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**HOUSE BILL NO. 1206**

(Proposed by the House Committee on Appropriations)

(Patron Prior to Substitute—Delegate Murphy)

House Amendments in [ ] — January 25, 1999

*A BILL to amend the Code of Virginia by adding in Title 9 a chapter numbered 35.1, consisting of sections numbered 9-304.1 through 9-304.6, relating to the Capitol Square Preservation Council.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 9 a chapter numbered 35.1, consisting of sections numbered 9-304.1 through 9-304.6, as follows:**

**CHAPTER 35.1.****CAPITOL SQUARE PRESERVATION COUNCIL.****§ 9-304.1. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Capitol Square" means the grounds and the interior and exterior of all buildings in that area in the City of Richmond bounded by Bank, Governor, Broad and Ninth Streets. The term also includes the exterior of all state buildings that are at least fifty years old and bordering the boundary streets. The term does not include the interiors of the General Assembly Building, the Washington Building, the Jefferson Building, or the Governor's Mansion.*

*"Council" means the Capitol Square Preservation Council.*

**§ 9-304.2. Capitol Square Preservation Council created; membership; compensation.**

*A. There is hereby created the Capitol Square Preservation Council. The Council shall be composed of fourteen members including four ex officio members as follows: three members selected by the Speaker of the House, one each from lists of nominations provided by the governing bodies of The Garden Club of Virginia, the Historic Richmond Foundation and the Association for the Preservation of Virginia Antiquities; two members selected by the Senate Committee on Privileges and Elections, one each from lists of nominations provided by the governing bodies of the Virginia Society of the American Institute of Architects and the Virginia Museum of Fine Arts; and five members selected by the Governor, one each from lists of nominations provided by the governing bodies of the Virginia [ Association Chapter of the American Society ] of Landscape Architects and the Virginia Historical Society, one each from the memberships of the Virginia Public Buildings Board and the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion and one citizen at large. The Secretary of Administration, or his designee, shall serve ex officio with voting privileges; the Clerks of the House of Delegates and the Senate and the Director of Historic Resources shall serve as nonvoting ex officio members.*

*B. All appointments to the Council shall be for terms of three years, except that initial appointments shall have the following terms: of those appointed by the Speaker of the House, one shall have a three-year term, one shall have a two-year term and one shall have a one-year term; of those appointed by the Senate Committee on Privileges and Elections, one shall have a three-year term, and one shall have a two-year term; of those appointed by the Governor, one shall have a three-year term, two shall have two-year terms and two shall have one-year terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as the original appointment. Any member may be reappointed for any number of multiple terms, except that members may not be reappointed to more than two successive three-year terms.*

*C. The members of the Council shall elect from among its membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position. The Council shall hold meetings quarterly, or upon the call of the chairman.*

*D. All members shall be reimbursed for their actual expenses incurred by them in the performance of their duties in the work of the Council.*

**§ 9-304.3. Council powers and duties.**

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

*1. Inventory and assess their condition;*

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

*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. 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*

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HB1206EH1

60 *proposal to the Governor and the agency responsible for the plan or proposal. However, the Council's*  
61 *executive director and the Director of the Department of General Services shall enter into a*  
62 *memorandum of agreement describing the type of plans and proposals that are of such a routine or*  
63 *operational nature to not require review by the Council.*

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

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

73 *D. The Council may enter into contracts in the furtherance of its duties in accordance with the*  
74 *Virginia Public Procurement Act.*

75 *§ 9-304.4. Executive director.*

76 *A. The executive director shall serve as curator for the architectural, historical, archeological and*  
77 *landscape features of Capitol Square. Neither the Council nor the executive director in fulfilling his*  
78 *responsibilities as curator shall act in a manner inconsistent with § 2.1-499.*

79 *B. The executive director shall work under the direction and control of the Council and shall*  
80 *exercise such powers and perform such duties as are conferred upon him by law or requested by the*  
81 *Council pursuant to authorities conferred upon it by this chapter.*

82 *C. The executive director shall be vested with the authority of the Council when it is not in session,*  
83 *subject to such guidelines or delegations as the Council may prescribe.*

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

88 *§ 9-304.5. Assistance to Council.*

89 *All agencies of the Commonwealth shall assist the Council upon request.*

90 *§ 9-304.6. Annual report.*

91 *The Council shall make a report on its activities and recommendations, if any, annually by*  
92 *December 1 to the Governor and the General Assembly. The Council shall make such further interim*  
93 *reports to the Governor and the General Assembly as it shall deem advisable or as may be required by*  
94 *the General Assembly.*

95 **2. That the provisions of this act shall not apply to any project approved by the General Assembly**  
96 **and the Governor prior to the effective date of this act.**