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## SENATE BILL NO. 693

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules)

(Patron Prior to Substitute—Senator Norment)

Senate Amendments in [ ] — February 14, 2006

A *BILL to amend and reenact §§ 2.2-1138, 2.2-1144, 2.2-4002, 2.2-4343, 30-194, and 30-195 of the Code of Virginia and to amend the Code of Virginia by adding in Title 30 a chapter numbered 40, consisting of sections numbered 30-266 through 30-272, 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 §§ 2.2-1138, 2.2-1144, 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:**

§ 2.2-1138. Planning and construction by Division; exemption.

A. The Division of Engineering and Buildings shall, subject to written approval of the Governor:

1. Prepare and, when necessary to meet changing conditions, amend a long-range site plan for the location of all state buildings, and related improvements, in Capitol Square and its immediate environs, *except buildings and areas under the authority of the Council on Capitol Square*, and for such other areas providing comparable facilities for the seat of government in or adjacent to the City of Richmond as the Governor shall direct;

2. Acquire with funds appropriated for that purpose the necessary land for effectuation of the plan; and

3. Direct and control the execution of all authorized projects for the construction of state buildings and related improvements in or adjacent to the City of Richmond.

B. The Governor may exempt from the provisions of subsection A those buildings and improvements that, in his opinion, should be planned and constructed under the direction of other state agencies or institutions or included in site plans prepared by such other agencies or institutions.

C. No building for state use shall be erected or acquired nor other property acquired for state use, in Capitol Square and its immediate environs, or in such other areas as may be included in the site plan required by subsection A unless it has been approved by the Governor as conforming to the site plan.

§ 2.2-1144. Control of Capitol Square and other property at seat of government.

A. The Division, under the direction and control of the Governor, shall have control of the Capitol Square, *except the buildings and areas under the direction and control of the Council on Capitol Square*, with the expense of the maintenance and control to be paid out of the fund appropriated for that purpose. The Division shall keep the keys of the Capitol Building and shall take charge of all the rooms in the Capitol Building, except in those areas under the control of the ~~legislature~~ *Council on Capitol Square*, the public grounds and all other property at the seat of government not placed in specific charge of others. ~~The Division shall have no control or responsibility with respect to the old and new Senate chambers, the old and new halls of the House of Delegates, the Rotunda, the offices of the Clerks of the Senate and House of Delegates, the legislative committee rooms, the enrolling office, or any other area specifically designated as legislative space.~~ The Division shall do such work and make such repairs for the respective bodies of the General Assembly requested by the ~~clerks thereof~~ *Council on Capitol Square* with appropriate reimbursement of expenses to the Division.

B. The Division shall have all the furniture and the rooms in the Capitol, other than the rooms excepted in subsection A, the open parts of the Capitol, the public grounds, and all other property at the seat of government not placed in the charge of others, kept in proper order at all times.

§ 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

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60 under this Code, including those with federal authorities.

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

66 7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii)  
67 classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for  
68 producers' milk, time and method of payment, butterfat testing and differential.

69 8. The Virginia Resources Authority.

70 9. Agencies expressly exempted by any other provision of this Code.

71 10. The Department of General Services in promulgating standards for the inspection of buildings for  
72 asbestos pursuant to § 2.2-1164.

73 11. The State Council of Higher Education for Virginia, in developing, issuing, and revising  
74 guidelines pursuant to § 23-9.6:2.

75 12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to  
76 subsection B of § 3.1-726.

77 13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and  
78 Consumer Services in promulgating regulations pursuant to subsections B and C of § 3.1-106.4,  
79 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  
80 § 3.1-828.4, and subsection A of § 3.1-884.21:1.

81 14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines,  
82 and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of  
83 optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

84 15. The Virginia War Memorial Foundation.

85 16. The Virginia Medicaid Prior Authorization Advisory Committee in making recommendations to  
86 the Board of Medical Assistance Services regarding prior authorization for prescription drug coverage  
87 pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

88 17. The State Board of Education, in developing, issuing, and revising guidelines pursuant to  
89 § 22.1-203.2.

90 18. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or  
91 in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual  
92 live horse racing at race meetings licensed by the Commission.

93 19. The Virginia Small Business Financing Authority.

94 20. The Virginia Economic Development Partnership Authority.

95 21. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations  
96 pursuant to subsection A (ii) of § 59.1-156.

97 22. The Insurance Continuing Education Board pursuant to § 38.2-1867.

98 23. The Board of Health in promulgating the list of diseases that shall be reported to the Department  
99 of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to  
100 subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to  
101 restaurants or food service.

102 24. *The Council on Capitol Square.*

103 B. Agency action relating to the following subjects shall be exempted from the provisions of this  
104 chapter:

105 1. Money or damage claims against the Commonwealth or agencies thereof.

106 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.

107 3. The location, design, specifications or construction of public buildings or other facilities.

108 4. Grants of state or federal funds or property.

109 5. The chartering of corporations.

110 6. Customary military, naval or police functions.

111 7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of  
112 the Commonwealth.

113 8. The conduct of elections or eligibility to vote.

114 9. Inmates of prisons or other such facilities or parolees therefrom.

115 10. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as  
116 well as the treatment, supervision, or discharge of such persons.

117 11. Traffic signs, markers or control devices.

118 12. Instructions for application or renewal of a license, certificate, or registration required by law.

119 13. Content of, or rules for the conduct of, any examination required by law.

120 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.) of this title.

121 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent

with duly adopted regulations of the State Lottery Board, and provided that such regulations are published and posted.

16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish, finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.

17. Any operating procedures for review of child deaths developed by the State Child Fatality Review Team pursuant to § 32.1-283.1.

18. The regulations for the implementation of the Health Practitioners' Intervention Program and the 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 procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of 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, 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 and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

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

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

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

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

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

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

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

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

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

21. *Purchase of art, antiques, and artifacts for display at Capitol Square by the Council on Capitol Square.*

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the

public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

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

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 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 and provide advice to the Council on Capitol Square.~~

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 as an independent [ ~~commission~~ council ] 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, [ ~~except for office space occupied by the Governor, and all structures built prior to 1825 that are state and national landmarks, except the Executive Mansion and its immediate environs,~~ ] 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 [ , except for office space occupied by the Governor and the Executive Mansion and its immediate environs ] .*

*"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 16 members that shall consist of eight legislative members, three nonlegislative citizen members, [ ~~one named member, and four ex officio members and five other members~~ ] as follows: the Chairman of the Senate Committee on Finance; the Chairman of the Senate Committee on Rules; the Majority leader of the Senate; the Minority leader of the Senate; the Speaker of the House of Delegates; the Majority leader of the House of Delegates; the Minority leader of the House of Delegates; the Chairman of the House Committee on Appropriations; one nonlegislative citizen member appointed by the Senate Committee on Rules; one nonlegislative citizen member appointed by the Speaker of the House of Delegates; one nonlegislative citizen member appointed by the Governor; the Vice-Chair of the Virginia Capitol Preservation Foundation, who may be a nonresident; and the Secretary of Administration or his designee; the Chief of Staff to the Governor or his designee; the Clerk of the Senate, and the Clerk of the House of Delegates [ ~~; who shall serve as ex officio members with voting privileges.~~

~~The legislative members, the Vice Chair of the Virginia Capitol Preservation Foundation, and ex officio members of the Council shall serve terms coincident with their terms of office ]~~. Nonlegislative citizen members shall be appointed for a term of two years and shall serve no more than two consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

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. The chairmanship shall rotate annually between the Chairman of the Senate Committee on Rules and the Speaker of the House of Delegates. The Council shall annually elect a vice chairman from among its membership.

§ 30-268. Quorum; meetings.

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

§ 30-269. Compensation; expenses.

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

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

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

1. Operate, maintain, and regulate the uses of Capitol Square. Notwithstanding any other law to the contrary, the Council shall, in cooperation with the Department of General Services, have the sole authority to regulate all uses of Capitol Square, including the casual and recreational use of Capitol Square. Any existing regulations regarding the uses of Capitol Square prior to the effective date of this act shall continue in effect until rescinded or changed.

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

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

4. Preserve Capitol Square, in accordance with guidelines issued by the United States Secretary of the Interior for application of the Secretary's standards for rehabilitation adopted in 36 C.F.R. § 67.7.

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

6. Provide and approve educational programs and curatorial services.

7. Coordinate and approve improvements, additions, and renovations that are made to Capitol Square and consider the recommendations of the Virginia Capitol Preservation Foundation on such matters. Notwithstanding any other law to the contrary, the Council shall have the sole authority in coordinating and approving improvements, additions, and renovations, including the placement of monuments and sculptures on Capitol Square.

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

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

10. Hold public hearings at times and places as determined by the Council that shall be,

notwithstanding § 2.2-3707.01, governed by the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

11. Enter into agreements with other state agencies for the provision of materials or performance of services necessary for the implementation of this chapter. Until rescinded or changed by the Council, state officers and agencies providing normal, day-to-day repair, maintenance, or landscaping or providing security, utility, parking, or other operational services for buildings and facilities within Capitol Square immediately prior to the effective date of this chapter shall continue to provide that normal, day-to-day repair, maintenance, or landscaping or those services on the same basis, whether by contract or employees, that the repair, maintenance, landscaping, or services were provided immediately prior to the effective date of this chapter.

12. [ Designate the Virginia Capitol Preservation Foundation as the official fund-raiser for the Council.

13. ] Adopt, amend, or rescind [ ~~rules~~ guidelines and policies ] necessary to accomplish the responsibilities and duties of the Council as set forth in this chapter.

§ 30-271. Staffing.

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. 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.**

**3. That the provisions of § 30-271 shall become effective on July 1, 2007.**