

# ACT NO. 8424

BILL NO. 33-0226

## THIRTY-THIRD LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2020

An Act amending the Virgin Islands Code title 1, chapter 7 to establish the official Madras of the Virgin Islands of the United States; making a \$5,000 appropriation from the Centennial Special Fund to the Virgin Islands Council on the Arts for the manufacturing of the official Madras fabric, on behalf of the Government of the Virgin Islands; amending title 3, chapter 1 relating to the Bureau of Economic Research by adding a new section 4b to re-establish the Bureau of Economic Research in the Office of the Governor and repealing Act No. 8121, which established the Bureau of Economic Research in the Office of Management and Budget; and amending title 27, chapter 4B relating to criminal background checks for medical and other healthcare professionals; and amending section 4 Act No. 8376 relating to the South Shore Trade Zone to provide for exemptions from custom duties and excise taxes on the merchandise, goods, machinery and equipment brought into the South Shore Trade Zone for re-shipment out of the Territory

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

**SECTION 1.** Title 1, chapter 7 of the Virgin Islands Code is amended by adding section 101a to read as follows:

**“§101a. Madras**

(a) The Legislature finds and declares:

(1) The movement to develop an official Madras Pattern for the Virgin Islands began with informal conversations between tradition and culture bearers from the Territory, to include Delta Dorsch, Dorothy Elskoe, Eulalie Rivera, Bradley Christian, Ruth Moolenaar, Gene Emanuel, Lois Habtes, and Myron D. Jackson and who participated in the Smithsonian Institution Folklife Festival in 1990 at the National Mall in Washington, D.C.

(2) Madras Fabric has been used for feminine adornment, masquerading traditions, cultural events, and ceremonies for more than one hundred seventy-two years.

In observance of the 150th Emancipation in 1998 the Madras fabric was selected as the official cloth for the celebration.

(3) For over a century various fabric stores in the former Danish West Indies and the Virgin Islands of the United States have sold Madras cloth as a commodity of trade and demand.

(4) It is recognized that adopting a National Fabric has been used across the world as a galvanizing symbol of unity among people throughout time.

(5) In 2015 while participating in the Limpricht Park Vintage & Collectibles Fair, a conversation between the St. Croix Heritage Dancers and Christiansted Community Alliance and textile artist, Debbie Sun, inspired the St. Croix Heritage Dancers, the oldest quadrille group in the Territory, to apply for a grant from the Virgin Islands Council on the Arts to develop an official madras pattern for the Territory and out of several concepts developed, one was chosen by the organization as the best prototype for an official design.

(6) The St. Croix Heritage Dancers, Inc. is a not-for profit organization and the oldest traditional cultural and heritage dance group in existence, for more than 50 years, with a focus on preserving history and culture in the Virgin Islands of the United States hereafter referred to as the "U.S. Virgin Islands".

(7) Mr. Bradley A. Christian Culture Bearer and Founder/Director of the St. Croix Heritage Dancers, Inc. has long identified that most Caribbean islands have a specific Madras Plaid print/design representing their island, typically using the colors of their island flags.

(8) It has been historically identified that there is no specific Madras Plaid print/design representing the "U. S. Virgin Islands".

(9) The conversation was initiated by Mr. Bradley A. Christian Founder/Director of the St. Croix Heritage Dancers, Inc. with Mrs. Mary Dema, President of Christiansted Community Alliance at the Limpricht Park Vintage and Collectible Fair about designing and facilitating the authentication/legislation of an official Madras Plaid print/design for the "U.S. Virgin Islands" hereafter referred to as "V.I. Madras".

(10) The St. Croix Heritage Dancers, Inc. successfully obtained funding for its project "Madras Plaid for the VI" through a grant from the Virgin Islands Council on the Arts for "creating the VI Madras; and design; Researching the Madras Plaid of other Caribbean islands; Manufacturer sourcing, Digital sample printing; Design presentation; and Community interaction". The St. Croix Heritage Dancers, Inc. commissioned Ms. Debbie Sun, textile designer of Debbie Sun Textile Design Studio. to participate in the "V.I. Madras" development, design, collection, and community interaction process. the utilization of Madras Plaid is an important component of "U.S. Virgin Islands" culture that has been embraced in our cultural attire and at functions in the past and present.

(11) The declaration/legislation of an official "V.I. Madras" Plaid print/design will foster territorial togetherness and pride, serving as a common thread that unifies us with other Caribbean islands, while celebrating, honoring and preserving the culture and identity of the "U.S. Virgin Islands".

(12) The official “V.I. Madras” Plaid print/design presents colors representing iconic symbols of our “U. S. Virgin Islands” history, culture, richness and beauty.

(13) The official “V.I. Madras” Plaid print/design will be showcased on the cultural attire of dancers, performers, Moko Jumbies and various ceremonial attire within and outside of the “U.S. Virgin Islands”.

(14) The fabric originated in Madras, now known as Chennai, India, as a lightweight handwoven cotton material made primarily by working class Indians as part of the region’s textile industry and as a commodity of trade by British merchants.

(15) Usage of Madras on the African continent can be traced back to the 14th century as an item of trade, commerce, and adornment which is still found today worn amongst the Khalabari, who call it Injeri, and amongst the Igbo people of West Africa in the Delta Region of Nigeria, who call it George, for ceremonial purposes in weddings and where it is made into wrappers worn by women and men. During the Transatlantic Slave Trade, it was also a prized heirloom amongst African kings and chiefs.

(16) The fabric’s popularity through the Transatlantic Trade made it not only popular amongst African and Caribbean people, but Europeans as well, with the cloth going through a process of cultural authentication by Africans and people of the Caribbean to mean something more, and is now worn differently from how Europeans originally intended Madras to be traded, worn and used.

(17) Although the fabric is a colonial product by trade, it has grown to become a cultural artifact for the African diaspora and has been reimagined throughout the Caribbean and the African Diaspora.

(18) Madras found its way into the former Danish West Indies and has been linked in instances to resistance movements, to include the Bamboula dance, the Fireburn, and coal carrier strikes in the history of the Territory.

(19) Noted St. Croix poet Richard Schrader’s inaugural poem for former Governor Charles Wesley Turnbull entitled, “The Madras that Binds All Ahwe,” expresses the symbolism of unity the cloth evokes in bringing the Virgin Islands together as a people and as a community with a blended story similar to the patterns of Madras.

(20) The fabric became a cloth used by the free-colored and enslaved population in headdresses as an expression of status, such as single, married, divorced, and available and also by creole women who were sometimes asked to cover their hair because of the potential to arouse attention.

(21) Madras is the fabric of choice used in cultural wear, costumes, masquerade traditions, and worn during special events such as in Quadrille dances, and is highlighted during observances such as Carnival, Festivals, Celebrations, and Independence events on all three islands.

(22) In 2013, Quadrille was established as the official dance of the Virgin Islands and Quelbe as the official music of the Virgin Islands, and both cultural expressions are intertwined with dance, performance and the wearing of Madras clothing.

(23) In recent times a modern Madras movement developed on St. Croix by millennials reclaiming and repurposing the fabric in current fashion, with several to include Simply Sophisticated Fun Troupe, Designs by Regal, Sanctuary Festival Troupe, Don't Pay Me No Mind (DPMNM) and modern Madras and countless photographers on all three islands, capturing Madras worn by local Virgin Islanders in initiatives promoting Carnival and Festival costumes, fashion, clothing designs, gallery exhibitions, including an array of themes and styles and artist discussions promoting the usage of Madras.

(24) A collective of fashion designers under the auspices of Joseph Bess created the Madras Reimagined Fashion Show and Symposium in 2019, on the island of St. Croix, discussing madras culturally and historically, and showcasing the modern ways Madras can be worn, while giving entrepreneurial advantages to designers interested in their culture and fashion.

(25) Establishing an Official Madras for the Territory will place the U.S. Virgin Islands among its peers, to include other Caribbean Island Nations such as St. Lucia, Dominica, Martinique, St. Kitts, Nevis, Guadeloupe, Antigua, and Jamaica, to name a few, who have adopted unique patterns to distinguish their islands.

(26) An official pattern for the Territory will serve as a branding tool for the unification of the Territory, cultural heritage, cultural heritage tourism product, and be uplifted as a symbol of pride for hundreds of thousands of Virgin Islanders at home and abroad who will all help in authenticating the pattern as the official cultural fabric of the Virgin Islands; and

(27) Yellow represents the official flower of the Virgin Islands. Red represents strength and love; and green represents natural resources and production. Pink represents the conch shell and the call to freedom. Royal blue represents the deep sea and transport and discovery. Turquoise represents the natural beauty of the waters of the Territory, and white represents the original and traditional dress made of flour sacks.

(b) The following design constitutes the official Madras of the Virgin Islands: A woven fabric in pattern of green, turquoise, royal blue, red, pink, yellow, and white. The design is a pattern that repeats every 7 inches in both the horizontal and vertical direction. Both the wrap (horizontal direction) and the weft (vertical direction) consist of the same color configuration. The colors are in the following order with a band of white in between each other: green, turquoise, royal blue, red, pink with four red stripes, and yellow. Each Madras may have the letters "V" and "I" embroidered into the fabric for ceremonial uses.

(c) The Virgin Islands Madras design is the intellectual property of the Government of the Virgin Islands. The Office of the Governor shall apply for the copyrights of the design and the Madras fabric. Usage of the design of the fabric and distribution and sale of the fabric is regulated through licenses obtained through Virgin Islands Council on the Arts. Unlicensed usage is prohibited.

**SECTION 2.** The sum of \$5,000 is appropriated from the Centennial Special Fund to the Virgin Islands Council on the Arts for the manufacturing of the official Madras fabric, on behalf of the Government of the Virgin Islands.

**SECTION 3.** Title 3 Virgin Islands Code, chapter 1 is amended by adding section 4b to read as follows:

“§4b. Bureau of Economic Research:

(a) The Bureau of Economic Research, previously placed under the Office of Management and Budget by Act 8121, is transferred and re-established within the Office of the Governor. The Bureau of Economic Research is administered by a Director appointed by the Governor.

(b) The Bureau of Economic Research shall:

(1) Produce routine statistical reports on the socioeconomic indicators and the economy of the Virgin Islands and conduct activities related to formulation of Territory’s Gross Domestic Product or Gross Territorial Product

(2) Provide data for Government agencies to use for operational planning, federal grant applications, bond issues, database development, impact analysis, and forecasting;

(3) Provide assistance in the areas of economic development planning, financing, special project and information management;

(4) Serve as liaison to the U.S. Department of Commerce- Bureau of Economic Analysis;

(5) Serve as the Territory's lead entity for collaborating with the United States Census Bureau in the conduct of the Virgin Islands Economic Census, and the Economic Development Administration in its efforts to foster economic development;

(6) Produce an annual report to the Governor and the Legislature outlining the status of the economy in the Virgin Islands with regards to economic health, activity, and trends; and

(7) Perform such other duties as may be assigned by and as may be required by law.

(c) Subject to any conditions and limitations prescribed by law, the Bureau of Economic Research shall have the right of access for statistical purposes to administrative records held by public authorities.

(d) The Bureau of Economic Research shall treat all individual information relating to individual persons as strictly confidential and shall use the information solely for statistical purposes.

(e) The Bureau of Economic Research shall treat all specifically identified business entities’ economic data as strictly confidential and shall use the information solely for statistical purposes.

**SECTION 4.** (a) On the effective date of this act, every employee of the Division of Economic Research is transferred to the reestablished Bureau of Economic Research within the Office of Governor.

(b) The transferred employees may not have their salary or status reduced as a result of a transfer under this section, and their service must be considered continuous.

(c) Rights and entitlement to annual and sick leave benefits, Government Employees' Retirement System benefits, seniority, and other employee benefits of any employee transferred to the Office of Governor pursuant to subsection (a), may not be impaired.

**SECTION 5.** Act No. 8121 is repealed.

**SECTION 6.** Title 27, chapter 4B, section 221 of the Virgin Islands Code is amended as follows:

(a) In subsection (a), by striking "or any entity qualified to conduct certified criminal background checks"; and

(b) By striking all of the existing language in subsection (b) and inserting the following language in its place:

"The following occupations shall be subject to a mandatory national criminal history background check prior to the issuance of licenses by their respective Boards or the Virgin Islands Department of Health: physicians, physician assistants, dentists, dental hygienists, dental assistants, certified nursing assistants (CNA's), registered nurses (RN's), licensed practical nurses (LPN's), advanced practice nurses (APN's), pharmacists, pharmacy technicians, optometrists, certified therapeutic doctors of optometry, physical therapists, physical therapy assistants, chiropractors, podiatrists, psychologists, psychologist assistants, veterinarians, and veterinary technicians."

(c) By inserting the following after the first sentence of subsection (c):

"The Virgin Islands Police Department shall be the recipient of the results of the criminal background check."

**SECTION 7.** Act No. 8376, section 4 is amended by redesignating the internal sections as § 1018a through §1018h and in re-designated 1018d by adding a paragraph (2) to read as follows:

"(2) The gross receipt taxes merchandise, goods, machinery and equipment brought into the South Shore Enterprise Zone for the purpose of re-shipment out of the Territory are exempt from custom duties, and excise taxes, except that this exemption does not apply to the gross receipt taxes of businesses operated by a concession or rental agreement on the premises of the South Shore Enterprise Zone, for which businesses separate licenses are required or which, are not ordinarily related to, or do not constitute an essential part of, the operation of the South Shore TradeZone, and are not otherwise eligible for tax incentives as a distinct enterprise."

Thus passed by the Legislature of the Virgin Islands on December 30, 2020.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 8<sup>th</sup> day of January, A.D., 2021.



  
Novelle E. Francis, Jr.  
President

  
Alicia V. Barnes  
Legislative Secretary



**Bill No. 33-0226 is hereby approved.**

**Witness my hand and the seal of the Government of  
the United States Virgin Islands at Charlotte Amalie,  
St. Thomas, this 21<sup>st</sup> day of January, 2021 A.D.**

A handwritten signature in blue ink, appearing to read "Albert Bryan Jr.", is written over the printed name.

**Albert Bryan Jr.  
Governor**