

COMMITTEE ON WORKFORCE DEVELOPMENT,  
CONSUMER AFFAIRS, AND CULTURE

10/11/2018-AMENDED AND REPORTED OUT TO THE FLOOR

09/21/2018-REPORTED OUT TO THE COMMITTEE ON RULES AND THE JUDICIARY

**BILL NO. 32-0308**

**Thirty-Second Legislature of the Virgin Islands**

**September 21, 2018**

An Act amending title 3 Virgin Islands Code, chapter 19 adding sections 339, 339a., and 339b. to establish the Division of Festivals within the Department of Tourism whose function is organizing and executing festivals and to re-establish the Virgin Islands Cultural Heritage Institute within the Department of Tourism, title 33 Virgin Islands Code, subtitle 3, chapter 111, section 3088 to re-name the “Carnival and Festival Committee Revolving Fund” as the “Division of Festivals Revolving Fund”, and title 3 Virgin Islands Code, chapter 22 by repealing section 408

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**PROPOSED BY:** Senators Myron D. Jackson, Nereida Rivera-O’Reilly, and  
Janelle K. Sarauw  
Co-sponsors: Marvin A. Blyden, Jean A. Forde, and Brian A. Smith

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1 *Be it enacted by the Legislature of the Virgin Islands:*

2       **SECTION 1.** Title 3 Virgin Islands Code, chapter 19 is amended by inserting sections 339,  
3 339a., and 339b. to read as follows:

4       **“§339 Declaration of findings, purpose:**

5       The Legislature finds and declares that:

6       (a) The heart of the festival arts celebrated in the Virgin Islands today are the Virgin Islands  
7 Carnival, the Crucian Christmas Festival, and the St. John Celebration;

1 (b) The festival arts have deep rooted West Indian traditions and expressions associated  
2 with our Amerindian, African, European and Caribbean people, history, spirituality, and culture;

3 (c) The Virgin Islands ethnic complexion as well as its dynamic economic, political and  
4 social history are the ingredients of its festival arts;

5 (d) The festival arts are derived from the combining of European pre and post-Lenten,  
6 Christmas, and Emancipation festivities and observances with traditional African and Creole  
7 masquerading traditions. Religion, costumes, musical traditions, foodways, and history all  
8 contribute to the dates on which festival celebrations occur, their themes, social and satirical  
9 commentary, and the forms, color, and music they celebrate;

10 (e) In years 1912 and 1914 members of the community decided to organize and celebrate  
11 Carnival in the Territory;

12 (f) As a result of World War, I, economic hardships, and the sale of the islands to the  
13 United States of America, Carnival was suspended;

14 (g) In 1952 members of the St. Thomas community organized and revived Virgin Islands  
15 Carnival in the Territory;

16 (h) In 1953 members of the St. Croix community organized the Crucian Christmas Festival;

17 (i) In 1954 members of the St. John community organized the St. John Celebration;

18 (j) In 1992, the Virgin Islands Cultural Heritage Institute was created under the Office of  
19 the Governor to create, preserve, promote, revitalize and disseminate Virgin Islands culture;

20 (k) In 2007, the Virgin Islands Cultural Heritage Institute was transferred to the Department  
21 of Planning and Natural Resource;

22 (l) Although the Department of Planning and Natural Resources is mandated under 3 V.IC.  
23 401(b) (9) to promote the diffusion of culture through expositions, fairs, concerts, festivals and  
24 theatrical performances; by 2012 the Virgin Islands Cultural Heritage Institute was closed;

1 (m) Although the Legislature has appropriated funding for the Institute, it continues to  
2 languish in dysfunction;

3 (n) The Legislature finds that another department of the Government may be better  
4 equipped for the promotion of the cultural heritage of the Virgin Islands

5 (o) One of the functions of the Department of Tourism is to promote Virgin Islands culture  
6 as part of the tourism experience; and

7 (p) Therefore, the Legislature declares that given the role of the Department of Tourism in  
8 the promotion and advertisement of our festival arts and cultural heritage tourism product, a  
9 Division of Festivals and the fiduciary function of the Virgin Islands Cultural Heritage Institute  
10 should be placed under the Department of Tourism.

11 **§339a. Division of festivals *established***

12 (a) The Division of Festivals is established within the Department of Tourism and is headed  
13 by a Director. The Commissioner of Tourism, with the approval of the Governor, shall appoint the  
14 Director and three Assistant Directors; one for each island, St. Croix, St. Thomas, and St. John.  
15 The Director of Tourism shall choose the Director of the Division of Festivals on the basis of  
16 knowledge of and familiarity with coordinating incentives for, and planning and promoting  
17 festivals. The Director of the Division of Festivals shall serve under the direction and control of  
18 the Commissioner of Tourism. The Commissioner of Tourism may employ such other persons as  
19 may be necessary to administer this section efficiently.

20 (b) The Division of Festivals, in collaboration with the Virgin Islands Cultural Heritage  
21 Institute, have the powers and duties to:

22 (1) Organize and execute festival art events;

23 (2) Execute a timeline and workplan for the management of festivals arts and ensure  
24 that the festivals operate smoothly and that deadlines are met;

25 (3) Establish, if necessary, an ad hoc team of volunteers to execute festival arts;

- 1 (4) Recruit and supervise staff, interns, and volunteers;
  - 2 (5) Create and oversee the programming for festival arts events;
  - 3 (6) Build and maintain professional relationships with promoters;
  - 4 (7) Provide for and oversee the coordination of guest artists, including arranging
  - 5 travel and local transportation, and ensure a positive experience for visitors;
  - 6 (8) Execute fundraising efforts that includes sponsorships, memberships, individual
  - 7 and business donations, ad sales, and fundraising events;
  - 8 (9) Make contracts and execute all instruments necessary or convenient in the
  - 9 exercise of any of its powers;
  - 10 (10) Maintain and manage all corporate sponsorships;
  - 11 (11) Organize and secure the resources necessary for all festival art events;
  - 12 (12) Develop an overall marketing plan and oversee development of an aggressive
  - 13 marketing campaign;
  - 14 (13) Work in collaboration with stakeholders in both the public and private sectors to
  - 15 promote festival arts and all other matters pertaining to festival arts; and
  - 16 (14) Perform other duties and responsibilities as it pertains to festival arts.
- 17 (c) For the purposes of this section, the term “Festival” means carnivals, music festivals,
- 18 film festivals, food festivals, and other organized community and cultural celebrations and social
- 19 events.
- 20 (d) For purposes of this section, the term “festival arts” means all components of special
- 21 events, celebrations, programs, performances, exhibitions, entertainment and other activities
- 22 centering on and celebrating unique aspects community, folklife culture, tradition, visual arts,
- 23 theatre, film, music, agriculture, food and culinary arts, costume-making, masquerading, pageantry,
- 24 and other forms of expression.
- 25

1 (e) Notwithstanding title 31 V.I.C. chapter 23, contracts for artists, vendors, material,  
2 services, supplies, equipment, and all other festival related procurements made pursuant to this  
3 section which do not exceed \$150,000.00, may be procured under the process set forth in this  
4 subsection. The Division of Festivals shall:

5 (1) Develop written specifications sufficient to permit an eligible vendor to respond;

6 (2) Identify at least 3 eligible vendors to provide products or services and solicit  
7 quotes;

8 (3) Evaluate bidder's responses with specifications; and

9 (4) Determine the most responsible and responsive bidder with the lowest price.

10 (f) For purposes of subsection, (d), "eligible" means the potential vendor meets the  
11 required licensing or certification requirements.

12 (g) The Commissioner of Tourism shall retain any monies obtained from private donations  
13 or sponsorships in an escrow account established for each island; St. Croix, St. Thomas, and St.  
14 John. The Director may withdraw monies in the escrow accounts or the production and promotion  
15 of festivals on the respective island.

16 (h) The Commissioner of Tourism shall promulgate regulations for the administration of  
17 the Division of Festivals.

18 **§339b. Virgin Islands Cultural Heritage Institute**

19 (a) The Legislature of the Virgin Islands finds and declares that:

20 (1) The people of the Virgin Islands have a unique culture that is defined by their  
21 customs, values, traditions, arts, skills, speech, and mannerisms, which have been practiced  
22 for many generations.

23 (2) The Virgin Islands culture has been a source of strength and a sense of identity  
24 for its people.

1           (3) The diverse ethnicity of the Virgin Islands people, which includes Amerindian,  
2 African, European, and Caribbean/West Indian heritages, has contributed to their spiritual  
3 well-being and cultural richness.

4           (4) The culture of the Virgin Islands has been recognized and documented as unique,  
5 authentic, and laudatory by Virgin Islands scholars and the Center for Folklife Programs &  
6 Cultural Studies of the Smithsonian Institution in Washington, D.C.

7           (5) Culture has a fundamental influence on the desires, needs and character of a  
8 people, particularly youth and children.

9           (6) The preservation and promotion of a peoples' cultural heritage can be an  
10 affirmation of their existence that has a strong positive effect on their political, vocational and  
11 social structures.

12           (7) The Virgin Islands culture is replete with heroes and heroines, particularly of  
13 African descent, whose personal contributions and sacrifices and their insistence on human  
14 rights and justice ignited the torch of Virgin Islands liberty.

15           (8) A society that fails to preserve and promote its culture may lose its identity, its  
16 structural fabric and, ultimately, its reason for being.

17           (9) Each generation has an obligation to pass on to its children and youth the cultural  
18 identity that is the root of its existence.

19           (10) It is appropriate and necessary to preserve, protect, and promote Virgin Islands  
20 culture in order to contribute to an understanding of the complex problems of our society, to  
21 encourage unity and economic viability of all of the Territory's people, to respect the tradition  
22 bearers and their lasting contributions, and to celebrate the Virgin Islands example throughout  
23 the Caribbean as a people of strong belief in freedom and self-development.

24           (11) In order to best preserve, promote, revitalize and disseminate Virgin Islands  
25 culture, there should be established a Virgin Islands Cultural Institute.

1 (b) As used in this section, the following definitions apply:

2 (1) “Institute” means the Virgin Islands Cultural Heritage Institute.

3 (2) “Virgin Islands culture” means the traditional customs, folkways, belief systems,  
4 music, dances, stories, dress, food, sayings, language, art forms, occupations, crafts and other  
5 expressions of the spirit of the people of the Virgin Islands. The term includes, but is not  
6 limited to:

7 (A) *folkways*, which refers to storytelling, Anansi stories, riddles and greetings;

8 (B) *belief systems*, which refers to superstitions, cultural ceremonies associated  
9 with holiday observances, funerals and burials, bush baths, obeah, hurricane  
10 supplication day;

11 (C) *music*, which refers to instrumental and vocal forms such as cariso, “fungi”  
12 or scratch band, calypso and steel pan;

13 (D) *dances*, which refers to the bamboula, quadrille and calypso style;

14 (E) *food*, which refers to recipes and ways of cooking pate, fry fish and johnny  
15 cakes, red pea soup, kalaloo, mafe, whelks, conch, souse, salt fish, fungi, tarts, black  
16 cake, vienna cake, sweet bread and jawbone;

17 (F) *sayings*, which refers to “Today fo' yo', tomorrow fo' me”, “Monkey know  
18 wha tree to climb” and the like;

19 (G) *language*, which refers to the local dialect “Ah come, yo ah come” and to  
20 the Dutch Creole;

21 (H) *art forms*, which refers to needlecraft such as crochet, embroidery,  
22 hardanger and tatting;

23 (I) *occupations*, which refers to masonry, joinery, cabinet making, fishing,  
24 farming, dressmaking and tailoring;

1           (J) *crafts and other expressions*, which refers to basketry, broom making,  
2           furniture designing, kite making, fish pot making, mocko jumbies, carnival clowns and  
3           other creative expressions of the spirit of the people.

4           (3) “Material culture” means the flora and fauna including, but not limited to, seaside  
5           grape, mahogany, flamboyant, soursop, mango, and herbs such as chivel, congo root, man-  
6           better-man, turpentine, black wattle, lemon grass, anise, maubi bark and flowers such as  
7           yellow cedar, hibiscus, bougainvillea, and fauna such as iguana, yellow breast, woodslaves  
8           and ground lizards and architectural structures such as windmills, forts, Great houses, wattle  
9           and daub, and vernacular structures.

10          (4) “Tradition bearer” means any person whose practice of Virgin Islands culture in  
11          a specific form is or was renowned and exemplary.

12          (c) The Virgin Islands Cultural Heritage Institute established under the Department of  
13          Planning and Natural Resources is continued under the Department of Tourism. The Commissioner  
14          of the Department of Tourism shall include monies to fund the operation of the Institute in the  
15          Department of Tourism’s annual budget. The Institute consists of nine members, appointed by the  
16          Governor. Four members shall reside on St. Croix. Four members shall reside on St. Thomas, and  
17          one member on St. John. In making nominations to the Institute, the Governor shall give due  
18          consideration to the recommendations of representative Virgin Islands cultural organizations, such  
19          as the Friends of the Virgin Islands Institute of Culture. Appointed members of the Institute must  
20          be individuals who, by their experience, participation, creativity and interest embody Virgin Islands  
21          culture.

22          (d) Appointed members of the Institute shall serve terms of three years. A member may  
23          serve until the member’s successor is qualified. A member of the Institute who is not an employee  
24          of the Government of the Virgin Islands is entitled to receive a per diem of \$75 for each day the  
25          member attends a meeting of the Institute plus any necessary and authorized travel and other



1 expenses incurred in the discharge of the duties of members of the Institute. The Institute shall  
2 elect a chairperson and such other officers as it considers s necessary. The chairperson may appoint  
3 such staff as may be necessary to execute the powers and duties of the Institute; but the expenses  
4 of the Institute, including staff salaries, may not exceed the amounts available for such expenses.

5 (e) The Institute shall:

6 (1) Preserve, protect, promote, support, revitalize and disseminate Virgin Islands  
7 culture;

8 (2) Award educational grants and scholarships to persons studying Virgin Islands  
9 culture and/or training other persons in such culture;

10 (3) Organize and produce workshops, performances, festivals, exhibits or other  
11 means of displaying Virgin Islands culture;

12 (4) Establish and maintain an archive for Virgin Islands culture, and to procure,  
13 receive, purchase and collect all manner of materials therefor;

14 (5) Provide educational materials on Virgin Islands culture for use in Virgin Islands  
15 schools;

16 (6) Prepare pamphlets, periodicals, or other forms of reference materials on Virgin  
17 Islands culture for general circulation and use;

18 (7) Receive donations, gifts and bequests for the purpose of executing its powers and  
19 duties;

20 (8) Cooperate with government or private entities in the promotion, preservation,  
21 protection and revitalization of Virgin Islands culture;

22 (9) Identify, by recognition, commemoration, or other appropriate means the  
23 tradition bearers of Virgin Islands culture;

1           (10) Determine, by democratic vote of the Institute, what constitutes Virgin Islands  
2           culture and material culture; but no item listed as a part of the Virgin Islands culture by law  
3           may be eliminated by the Institute;

4           (11) Report, not more than 60 days after the last day of each fiscal year, to the  
5           Governor and the Legislature its activities and programs including a complete accounting of  
6           its expenditures, revenues received and obligations.”

7           **SECTION 2.** Title 33 Virgin Islands Code, subtitle 3, chapter 111, section 3088 is amended  
8           in the following instances:

9           (a) Subsection (a) is amended by striking “Carnival and Festival Committee Revolving  
10          Fund” and inserting “Division of Festivals Revolving Fund”, and by striking “Carnival and Festival  
11          Committees on each island” and inserting “Division of Festivals established under 3 V.I.C. §339a.”.

12          (b) Subsection (b) is amended by striking “Carnival and Festival Committee Revolving  
13          Fund” and inserting “Division of Festivals Revolving Fund”.

14          (c) Subsection (c) is amended by striking “annual Carnival, Christmas Festival, and Fourth  
15          of July Celebrations” and inserting “festival events organized by the Division of Festivals”.

16          (d) Subsection (d) is amended by striking “respective committees” and inserting  
17          “Commissioner of Tourism”, and by striking “each carnival and festival committee” and inserting  
18          “the Division of Festivals”.

19          **SECTION 3.** Title 3 Virgin Islands Code, chapter 22, section 408 is repealed.

20          **SECTION 4.** The Department of Tourism shall perform the administrative function of the  
21          Division of Festivals for the 2018 Crucian Christmas Festival, the 2019 Virgin Islands Carnival,  
22          and the 2019 St. John Festival. The Division of Festivals shall assume full responsibility of its duties  
23          commencing with the 2019 Crucian Christmas Festival. The Department of Tourism is not  
24          precluded, however, from coordinating and implementing other festivals before 2020.

25

**BILL SUMMARY**

Section 1 of this bill amends title 3 Virgin Islands Code, chapter 19 by inserting a new section 339, 339a. and 339b. that establishes the Division of Festivals within the Department of Tourism whose function is organizing and executing festivals. The Division is headed by a Director under the direction and control of the Commissioner of Tourism. The Commissioner of Tourism, with the approval of the Governor, must appoint the Director and three Assistant Directors; one for each island, St. Croix, St. Thomas, and St. John. Section 1 also transfers and re-establishes the Virgin Islands Cultural Heritage Institute from the Department of Planning and Natural Resources to the Department of Tourism.

Section 2 of this bill amends Title 33 Virgin Islands Code, subtitle 3, chapter 111, section 3088 by re-naming the Carnival and Festival Committee Revolving Fund as the “Division of Festivals Revolving Fund”. Section 3 of this bill repeals Title 3, Virgin Islands Code, chapter 22, section 408 by removing the Virgin Islands Cultural Heritage Institute from the Department of Planning and Natural Resources. Section 4 of this bill allows the Department of Tourism to perform the administrative function of the Division of Festivals for the 2018 Crucian Christmas Festival, the 2019 Virgin Islands Carnival, and the 2019 St. John Festival.

**BR17-0304 /September 7, 2018/GC**

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