

COMMITTEE ON CULTURE, HISTORIC
PRESERVATION, YOUTH AND RECREATION

BILL NO. 31-0331

Thirty-first Legislature of the Virgin Islands

March 8, 2016

An Act amending title 3 Virgin Islands Code, chapter 1, section 1 to provide for the position of Curator and amending title 31 Virgin Islands Code to add a chapter 42 establishing the Preservation of Historic Government Collections Act and for other purposes

PROPOSED BY: Senator Myron D. Jackson

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code, chapter 1, section 1 is amended by adding a subsection (c) to read:

“(c) There is established within the Office of the Governor the position of Curator of Government House Collections. The Governor shall consult with the State Historic Preservation Office to determine the qualifications of the individual before hiring. The Curator must be a member in good standing of the American Alliance of Museums and must at all times comply with Code of Ethics for Curators as adopted by the American Alliance of Museums, The Curator shall

1 assemble, catalog, manage, and present Government House of the Virgin Islands' fine and
2 decorative art collection and the manuscript and documentary materials..”

3 **SECTION 2.** Title 31 Virgin Islands Code is amended by adding a chapter 42 to read as
4 follow:

5 “Chapter 42. Preservation of Historic Government Collections

6 § 1261. This chapter may be cited as “The Preservation of Historic Government Collections Act.”

7 § 1262. **Definitions** - As used in this chapter:

8 (a) “Committee” means the Committee for Preservation of Government House
9 Collections.

10 (b) “Curator” means the Curator of Government House Collections.

11 (c) “Decorative arts” means superior examples of furniture, silver, ceramics, glass,
12 textiles, and miscellaneous domestic works that represent the changing styles and fashions
13 preferred by the various first families during their occupancy of Government House.

14 (d) “Fine Arts” means superior examples of Virgin Islands paintings, sculpture, prints,
15 drawings, and watercolors that portray the life, the times, the beauty and wonders of the Virgin
16 Islands, the cultural heritage, and the individuals who have guided the history of our Virgin Islands.

17 (e) “Government House” means the official residence of the Governor as provided in
18 § 11 of the Revised Organic Act of Virgin Islands and other government buildings assigned as a
19 residence for the Governor or Lieutenant Governor, including those at Estate Catherineberg, St.
20 Thomas and Sion Farm, St. Croix.

21 (f) “Government House collections” means the collection of decorative arts, objects,
22 relics, documents, paintings, furnishing, artifacts and other historical related material housed at
23 Government House.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

(g) “Manuscript and documentary materials” means articles, historical accounts, letters, documents, prints and photographs that relate directly to Government House, its architecture and collections.

(h) “Works” or “Works of art” means fine arts, decorative arts or manuscripts and documentary materials, individually, collectively or any combination, depending on the context.

§ 1263. Committee for the Preservation of Government Collections

(a) There is established within the Office of the Governor the Committee for the Preservation of Government House Collections for the purpose of establishing, maintaining, supervising, preserving and conserving the collection and exhibition of fine and decorative arts, objects, and such relics, documents, paintings, furnishings, artifacts and other historical and related materials.

(b) The Committee comprises of seven members. The members are as follows:

(1) The Director of Virgin Islands Council on the Arts or another qualified member of the Council on the Arts;

(2) The Deputy State Historic Preservation Officer;

(3) The Territorial Archivist;

(4) The Curator;

(5) The Commissioner of the Department of Property and Procurement, or a qualified designee;

(6) The Director of the Virgin Islands Museum of Fine Arts; and

(7) A historian appointed by the Governor.

1 (c) The Committee shall elect a Chairman from among its members for a four-year
2 term.

3 **§ 1264. Curator**

4 The Curator has the charge and custody of and is responsible for the works of art
5 and inventory of items included in the Government House Collectibles.

6 **§ 1265. Collectibles**

7 (a) Fine arts may be collected in the following areas:

8 (1) Portraits of Governors and First Ladies and other prominent individuals,
9 directly associated with Government House and the people of the Virgin Islands.

10 (2) Paintings, prints, drawings and water colors depicting geographic areas as
11 well as the diversity of the cultural heritage of the Virgin Islands, the Caribbean, and the
12 various countries of the world.

13 (3) Paintings, sculpture, prints, drawings or watercolors of extraordinary
14 quality by Virgin Islands artists or other works depicting major movements or periods in
15 Virgin Islands art, history, and culture and of the world communities.

16 (b) Decorative arts may be collected in the following areas:

17 (1) Works with a verifiable provenance displayed in the Government House,
18 including architectural items previously removed from the building.

19 (2) Works associated with a former Governor or First Lady, particularly if the
20 works were used or displayed in Government House. No personal items such as clothing
21 may be collected. A work of art presented to a Governor, First Lady, Lieutenant Governor
22 or any selected representative of the Governor must be evaluated for its appropriateness
23 for the Government House Collection.

1 (3) Works reflecting the historical and cultural tradition of the 17th, 18th, 19th
2 and early 20th century Virgin Islands, West Indian, American, and European craftsmanship,
3 which complement the existing Government House collection, but special commissions,
4 works by contemporary craftsman or companies may not be considered for acquisition.

5 (c) Manuscript or documentary materials such as letters may be acquired, but only if
6 they directly relate to Government House or life in Government House.

7 (d) As far as practicable, furniture purchased for use in Government House must be
8 made in the Virgin Islands, or considered appropriate for inclusion by the Curator.

9 **§ 1266. General criteria for selection**

10 The Committee shall use the following criteria for selection of works of art:

- 11 (1) importance of the subject;
12 (2) aesthetic quality;
13 (3) representation of the artist;
14 (4) uniqueness or degree of rarity;
15 (5) authenticity; and
16 (6) its condition.

17 **§ 1267. Executive Residence Account**

18 The Committee shall establish an Executive Residence Account. Monies from the Account
19 must be used for the acquisitions, maintenance, storage, renovations and restorations of works of
20 art. The Executive Residence Account is funded from the budget of the Office of the Governor,
21 private donations and appropriations made by the Legislature of the Virgin Islands.

22

23

1 **§ 1268. Acquisition and removal procedures**

2 (a) Works may be acquired for the collection by purchase, gift, bequest, or loan. The
3 Committee shall acquire works only if they fulfill the collecting goals and criteria as defined above.
4 The acquisition and removal of works must be governed, in part, by the ability of the Committee
5 to preserve, store, and protect the collections. Except for documentary materials, the Committee
6 may not accept works that cannot be exhibited. The funds to purchase works of art may come
7 either from private contributions, grants made by the Virgin Islands Council on the Arts, Historic
8 Preservation, or the Virgin Islands Cultural Heritage Institute, deposited and held in the Executive
9 Residence Account.

10 (b) The Curator with consent of the Committee and qualified personnel from Historic
11 Preservation or the Council of the Arts shall research and carefully evaluate any work under
12 consideration for acquisition or removal for its aesthetic quality, authenticity, provenance, and
13 condition or enter into a contract for the professional services of a qualified licensed appraiser.

14 (c) If the Committee is convinced of a work's aesthetic quality, authenticity,
15 provenance, as well as its appropriateness for the collection, a standard acquisition form must be
16 completed. The form, along with a photograph or digital image of the work, must be forwarded
17 to the members of the Committee requesting their approval or disapproval. If a simple majority
18 of the Committee approves the acquisition, it becomes an accessioned object in the collection of
19 Government House. The work must be appraised and logged for inventory. Works removal from
20 the collection must be properly stored.

21

22

1 **§ 1269. Purchase at auction**

2 When appropriate and extraordinary works come up for sale at auction, the Curator shall
3 consult with the chairperson and at least one other member of the Committee and a preservation
4 or conservation professional, if necessary. The decision to acquire a work at auction must be
5 unanimous between the chairperson, the Committee member and Curator. If a unanimous decision
6 cannot be reached, the approval may be forwarded to the full Committee for consideration and an
7 acquisition may be had on a simple majority vote of the Committee.

8 **§ 1270. Acquisition of gifts and bequest**

9 (a) Unless otherwise approved by the Committee, only unrestricted gifts may be
10 accepted.

11 (b) The gift must be accepted and acknowledged in accordance with procedures
12 established by the Office of the Governor and the Committee.

13 (c) Major donations as defined by the Committee merit a thank you letter from the First
14 Lady, the Governor, or from both.

15 (d) The Curator with the concurrence of the Governor and the Chairperson of the
16 Committee may purchase or accept a gift without full committee approval if its value does not
17 exceed \$5,000.

18 (e) Donated works at Government House for study, evaluation or on loan may not be
19 appraised.

20 (f) When articles of furniture, fixtures or decorative art have been declared of historic
21 or artistic interest in accordance with the standards adhered to by the State Historic Preservation
22 Office and have been properly acquired by the Historic Preservation Officer, the works are
23 considered inalienable and become the property of Government House and the Virgin Islands

1 Government. These works must be maintained, stored, displayed, or used in a Government owned
2 building or property and are never to be stored, displayed, or used in a private residence, building,
3 or structure.

4 (g) All works accessioned into the Government House Collection fall under the
5 jurisdiction of the Committee and are governed by this chapter.

6 **§ 1271. Collection, records, inventory and access**

7 (a) The Committee shall maintain a complete and accurate record of all works of art.
8 The record must include a completed acquisition catalogue form, containing a bill of sale or
9 donation documents, correspondence, bibliographic references, photographs of related works,
10 copies of appraisals, photographs, and any other information regarding the work.

11 (b) At the beginning of each year, the Curator, the Department of Property and
12 Procurement and the Office of Historic Preservation shall conduct a comprehensive inventory of
13 the works. Each piece of work must be described in detail, to include information regarding its
14 condition, its location and any other relevant information. The information must be recorded in
15 the computer files at Property and Procurement, Government House and Historic Preservation
16 Office. The Curator shall conduct a physical inspection to verify that the listing and the physical
17 inventory are reconciled.

18 (c) Upon an advance request and prior approval by the Curator, students from public
19 and private schools and students actively enrolled in colleges and universities may be allowed
20 access to study or examine specific works in the Government House Collection.

21 **§ 1272. Reproduction of works**

22 It is unlawful to reproduce or copy of works of art for personal use or commercial sale,
23 except for educational materials and items such as prints, note cards and postcards produced by

1 Government House, the Division of Libraries and Archives, and the State Historic Preservation
2 Office.

3 **§ 1273. Loans**

4 (a) The decision to borrow or loan a work must be approved by the Curator, the
5 Chairman, and at least one other member of the Committee, but if the Curator sits on the Committee
6 as the chairperson, then the Archivist shall vote instead of the chairperson. If there is not unanimity
7 in the decision, then the decision must be referred to the Committee for a majority vote.

8 (b) The Curator must provide a written report about the condition of the work and
9 submit it to the Committee and the lending institution prior to the loan of the work. A condition
10 report must be prepared when the work is loaned and when it is returned to Government House.
11 The reports become part of the work's permanent file.

12 (c) If a work is received on loan from an individual or private institution, at the request
13 of the lender, Government House shall insure the work under a fine arts risk policy in an amount
14 agreed to by the lender and the Committee.

15 (d) Government House shall accept only permanent or indefinite loans from public
16 institutions, but the Governor or the First Lady may accept as a personal loan works of art for their
17 private quarters.

18 (e) Works from Government House may be loaned with the approval of the Curator
19 and at least one other member of the Committee. An exception may be made for libraries for
20 special exhibitions. A request for a loan of a work of art from Government House must be made
21 in writing at least six months before the works is expected to leave Government House. The
22 borrowing institution must submit a plan detailing its ability to properly display, store, and manage
23 the work for the Curator to review.

1 (f) All works loaned

2 (g) by the Committee must be insured under an all risk policy or a fine arts policy that
3 insures the work while in transit and on exhibit in an amount to be determined by Government
4 House and the Department of Property and Procurement.

5 (h) The Curator must approve the method of presentation, security, transportation and
6 carrier. The borrowing institution must pay the cost for packing and transportation and must
7 submit annual condition reports to the Curator.

8 **§ 1274. Care and preservation of the collection**

9 (a) Any damage to a work of art in the Government House must be reported
10 immediately to the Curator and State Historic Preservation Office on a form indicating the date
11 the damage occurred, a description of the damage, and photographs of the areas of damage.

12 No repairs to Government House works may be made without prior approval of the
13 Committee and Office of Historic Preservation.

14 (b) Conservators selected to repair or restore Government House works of art must
15 comply with the code of ethics and the standards of practice of the American Institute of
16 Conservation.

17 (c) The Committee shall establish a natural disaster plan and purchase an adequate
18 hazardous insurance policy that includes coverage for the removal and storage of the Government
19 House Collectibles.

20 **§ 1275. Handling, moving, marinating, and storing the collection**

21 The Curator shall create a handbook for the handling and cleaning of the works entitled
22 “Handling and Maintaining Government House Collections” which shall be approved by a
23 majority vote of the Committee and made available to Government House staff.

1 **§ 1276. Government House textile policy**

2 (a) The Curator shall create a textile policy.

3 (b) The Curator shall store textiles, including draperies and fabrics.

4 (c) A written and photographic record must be compiled of all draperies in storage that
5 were used in Government House. The record must be cross referenced by room and when possible
6 by administration and include:

7 (1) the name of the room where the draperies were used;

8 (2) date of installation;

9 (3) the date of removal of drapery from room;

10 (4) a description of the fabric;

11 (5) the dimensions of each panel or valance, and

12 (6) the name of manufacturer of the fabric, if known.

13 (d) After each annual inventory, a list of draperies and fabrics that are to be discarded
14 must be completed by the Curator. The Curator may destroy any fabric, but must keep a written
15 record of all fabrics destroyed.

16 (e) All draperies and one valance must be kept in storage for a duration of time to be
17 determined by the Curator.

18 **§ 1277. Deaccession policy**

19 (a) The Curator and Commissioner of Property and Procurement shall approve the
20 disposal of works of art when the Committee has been determined that they are no longer usable.

21 (b) The Chairperson, in conjunction with the Curator and the State Historic
22 Preservation Office, shall approve the disposal of works of arts of a historic nature or of significant
23 community or monetary value that are broken, beyond repair, or may be damaged.

1 (c) Written records, to include date of removal, the reason, the name of the person
2 authorizing the removal, and photographs must be kept of all disposed works.

3 **BILL SUMMARY**

4 Section 1 establishes the position of Curator of Government House Collections and provides
5 that that person will be responsible for the fine and decorative arts collection at Government House.

6 Section 2 adds a chapter 42 to the Virgin Islands Code to be cited as “Preservation of
7 Historic Government Collections.

8 Internal section 1262 defines term used throughout the chapter.

9 Internal section 1263 establishes the Committee for Preservation of Government Collection
10 within the Office of the Governor. It also provides that the Committee is responsible for dealing
11 with all facets of the Government House fine and decorative arts collection and for the composition
12 of the membership of the Committee.

13 Internal section 1265 set forth the types of art that may be included in the Government
14 House fine and decorative arts collection and internal section 1266 sets forth the criteria for
15 selection of the art.

16 Internal section 1267 establishes an Executive Residence Account to provide funding for
17 the purchase of fine and decorative arts.

18 Internal section 1268 sets forth the procedure for the acquisition of works of art for
19 Government House and the removal of art from the Government House Collection.

20 Internal section 1269 sets forth the procedure for the acquisition of art from an auction and
21 internal section 1270 sets forth the procedure for the acquisition of art through gift or by bequest.

22 Internal section 1271 provides that the Committee must keep an inventory of the art and
23 set forth how that must be done in conjunction with the Department of Property and Procurement

1 and the Office of Historic Preservation. It also provides that students may study the art and
2 provides the procedure for how that that will be done.

3 Internal section 1272 provides that works of art may not be reproduced for personal use or
4 commercial sale, except for educational materials and items produced by Government House, the
5 Division of Libraries and Archives and the State Historic Preservation Office.

6 Internal section 1273 sets forth the process for the loaning or borrowing of works of art.

7 Internal section 1274 sets forth the procedure of the care and preservation of Government
8 House collectibles.

9 Internal section 1275 provides that the Curator must create a handbook for the handling
10 and cleaning of Government House collectibles.

11 Internal section 1276 provides that the Curator must create a textile policy and sets forth
12 what the policy must address.

13 Internal section 1277 sets forth the procedure for the disposal of Government House
14 collectibles.

15 **BR15-0579/August 30, 2016/SLR**

16

17

18

19

20

21