

050426780

SENATE BILL NO 1134

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 8, 2005)

(Patron Prior to Substitute—Senator Norment)

A BILL to amend and reenact §§ 2.2-2615, 2.2-4002, 2.2-4343, 30-194, and 30-195 of the Code of Virginia; to amend the Code of Virginia by adding in Title 30 a chapter numbered 40, consisting of sections numbered 30-266 through 30-272; and to repeal Article 6 (§§ 2.2-2614 through 2.2-2616) of Chapter 26 of Title 2.2 and Chapter 28 (§§ 30-193 through 30-195) of Title 30 of the Code of Virginia, relating to the maintenance and preservation of Capitol Square; creation of The Council on Capitol Square.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2615, 2.2-4002, 2.2-4343, 30-194, and 30-195 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 30 a chapter numbered 40, consisting of sections numbered 30-266 through 30-272, as follows:

§ 2.2-2615. Powers and duties of Council; compensation for consultants.

A. The Council shall have the following powers and duties:

1. Promote a greater understanding and awareness of the history and significance of the Executive Mansion;

2. Take the leadership in guiding the development of research and publications on the history of the Executive Mansion, thus establishing a continuity of effort in this area;

3. Encourage, approve, and accept contributions and bequests and gifts or loans of furniture, works of art, memorabilia, and other property for its use in carrying out the purposes of this article;

4. ~~Purchase~~ Advise The Council on Capitol Square on the purchase of appropriate period furnishings and works of art for the Executive Mansion; and ~~exchange or sell property, tangible or intangible, which has been acquired by the Council through gifts or otherwise from the Commonwealth or other public or private organizations, associations, or individuals;~~

5. ~~Acquire or provide~~ Advise The Council on Capitol Square on the acquisition or provision for accession and replacement of objects for the Executive Mansion, either directly or through the Virginia Museum of Fine Arts; and

6. Administer all funds, public and private, made available to the Council and to disburse such funds in accordance with the purposes of this article.

B. The Council may employ and fix the compensation of researchers, writers, curators, and other such consultants and professional personnel as it may deem necessary to assist in the exercise and performance of its duties and powers.

C. ~~Purchases, exchanges, gifts and sales by the Council shall be exempt from the requirements of the Virginia Public Procurement Act. The Mansion Director and/or the Department of General Services shall assist the Council in keeping record of all such transactions.~~

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030 and 2.2-4031:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for

- 60 producers' milk, time and method of payment, butterfat testing and differential.
61 8. The Virginia Resources Authority.
62 9. Agencies expressly exempted by any other provision of this Code.
63 10. The Department of General Services in promulgating standards for the inspection of buildings for
64 asbestos pursuant to § 2.2-1164.
65 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising
66 guidelines pursuant to § 23-9.6:2.
67 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to
68 subsection B of § 3.1-726.
69 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and
70 Consumer Services in promulgating regulations pursuant to subsections B and C of § 3.1-106.4,
71 subsection B of § 3.1-126.12:1, §§ 3.1-271.1, 3.1-530.1, and 3.1-398, subsections B and C of
72 § 3.1-828.4, and subsection A of § 3.1-884.21:1.
73 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,
74 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of
75 optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.
76 15. The Virginia War Memorial Foundation.
77 16. The Virginia Medicaid Prior Authorization Advisory Committee in making recommendations to
78 the Board of Medical Assistance Services regarding prior authorization for prescription drug coverage
79 pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
80 17. The State Board of Education, in developing, issuing, and revising guidelines pursuant to
81 § 22.1-203.2.
82 18. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or
83 in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual
84 live horse racing at race meetings licensed by the Commission.
85 19. The Virginia Small Business Financing Authority.
86 20. The Virginia Economic Development Partnership Authority.
87 21. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations
88 pursuant to subsection A (ii) of § 59.1-156.
89 22. The Insurance Continuing Education Board pursuant to § 38.2-1867.
90 23. The Board of Health in promulgating the list of diseases that shall be reported to the Department
91 of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to
92 subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to
93 restaurants or food service.
94 24. *The Council on Capitol Square.*
95 B. Agency action relating to the following subjects shall be exempted from the provisions of this
96 chapter:
97 1. Money or damage claims against the Commonwealth or agencies thereof.
98 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
99 3. The location, design, specifications or construction of public buildings or other facilities.
100 4. Grants of state or federal funds or property.
101 5. The chartering of corporations.
102 6. Customary military, naval or police functions.
103 7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of
104 the Commonwealth.
105 8. The conduct of elections or eligibility to vote.
106 9. Inmates of prisons or other such facilities or parolees therefrom.
107 10. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as
108 well as the treatment, supervision, or discharge of such persons.
109 11. Traffic signs, markers or control devices.
110 12. Instructions for application or renewal of a license, certificate, or registration required by law.
111 13. Content of, or rules for the conduct of, any examination required by law.
112 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.) of this title.
113 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent
114 with duly adopted regulations of the State Lottery Board, and provided that such regulations are
115 published and posted.
116 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
117 finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
118 17. Any operating procedures for review of child deaths developed by the State Child Fatality
119 Review Team pursuant to § 32.1-283.1.
120 18. The regulations for the implementation of the Health Practitioners' Intervention Program and the
121 activities of the Intervention Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title

54.1.

19. The process of reviewing and ranking grant applications submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Chapter 3.1 (§ 51.5-12.1 et seq.) of Title 51.5.

20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.

21. The Virginia Breeders Fund created pursuant to § 59.1-372.

22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.

23. The administration of medication or other substances foreign to the natural horse.

C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia Register Act, Chapter 41 (§ 2.2-4100 et seq.) of this title, made by the Virginia Code Commission pursuant to § 30-150, shall be exempt from the provisions of this chapter.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners and approved by the Department of General Services, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, including but not limited to actuarial services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The University of Virginia in the selection of services related to the management and investment of its endowment funds, endowment income, or gifts pursuant to § 23-76.1. However, selection of these services shall be governed by the Uniform Management of Institutional Funds Act (§ 55-268.1 et seq.) as required by § 23-76.1.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23-38.80.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2011 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377.

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or

183 procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This
184 provision shall not exempt any school division from any centralized purchasing ordinance duly adopted
185 by a local governing body.

186 12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of
187 subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330,
188 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 shall apply to all counties, cities
189 and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

190 The method for procurement of professional services set forth in subdivision 3 a of § 2.2-4301 in the
191 definition of competitive negotiation shall also apply to all counties, cities and school divisions, and to
192 all towns having a population greater than 3,500, where the cost of the professional service is expected
193 to exceed \$30,000 in the aggregate or for the sum of all phases of a contract or project. A school board
194 that makes purchases through its public school foundation or purchases educational technology through
195 its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be
196 exempt from the provisions of this chapter, except, relative to such purchases, the school board shall
197 comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

198 13. A public body that is also a utility operator may purchase services through or participate in
199 contracts awarded by one or more utility operators that are not public bodies for utility marking services
200 as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of
201 services under this subdivision may deviate from the procurement procedures set forth in this chapter
202 upon a determination made in advance by the public body and set forth in writing that competitive
203 sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is
204 awarded based on competitive principles.

205 14. Procurement of any construction or planning and design services for construction by a Virginia
206 nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design
207 or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit
208 corporation or organization is obligated to conform to procurement procedures that are established by
209 federal statutes or regulations, whether those federal procedures are in conformance with the provisions
210 of this chapter.

211 15. ~~Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and~~
212 ~~Interpreting the Executive Mansion of art, antiquities, and artifacts for display at Capitol Square by The~~
213 ~~Council on Capitol Square.~~

214 16. The Eastern Virginia Medical School in the selection of services related to the management and
215 investment of its endowment and other institutional funds. The selection of these services shall, however,
216 be governed by the Uniform Management of Institutional Funds Act (§ 55-268.1 et seq.).

217 17. The Department of Corrections in the selection of pre-release and post-incarceration services.

218 18. The Board of the Chippokes Plantation Farm Foundation in entering into agreements with
219 persons for the construction, operation, and maintenance of projects consistent with the Chippokes
220 Plantation State Park Master Plan approved by the Director of the Department of Conservation and
221 Recreation pursuant to the requirements of § 10.1-200.1 and designed to further an appreciation for rural
222 living and the contributions of the agricultural, forestry, and natural resource based industries of the
223 Commonwealth, provided such projects are supported solely by private or nonstate funding.

224 19. The University of Virginia Medical Center to the extent provided by subdivision B 3 of
225 § 23-77.4.

226 20. The purchase of goods and services by a local governing body or any authority, board,
227 department, instrumentality, institution, agency or other unit of state government when such purchases
228 are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or
229 by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

230 B. Where a procurement transaction involves the expenditure of federal assistance or contract funds,
231 the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or
232 regulations not in conformance with the provisions of this chapter, a public body may comply with such
233 federal requirements, notwithstanding the provisions of this chapter, only upon the written determination
234 of the Governor, in the case of state agencies, or the governing body, in the case of political
235 subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the
236 public interest. Such determination shall state the specific provision of this chapter in conflict with the
237 conditions of the grant or contract.

238 § 30-194. Powers and duties of the Council; executive director; annual report.

239 A. With regard to the architectural, historical, archeological and landscape features of Capitol Square
240 and antiquities contained therein, the Council shall:

241 1. Inventory and assess their condition;

242 2. Develop plans and recommendations for their maintenance and preservation and for the
243 enhancement of their historical and architectural integrity;

244 3. Develop recommendations for the promotion of activities and efforts that will enhance interpretive

and educational opportunities; and

4. Review all plans or proposals for alterations, improvements, additions, renovations or other disposition that is structural or architectural in nature and *provide advice to The Council on Capitol Square*. No implementation of such plans or proposals shall take place prior to review by the Council. The Council shall report its findings on each plan or proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's executive director and the Director of the Department of General Services shall enter into a memorandum of agreement describing the type of plans and proposals that are of such a routine or operational nature to not require review by the Council.

B. The Council may employ an executive director and determine his duties and compensation within the amounts appropriated therefor. The executive director shall be qualified to carry out the duties to which he is assigned and shall work at the pleasure of the Council. The Council may also obtain such assistance as it may deem necessary, and may employ, within the amounts appropriated therefor, experts who have special knowledge of the issues before the Council.

C. The Council may, unless otherwise restricted by the Governor or the General Assembly, under terms approved by the Attorney General, accept gifts and grants in furtherance of its duties. This provision shall be deemed to be in addition to and not in conflict with any other powers or authorities related to the acceptance of gifts and grants under other provisions of this Code.

D. The Council may enter into contracts in the furtherance of its duties in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

E. The Council shall make a report on its activities and recommendations, if any, annually by December 1 to the Governor and the General Assembly. The Council shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the General Assembly.

§ 30-195. Duties of the executive director.

A. The executive director shall serve as curator, *under the direction of The Council on Capitol Square*, for the architectural, historical, archeological and landscape features of Capitol Square. Neither the Council nor the executive director in fulfilling his responsibilities as curator shall act in a manner inconsistent with subsection A of § 2.2-1144.

B. The executive director shall work under the direction and control of the Council and shall exercise the powers and duties conferred upon him by law or requested by the Council pursuant to authorities conferred by this chapter.

C. The executive director shall be vested with the authority of the Council when it is not in session, subject to guidelines or delegations prescribed by the Council.

D. The executive director shall, upon request, act as an advisor to the Governor, the Art and Architectural Review Board, the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion and other state agencies dealing with architectural, historical, archeological and landscape features of Capitol Square.

CHAPTER 40.

THE COUNCIL ON CAPITOL SQUARE.

§ 30-266. *The Council on Capitol Square; purpose.*

The Council on Capitol Square (the Council) is established in the legislative branch of state government. The purpose of the Council is to operate, maintain, and preserve Capitol Square for the safeguard of essential government functions and for the appreciation of the citizens of and visitors to the Commonwealth.

For purposes of this chapter:

"Capitol Square" means the Virginia State Capitol building, all structures built prior to 1825 that are state and national landmarks, and the area surrounding the Capitol that is enclosed by the iron fence installed in 1818 or its extension or bordered on the east by Governor Street.

"Virginia Capitol Preservation Foundation" means the tax-exempt nonprofit organization created in 2004 to support the restoration and ongoing preservation of Capitol Square.

§ 30-267. Membership; terms.

The Council shall have a total membership of 15 members that shall consist of the Governor and four legislative members, seven nonlegislative citizen members, and three ex officio members as follows: the Chairman of the Senate Committee on Rules and one member of the Senate from the political party with the second highest representation in the Senate, appointed by the Senate Committee on Rules; the Speaker of the House of Delegates and one member of the House of Delegates from the political party with the second highest representation in the House of Delegates, appointed by the Speaker of the House of Delegates; one former member of the Senate appointed by the Senate Committee on Rules; one former member of the House of Delegates appointed by the Speaker of the House of Delegates; one nonlegislative citizen member representing The Garden Club of Virginia appointed by the Senate Committee on Rules upon consideration of the list of nominations submitted by The Garden Club of

306 Virginia, if any; one nonlegislative citizen member representing the Virginia Historical Society
307 appointed by the Speaker of the House of Delegates upon consideration of the list of nominations
308 submitted by the Virginia Historical Society, if any; one nonlegislative citizen member representing the
309 Association for the Preservation of Virginia Antiquities appointed by the Governor upon consideration
310 of the list of nominations submitted by the Association for the Preservation of Virginia Antiquities, if
311 any; one nonlegislative citizen member, who shall have expertise in Jeffersonian architecture, appointed
312 by the Governor; the Vice-Chair of the Virginia Capitol Preservation Foundation, who may be a
313 nonresident; and the Clerk of the Senate, the Clerk of the House of Delegates and the Secretary of
314 Administration, who shall serve as ex officio members with voting privileges.

315 The Governor, legislative members, the Vice-Chair of the Virginia Capitol Preservation Foundation,
316 and ex officio members of the Council shall serve terms coincident with their terms of office. Former
317 members of the Senate and the House of Delegates shall serve terms of two years and may be
318 reappointed. After the initial staggering of terms, all other nonlegislative citizen members shall be
319 appointed for a term of two years and shall serve no more than two consecutive two-year terms. The
320 remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in
321 determining the member's eligibility for reappointment.

322 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
323 Vacancies shall be filled in the same manner as the original appointments. The chairmanship shall
324 rotate annually between the Governor, the Chairman of the Senate Committee on Rules, and the Speaker
325 of the House of Delegates. The Council shall annually elect a vice-chairman from among its
326 membership.

327 § 30-268. Quorum; meetings.

328 Seven members shall constitute a quorum. The Council shall meet at least quarterly. The meetings of
329 the Council shall be held at the call of the chairman or whenever the majority of the members so
330 request.

331 § 30-269. Compensation; expenses.

332 Legislative members of the Council shall receive such compensation as provided in § 30-19.12, and
333 nonlegislative citizen members shall receive such compensation for the performance of their duties as
334 provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses
335 incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such
336 compensation and expenses shall be paid from existing appropriations to the Council.

337 § 30-270. Powers and duties of the Council.

338 The Council shall have the following powers and duties, not inconsistent with the provisions of
339 § 2.2-1144:

340 1. Operate, maintain, and regulate the uses of Capitol Square. The Council shall have the sole
341 authority to regulate all uses of Capitol Square, including the casual and recreational use of Capitol
342 Square.

343 2. Perform repair, construction, contracting, purchasing, maintenance, supervisory, and operating
344 activities the Council determines are necessary for the operation and maintenance of Capitol Square.

345 3. Enter into contracts in the furtherance of its duties, including the provision of auxiliary services
346 for the operation and management of food facilities and the operation and management of a gift shop
347 by the Virginia Capitol Preservation Foundation.

348 4. Preserve Capitol Square, in accordance with guidelines issued by the United States Secretary of
349 the Interior for application of the Secretary's standards for rehabilitation adopted in 26 C.F.R. Part 67.

350 5. Establish and maintain the Capitol collection that shall consist of furniture, antiquities, and other
351 items of personal property.

352 6. Provide and approve educational programs and curatorial services.

353 7. Coordinate and approve improvements, additions, and renovations that are made to Capitol
354 Square and consider the recommendations of the Virginia Capitol Preservation Foundation on such
355 matters. The Council shall have the sole authority in coordinating and approving improvements,
356 additions, and renovations, including the placement of monuments and sculptures on Capitol Square.

357 8. Purchase art, antiquities, and artifacts for display at Capitol Square and consider the
358 recommendations of the Virginia Capitol Preservation Foundation on such matters. The purchases shall
359 be exempt from the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

360 9. Manage funds appropriated to the Capitol Square Fund established pursuant to § 30-272.

361 10. Hold public hearings at times and places as determined by the Council that shall be,
362 notwithstanding § 2.2-3707.01, governed by the provisions of the Freedom of Information Act
363 (§ 2.2-3700 et seq.).

364 11. Adopt, amend, or rescind rules necessary to accomplish the responsibilities and duties of the
365 Council as set forth in this chapter.

366 § 30-271. Staffing.

367 The Council shall employ an executive director and the executive director shall employ persons

subject to the Virginia Personnel Act (§ 2.2-2900 *et seq.*) as he deems necessary for the performance of the Council's powers and duties as set forth in this chapter. The executive director shall serve at the pleasure of the Council. The Council shall prescribe the duties of the executive director and fix his salary and compensation within the amounts appropriated to the Council.

§ 30-272. *Capitol Square Fund.*

There is hereby created in the state treasury a special nonreverting fund to be known as the Capitol Square Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller and administered by the Council. The Fund shall include such moneys as shall be appropriated by the General Assembly and designated for the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of construction, renovation, maintenance, and other costs related to Capitol Square.

2. The following members shall serve an initial two-year term followed by a one-year term for the purpose of staggering terms: one nonlegislative citizen member representing The Garden Club of Virginia appointed by the Senate Committee on Rules upon consideration of the list of nominations by The Garden Club of Virginia, if any; one nonlegislative citizen member representing the Virginia Historical Society appointed by the Speaker of the House of Delegates upon consideration of the list of nominations of the Virginia Historical Society, if any; and one nonlegislative citizen member representing the Association for the Preservation of Virginia Antiquities appointed by the Governor upon consideration of the list of nominations of the Association for the Preservation of Virginia Antiquities, if any. Members may be reappointed. However, any member who serves a one-year term shall not be eligible to serve more than one two-year term immediately before or after the one-year term. During this staggering period, appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

3. That the one-year rotating chairmanship of The Council on Capitol Square shall begin with the chairman of the Senate Committee on Rules, who shall be succeeded by the Speaker of the House of Delegates, who shall be succeeded by the Governor.

4. That the provisions of § 30-271 shall become effective on July 1, 2006.

5. That Article 6 (§§ 2.2-2614 through 2.2-2616) of Chapter 26 of Title 2.2 and Chapter 28 (§§ 30-193 through 30-195) of Title 30 shall be repealed on July 1, 2007.