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HOUSE BILL NO. 1544

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Rules
on February 1, 2006)

(Patrons Prior to Substitute—Delegates Howell, W.J. and Griffith)

A BILL to place molds of Houdon's statue of Washington under the care of the Librarian of Virginia and to provide a procedure for authorizing future uses and payments of royalties; penalty.

Whereas, the General Assembly in 1784 commissioned the statue of George Washington, created by the French artist Jean-Antoine Houdon and placed the statue in the Capitol Rotunda in 1796; and

Whereas, the General Assembly has from time to time authorized the creation of molds of the statue for specified purposes, expressly reserving the rights of the Commonwealth as the owner of the original and subsequent molds; and

Whereas, the creation of unauthorized molds has become a problem due to lack of any state agency with responsibility for protecting the value of the original molds and the Commonwealth's rights as owner; now, therefore

Be it enacted by the General Assembly of Virginia:

1. §1. Molds, patterns or other means of three-dimensional replications of Houdon's statue of Washington deemed property of Commonwealth; unauthorized use; penalty.

A. All molds, patterns or other means of three-dimensional replication, including, but not limited to, the original molds, patterns or other means of three-dimensional replication formerly in the possession of Gorham Manufacturing Company, of Jean-Antoine Houdon's statue of George Washington, authorized or unauthorized, shall be deemed the property of the Commonwealth. No person shall create or in any manner reproduce, offer for sale, or consign any mold, pattern or other means of three-dimensional replication of Houdon's statue of George Washington for any purpose unless specifically authorized according to the provisions of this section.

B. The Governor and Joint Rules Committee of the General Assembly may jointly authorize the replication of the molds, patterns or other means of three-dimensional replication of Houdon's statue of Washington upon a finding that such use promotes an appropriate image of George Washington and of the Commonwealth, its heritage and its history, and that such use is carried out in accordance with the laws of the Commonwealth. The Governor and Joint Rules Committee may jointly further contract for royalties to be paid to the Commonwealth for any approved use of the molds, patterns or other means of three-dimensional replication. All casts produced pursuant to authorization granted under this section shall bear the following legend imprinted in clear and legible fashion and in an easily accessible location: "Copied from the original Houdon in the Virginia State Capitol by (name of foundry or other production facility) on (date copy made)." The foundry or other production facility making copies pursuant to authorization granted under this section shall provide a record of all copies made to the Librarian of Virginia on or before July 1 annually.

C. Any royalties due to the Commonwealth shall be paid to the Virginia Capitol Preservation Foundation to support the restoration and ongoing preservation of Virginia's Capitol and Capitol Square.

D. It shall be unlawful for any person to reproduce, offer for sale, or consign any mold, pattern or other means of three-dimensional replication of Houdon's statue of George Washington without authorization as provided for in this section. A violation of this section shall be considered injury to library property punishable by § 42.1-72 of the Code of Virginia.

E. The Librarian of Virginia shall take possession of all molds, patterns or other means of three-dimensional replication of Houdon's statue of Washington, other than molds, patterns or other means of three-dimensional replication authorized pursuant to this section and take such action with respect to molds, patterns or other means of three-dimensional replication as the Library Board, on recommendation of the Librarian of Virginia, determines is needed to properly preserve and care therefor.