Capitol. The ad hoc committee is required to submit the recommendation to the Division of Historical Resources and the Division of Cultural Affairs.
- Requires the Department of State to coordinate the recommendations of the Division of Historical Resources and the Division of Cultural Affairs and submit a report of the findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2017.

- Removes the language requiring the Florida Council on Arts and Culture to gather necessary funds to carry out the replacement of the statue.

This analysis is drafted to the committee substitute.

On January 21, 2016, the Transportation and Economic Development Appropriations Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Provides for the replacement of both the statue of Dr. John Gorrie and the statue of General Edmund Kirby Smith.
- Requires the ad hoc committee of the Great Floridians program to select two prominent deceased Floridians to represent the state in place of Dr. John Gorrie and General Edmund Kirby Smith.
- Directs the Florida Council on Arts and Culture within the Department of State to select a sculptor to design the two replacement statues.
- Provides for the submission by memorial of the state's request to the United States Joint Committee on the Library of Congress for approval to replace the two statues.

This analysis is drafted to the committee substitute.