

Gubernatorial Documents

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER ONE (06)

EQUAL OPPORTUNITY

By virtue of the authority vested in me as Governor, I hereby declare that it is the firm and unwavering policy of the Commonwealth of Virginia to assure equal opportunity in all facets of state government.

This policy specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans.

State appointing authorities and other management principals are hereby directed to take affirmative measures, as determined by the Director of the Department of Human Resource Management, to emphasize the recruitment of qualified minorities, women, disabled persons, and older Virginians to serve at all levels of state government. This directive does not permit or require the lowering of bona fide job requirements, performance standards, or qualifications to give preference to any state employee or applicant for state employment.

Allegations of violations of this policy shall be brought to the attention of the Office of Equal Employment Services of the Department of Human Resource Management. No state appointing authority, other management principal, or supervisor shall take retaliatory actions against persons making such allegations.

Any state employee found in violation of this policy shall be subject to appropriate disciplinary action.

The Secretary of Administration is directed to review annually state procurement, employment, and other relevant policies for compliance with the non-discrimination mandate contained herein, and shall report to the Governor his or her findings together with such recommendations as he or she deems appropriate. The Director of the Department of Human Resource Management shall assist in this review.

This Executive Order supersedes and rescinds Executive Order Number One (2002), Equal Opportunity, issued by Governor Mark R. Warner on January 12, 2002, and revised on December 16, 2005.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER TWO (06)

COMMUNITY INTEGRATION FOR VIRGINIANS WITH DISABILITIES

Importance of the Issue

Each Virginian with a disability deserves to enjoy the same benefits of society and freedoms of everyday life that Virginians without disabilities enjoy. The Commonwealth has an obligation under the U.S. Supreme Court's *Olmstead v. L.C.* decision, the Americans with Disabilities Act, and the Virginians with Disabilities Act to provide appropriate opportunities for people with disabilities who choose to do so to become fully integrated into the community. Accordingly, state government must have appropriate structures in place to facilitate community integration for people with disabilities.

Community Integration Implementation Team

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia, I hereby establish the Community Integration Implementation Team. The Community Integration Implementation Team shall consist of one representative of each of the following state agencies, who shall be designated by the head or designee of the following agencies and entities:

- Department for the Blind and Vision Impaired
- Department of Education
- Department of Housing and Community Development
- Department of Medical Assistance Services
- Department of Mental Health, Mental Retardation and Substance Abuse Services
- Department of Rail and Public Transportation
- Department of Rehabilitative Services
- Department of Social Services
- Department of Transportation
- Department of Veterans' Services
- Office of Comprehensive Services for At-Risk Youth and Families
- Special Advisor to the Governor for Workforce Development
- State Council of Higher Education for Virginia
- Virginia Board for People With Disabilities
- Virginia Community Colleges System
- Department for the Aging
- Department for the Deaf and Hard of Hearing
- Department of Health
- Department of Professional and Occupational Regulation
- Virginia Housing Development Authority Statewide Independent Living Council

The Secretaries of Commerce and Trade, Education, Health and Human Resources, and Transportation, or their designees, shall serve as *ex officio*, voting members of the Implementation Team. The Governor may appoint representatives of other agencies or institutions of higher education to the Implementation Team at his discretion.

The Director of Community Integration for People with Disabilities shall chair the Implementation Team. The vice-chairman shall be selected by majority vote of the members of the Implementation Team. The Implementation Team shall:

1. Develop and annually update a comprehensive, cross-governmental strategic plan, the purpose of which is to assure continued community integration of Virginians with disabilities;
2. Seek advice and input from the Governor's *Olmstead* Community Integration Oversight Advisory Board as the strategic plan is developed;
3. Develop budget and legislative proposals that support implementation of the strategic plan; and
4. Report by July 15, 2006, to the Board on the status of community integration of Virginians with disabilities.

All executive branch agencies of the Commonwealth shall participate in the activities of the Team upon request.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Oversight Advisory Board

By virtue of the authority vested in me by Section 2.2-134 of the Code of Virginia, I hereby create the Governor's Olmstead Community Integration Oversight Advisory Board. The Oversight Advisory Board is classified as a gubernatorial advisory commission in accordance with Sections 2.2-134, 2.2-135, and 2.2-2100 of the Code of Virginia.

The Board shall have a total membership of 21 citizen members, appointed by the Governor. The Board shall consist of: 11 members with disabilities, including one current resident of a state mental health facility, one current resident of a state mental retardation training center, and one current resident of a nursing facility; four family members of Virginians with disabilities; and six members who provide services to Virginians with disabilities or who advocate for such persons or services. In making appointments to the Board, the Governor shall endeavor to ensure both a balanced geographical representation and a diverse disability and ethnic representation. Additional members may be appointed at the Governor's discretion.

Members of the Board shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Director. The Board shall elect a chairman from its membership and may elect one of its members as vice-chairman. The Board shall also elect one of its members as secretary. The Board shall meet at least four times a year at such times as it deems appropriate or on call of the chairman. A majority of the members of the Board shall constitute a quorum.

The Director shall provide staff support to the Board. The purpose of this Board shall be to:

1. Monitor the implementation of state and federal laws concerning community integration of Virginians with disabilities;
2. Study all matters that present barriers or challenges to full community integration of Virginians with disabilities;
3. Advise and make recommendations to the Director and the Implementation Team related to eliminating barriers and challenges to community integration of Virginians with disabilities and such other related matters as may arise in the performance of their duties;
4. Review and advise the Director and the Implementation Team on its strategic plan; and
5. Report recommendations to the Governor.

All agencies of the Commonwealth shall assist the Board upon request. Additional staff support as is necessary for the conduct of the Implementation Team and Oversight Advisory Board's work during the term of their existence shall be furnished by the Office of the Governor and such other executive agencies as the Governor may designate. An estimated \$20,000 annually is required to support the work of the Board and the Team.

Director of Community Integration for People with Disabilities

There is hereby established in the Office of the Governor a Director of Community Integration for People with Disabilities, to direct and coordinate all Olmstead implementation and oversight activities. The duties of this position will be as follows:

1. Review agency strategic plans to assure that they support community integration of Virginians with disabilities;
2. Create a system to monitor the effectiveness of community integration efforts;
3. Assist agencies in implementing policies and regulatory changes needed to ensure and support community integration of Virginians with disabilities;
4. Monitor federal legislation and policy in order to maximize the Commonwealth's effective use of and access to funds that support community integration;
5. Report annually by May 31 to the Governor on the status of efforts to create opportunities that further the goal of ensuring integration of Virginians with disabilities into the community; and
6. Serve as Chairman of the Implementation Team.

An estimated 1,500 hours of staff time will be required to coordinate and support the Implementation Team and the Oversight Advisory Committee.

GUBERNATORIAL DOCUMENTS

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 14, 2007, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER THREE (06)

CONTINUING THE CIVIL RIGHTS MEMORIAL COMMISSION

Importance of the Issue

The Civil Rights Movement was a seminal period in our shared history. The struggles of the Civil Rights Movement secured the constitutional rights of African- Americans and other persons suffering from discrimination in our society. It is a movement that the Commonwealth of Virginia and the nation should remember and honor.

The Commonwealth has memorialized for future generations many aspects of our history at the seat of government in Capitol Square in Richmond. Regrettably, the Civil Rights Movement has yet to receive such recognition.

Many of the most important legal victories of the Civil Rights Movement originated in Virginia, including Supreme Court decisions that desegregated public transportation and accommodations, juries, courtrooms, and public schools, as well as decisions that invalidated anti-miscegenation laws and restrictive property covenants.

The bravery of leaders of the Civil Rights Movement helped create a more just and equitable society for all of our people. There is no more important accomplishment in our history. It is long past time for the Commonwealth of Virginia to recognize and honor the Civil Rights Movement with a memorial.

The 2005 General Assembly overwhelmingly approved House Joint Resolution 790, which requests the Governor to establish a memorial commission on civil rights. Governor Warner created the Commission on July 29, 2005, through Executive Order 96 (2005).

Continuation of the Commission

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the Code of Virginia, I hereby continue the Civil Rights Memorial Commission. The Commission shall consist of nine members. As requested by House Joint Resolution 790, I will chair the Commission. Other members shall include the Lieutenant Governor, the Speaker of the House of Delegates, one additional member of the House of Delegates (as recommended by the Speaker of the House of Delegates), the Chairman of the Senate Committee of Rules, and four other members appointed by the Governor. Additional members may be appointed at the Governor's discretion.

Members of the Commission shall serve without compensation, but they may receive reimbursement for expenses incurred in the discharge of their official duties.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Charge for the Commission

I hereby direct the Commission to continue to study and recommend to the Governor and General Assembly an appropriate memorial in Capitol Square to commemorate the courage and fortitude of Virginians in the Civil Rights Movement, including the students of Robert Russa Moton High School, and other leaders who contributed to the Civil Rights Movement in Virginia. I further direct the Commission to take other steps as may seem necessary and appropriate to facilitate establishment of this memorial.

I further direct that all agencies of the Commonwealth provide any assistance that may be requested by the Commission. Staff support for the Commission shall be provided by the Secretary of Administration, the Office of the Governor, and such other agencies as may be designated by the Governor.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 14, 2007, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER FOUR (06)

AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF STAFF

By virtue of the authority vested in me as Governor under Article V, Sections 1, 7, 8, and 10 of the Constitution of Virginia and Sections 2.2-100 and 2.2-104 of the Code of Virginia, and subject always to my continuing ultimate authority and responsibility to act in such matters and to reserve to myself any and all such powers, I hereby affirm and delegate to my Chief of Staff the powers and duties enumerated below.

1. To direct, as the deputy planning and budget officer, the administration of the state government planning and budget process, except as to the responsibilities enumerated below, which are retained by me:
 - a. Submission of the budget and accompanying documents to the General Assembly;
 - b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each state department, division, office, board, commission, institution, or other agency or undertaking;
 - c. Amendment of Position Levels;
 - d. Authorization of deficits; and
 - e. Appointment of the Director of the Department of Planning and Budget.
2. To direct, as the deputy personnel officer, the administration of the state government personnel system, except as to the responsibilities enumerated below, which are retained by me:
 - a. Final determination with respect to employee compensation plans;
 - b. Submission of reports to the General Assembly by the Governor as required by law;

GUBERNATORIAL DOCUMENTS

- c. Issuance, amendment, or suspension of the Rules for the Administration of the Virginia Personnel Act;
 - d. Final action on appeals from appointing authorities to the Governor; and
 - e. Appointment of the Director of the Department of Human Resource Management.
3. To review, in the event of my absence or unavailability, major planning, budgetary, personnel, policy, and legislative matters that require my decision.
 4. To review, in the event of my absence or unavailability, policy differences which may arise among or between my Secretaries.
 5. To act as chief liaison officer with members of the General Assembly of Virginia.
 6. To act as Senior Executive Assistant with responsibilities that include, but are not limited to, the direction and supervision of the Governor's Office, as well as budgetary and personnel authority for the office.

This Executive Order rescinds Executive Order 3 (2002) issued on January 12, 2002, by Governor Mark R. Warner. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER FIVE (06)

DELEGATION OF CERTAIN AUTHORITY CONFERRED BY GENERAL OBLIGATION BOND ACTS

The 2002 Acts of Assembly provided for certain general obligation bonds to be issued subject to voter approval in a statewide referendum on November 5, 2002.

The voters subsequently approved such actions pursuant to the 2002 Acts of Assembly, including Chapters 827 and 859, relating to bonds for educational institutions, and Chapters 854 and 884, relating to bonds for parks and recreational facilities.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and Sections 3 and 4 of the first enactment of Chapters 827, 854, 859 and 884, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby affirm and delegate to the Secretary of Finance the powers and duties conferred upon me by the provisions of Sections 3 and 4 of the first enactment of Chapters 827, 854, 859 and 884 of the 2002 Acts of Assembly as follows:

- §3 Authority to increase or decrease allocations to specific capital projects, within total amounts allocated, and
- §4 Authority to increase appropriations for capital projects by the amount of proceeds of donations, gifts, grants or other nongeneral funds.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2010, unless amended or rescinded by further executive order.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIX (06)

DELEGATION OF GOVERNOR'S AUTHORITY TO DECLARE A STATE OF EMERGENCY AND TO CALL THE VIRGINIA NATIONAL GUARD TO ACTIVE SERVICE FOR EMERGENCIES OR DISASTERS WHEN THE GOVERNOR IS OUT OF THE COMMONWEALTH OF VIRGINIA AND CANNOT BE REACHED

By virtue of the authority vested in me by Section 2.2-104 of the Code of Virginia, and subject to the provisions stated herein, I hereby affirm and delegate to the Chief of Staff, followed in protocol order by the Secretary of Public Safety, my authorities under Sections 44-146.17 and 44-75.1 of the Code of Virginia, to declare a state of emergency and to call forth the Virginia National Guard or any part thereof to state active duty in any of the circumstances outlined in subsections 4 and 5 of Section 44-75.1.A, in accordance with the following conditions:

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters.
2. Use of this delegation is contingent upon my being outside the borders of the Commonwealth of Virginia and unable to be reached so as to give my approval for the declaration of a state of emergency, as defined in Section 44-146.16 of the Code of Virginia, or use of the Virginia National Guard.
3. This delegation is strictly standby in nature, to be held in abeyance until such time as there may be explicit circumstances involving an emergency whereby human lives and public and private property are threatened in the event of natural or man-made emergencies or disasters.
4. If the authority granted under this order is used, I am to be informed of such use as soon as practicable.

This Executive Order rescinds Executive Order 4 (2002) issued on January 12, 2002, by Governor Mark R. Warner. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of January 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVEN (06)

GUBERNATORIAL DOCUMENTS

ESTABLISHING THE START STRONG COUNCIL

Early childhood education is critical to a child's success later in life. Early childhood education builds the foundation of a child's academic and economic success. Ninety percent of a child's brain growth is complete by age five. At present, too many children are unprepared by the time that they reach school. High quality preschool is vital to a child's success later in school and in life. There is a compelling educational and business case for high quality early education. It is critical that all of Virginia's children have the fundamental skills to read on grade level by the third grade and succeed in school.

Start Strong Council

By virtue of the authority vested in me by Article V of the Constitution of Virginia and Section 2.2-134 of the Code of Virginia, I hereby establish the Start Strong Council (the Council). The Council shall consist of 17 members to be appointed by the Governor. Such members shall include legislators, representatives from the public school system, private providers of early childhood education programs, elected local government officials, community business leaders, and parents. Additional members may be appointed at the Governor's discretion.

The Governor shall appoint the chairman of the Council, who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly to oversee the development of infrastructure for the Start Strong early childhood education programs in the Commonwealth and to make such decisions as may be necessary to work to implement the program.

Members of the Council shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties.

The Council shall have the following powers and duties:

1. Develop statewide goals and best practices for expanding opportunities for 4 year olds to access quality pre-kindergarten programs, and encourage communities to identify local strengths and challenges in reaching the statewide goals.
2. Oversee the development and implementation of guidelines for local Start Strong programs including, but not limited to, transportation arrangements and eligibility criteria for participating students, qualifications for instructional personnel and administrators, inclusion of privately operated preschool programs, and policies for communication and cooperation with local Head Start and at-risk programs and local school boards.
3. Develop guidelines for the award of grants to local Start Strong councils.
4. Advise the Governor, the Secretary of Education, and the Secretary of Health and Human Resources on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation.
5. Identify and establish early childhood education goals for local Start Strong councils.
6. Recommend funding and strategies necessary to increase access to high quality preschool in the Commonwealth, in cooperation with local Start Strong councils.
7. Examine other issues as may seem appropriate.

Staff support shall be provided by the Office of the Governor, the Governor's cabinet secretaries, the Department of Education, and such other agencies as may be appropriate. An estimated 5,000 hours of staff time will be required to coordinate and support the work of the Council.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 16, 2007, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of January 2006.

REPORT OF THE SECRETARY OF THE COMMONWEALTH



Attest:



Secretary of the Commonwealth



Governor

EXECUTIVE ORDER NUMBER EIGHT (06)

CABINET RESPONSIBILITY FOR THE DEPARTMENT OF VETERANS SERVICES

Veterans of the armed forces of the United States are a bedrock of the Commonwealth and its communities. They have defended freedom at home and abroad. Veterans have borne the battle to protect our way of life. It is incumbent upon state government to offer the highest possible level of services to Virginia's veterans. As home to the Pentagon, numerous major military commands, the world's largest naval base, and a substantial veterans community, the Commonwealth of Virginia has a special obligation to offer high quality services to veterans.

The 2003 General Assembly approved legislation creating a Department of Veterans Services. The legislation has consolidated services for veterans in one agency and improved the delivery of these services. The Commissioner of Veterans Services has a direct reporting relationship to the Governor when needed in crafting policy for serving veterans.

For organizational purposes, the Department of Veterans Services has been under the oversight of the Secretary of Administration. While this arrangement has served the Commonwealth and its veterans well, services could be further improved by co-locating the Department of Veterans Services in the same secretariat with the Department of Military Affairs. This will facilitate greater cooperation between the active duty military, the National Guard and Reserves, and Virginia's services for veterans. This action will also promote greater accountability in state government for services to veterans and their families.

Transfer of the Department of Veterans Services to the Secretary of Public Safety

Section 2.2-203 of the Code of Virginia assigns the Department of Veterans Services to the Secretary of Administration. Section 2.2-203 also permits the Governor, by executive order, to assign any agency listed in this section to another secretary. Accordingly, I hereby transfer responsibility for the Department of Veterans Services from the Secretary of Administration to the Secretary of Public Safety.

This Executive Order shall become effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 18th day of January 2006.



Attest:



Governor

EXECUTIVE ORDER NUMBER NINE (06)

ENSURING ACCESS TO PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES

On January 1, 2006, the new Medicare Part D Prescription Drug Program, enacted by Congress and administered by the federal government, became effective. On this date, low-income seniors and people with disabilities eligible for both Medicaid and Medicare (dual eligibles) who previously received their prescription drug coverage through the Virginia Medicaid program began receiving their prescription drug coverage through the new federally administered Medicare Part D program.

The implementation of the Part D program by the federal Centers for Medicare and Medicaid Services (CMS) and some of the prescription drug plans (PDPs) has resulted in serious problems including: (i) inadequate capacity of the program to handle the volume of on-line data processing and telephone inquiries; (ii) eligibility verification problems; (iii) inaccurate beneficiary information; and (iv) incorrect co-payment amounts being charged to low-income seniors and other Part D beneficiaries. These problems have resulted in beneficiaries not being afforded the full benefits to which they are entitled. The most serious repercussion of the CMS and PDP problems has been reports of some seniors and people with disabilities, including dual eligibles, leaving the pharmacy without their medications. This is a particularly acute problem for dual eligibles since many of these individuals have complex mental and health care needs, and do not have the financial resources to pay higher co-payments.

Specific Directives

This situation is unacceptable and I therefore direct appropriate state agencies to take the necessary action to address the federal government's failures in this area. By the authority vested in me by Article V of the Constitution of Virginia and Title 2.2 of the Code of Virginia, I hereby direct the Secretaries of Finance and Health and Human Resources to take the necessary actions, consistent with state and federal law, to address this situation. Specifically, I hereby order the following:

- A. Effective January 31, 2006, the Department of Medical Assistance Services shall institute the necessary programmatic and operational changes necessary to permit pharmacists to bill and receive reimbursement from the Virginia Medicaid Program for prescription drugs dispensed to dual eligibles in instances when the pharmacist is unable to have the prescription processed and paid through the Medicare Part D program.
- B. The Department of Medical Assistance Services shall submit the appropriate waiver application to CMS to seek full reimbursement of the pharmacy claims and administrative costs incurred by the Commonwealth as a result of this action.
- C. The Department of Medical Assistance Services shall cease payment of Medicare Part D prescription drugs through the Virginia Medicaid Program on the date that CMS terminates federal reimbursement of such costs.

This Executive Order shall be effective January 30, 2006, and shall remain in full force and effect until the date CMS terminates federal reimbursement of such costs, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 31st day of January, 2006.



Attest:



Governor



EXECUTIVE ORDER NUMBER TEN (06)

CABINET RESPONSIBILITY FOR THE DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

The Commonwealth needs to continue to improve its record of procuring goods and services from businesses owned by minorities and women as well as small businesses. Virginia is fully committed to equal opportunity in procurement. It is incumbent on everyone in leadership in state government to do their utmost to make the state's procurement practices more inclusive. The Department of Minority Business Enterprise plays an especially critical role in these efforts. The Department is the lead agency in promoting greater inclusiveness in procurement.

At present, the Secretary of Administration oversees the Department of General Services, which coordinates procurement generally, while the Secretary of Commerce and Trade oversees the Department of Minority Business Enterprise. It is appropriate to consolidate all procurement efforts under the Secretary of Administration. This action will improve the inclusiveness of the state's procurement efforts and to increase the efficiency and effectiveness of the state's procurement efforts generally. This action will also increase accountability for the state's procurement efforts.

Transfer of the Department of Minority Business Enterprise to the Secretary of Administration

Section 2.2-204 of the Code of Virginia assigns the Department of Minority Business Enterprise to the Secretary of Commerce and Trade. Section 2.2-204 also permits the Governor, by executive order, to assign any agency listed in this section to another secretary. Accordingly, I hereby transfer responsibility for the Department of Minority Business Enterprise from the Secretary of Commerce and Trade to the Secretary of Administration.

This Executive Order shall become effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 3rd day of February 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER ELEVEN (06)

DECLARATION OF A STATE OF EMERGENCY FOR PATRICK COUNTY DUE TO SIGNIFICANT FIRE DAMAGE RESULTING IN A LOCAL EMERGENCY

On April 15, 2006, I verbally declared a state of emergency to exist in Patrick County due to significant fire damages in Patrick County. Beginning on April 14, 2006 wildfire incidents have occurred impacting 4,000 acres, destroying three residences and six other structures while threatening an additional 100 residences.

The health and general welfare of our citizens required that state action be taken to help alleviate the conditions resulting from this situation and to enhance readiness in the event of further wildfire impacts. I feel that the effects of these incidents constitutes a disaster wherein human life and public and private property were imperiled, as described in § 44-75.1.A.4 of the Code of Virginia. I specifically authorized placement of assets of the Virginia National Guard to state duty for

GUBERNATORIAL DOCUMENTS

deployment to assist the Virginia Department of Forestry at its request to fight the Patrick County fire and help mitigate the effects of the fire.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued April 15, 2006. In these I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of state government to respond to needs in the impacted county. This will support the needs of persons affected who are relocated in Patrick County to alleviate any conditions resulting from wildfires and to implement recovery and mitigation programs and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I directed that the Virginia National Guard be called forth to state duty to assist in providing such aid. This shall include such functions as the State Coordinator of Emergency Management, the Adjutant General, the State Forester, and the Secretaries of Public Safety and Agriculture and Forestry may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following measures:

- A. The limited implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.
- B. Limited activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to Patrick County. I am directing that the VEOC and VERT coordinate state operations in support of the EMAC agreement, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management and the State Forester, in consultation with the Secretaries of Public Safety and Agriculture and Forestry, which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.
- C. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia to provide for the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the Code of Virginia.
- D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination. The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Axle Size	Max. Weight
Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

Allover width loads, up to a maximum of 14 feet, must follow Virginia Department of Transportation (VDOT) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to §52-8.4 of the Code of Virginia.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by §52-8.4.A of the Code of Virginia, and implemented in §19 VAC 30-20-40.B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

- E. The discontinuance of provisions authorized in paragraph D above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.
1. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in §44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.
 2. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS),

GUBERNATORIAL DOCUMENTS

Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management in consultation with the State Forester for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

H. The following conditions apply to the deployment of the Virginia National Guard:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.
 2. Pursuant to §52-6 of the Code of Virginia, I authorize and direct the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by §52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.
 3. In all instances, members of the Virginia National Guard shall remain subject to military command as prescribed by §44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.
 4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:
 - (a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,
 - (b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.
 5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid from state funds.
- I. A state of emergency exists for the Commonwealth in support of the proper management, care and support of persons who have been displaced by Patrick County wildfires. I hereby order the following measures:

REPORT OF THE SECRETARY OF THE COMMONWEALTH

1. Designation of physicians, nurses, and other licensed and non-licensed health care providers and other individuals as well as hospitals, nursing facilities and other licensed and non-licensed health care organizations, political subdivisions and other private entities by agencies of the Commonwealth, including but not limited to the Department of Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Emergency Management, Department of Forestry, Department of Transportation, Department of State Police, Department of Motor Vehicles, and Department of Social Services, as representatives of the Commonwealth engaged in emergency services activities, at sites designated by the Commonwealth, within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their disaster-related mission assignments.
2. The authorization to reimburse agencies of up to \$250,000 from state funds for the costs associated with this executive order. The Department of Planning and Budget shall determine those costs that require reimbursement.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia.

This Executive Order shall be effective April 15, 2006 and shall remain in full force and effect until April 15, 2007, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of April 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWELVE (06)

STATE EMPLOYEE FRAUD, WASTE AND ABUSE HOTLINE

Efficiency and economy in government and wise stewardship of taxpayer dollars demands constant vigilance to prevent fraud, waste, and abuse in the operation of state government. The State Employee Fraud, Waste and Abuse Hotline has been an invaluable tool for helping ensure economy and efficiency. It is incumbent on the leadership of state government to make the best possible use of this tool for ensuring integrity in government and wise use of taxpayer money.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the State Internal Auditor to continue the anonymous State Employee Fraud, Waste, and Abuse Hotline (hereinafter known as the "Hotline") to encourage state employees to report situations where fraud, waste, or abuse may be occurring in Virginia's Executive Branch agencies and institutions, including institutions of higher education.

State employees should continue to have the opportunity to report possible instances of fraud, waste, or abuse anonymously and without fear of retribution by using the Hotline. The State Internal Auditor

GUBERNATORIAL DOCUMENTS

shall be responsible for administering the Hotline. Through the Hotline, the State Internal Auditor shall:

- Provide assistance to Executive Branch agency heads in fulfilling their responsibilities for maintaining appropriate internal controls to protect against fraud, waste, and abuse.
- Make available to state employees a variety of means to report fraud, waste, and abuse in the Commonwealth's government business, one of which will be an anonymous toll-free telephone number, and also including, but not limited to, any other communications through the Governor's office, Cabinet Secretaries, agency heads, U.S. Mail, e-mail, fax, and the Internet.
- Make appropriate efforts to publicize the availability of the hotline and ways of accessing it.
- Implement a process for handling allegations of fraud, waste, and abuse received via the Hotline.
- Deliver ongoing training to state agency heads and managers on prevention of waste, fraud, and abuse.
- Ensure that instances of potential criminal conduct are referred forthwith to the appropriate law enforcement agency.

The State Internal Auditor, through the Executive Branch's network of internal auditing programs and agency fraud, waste, and abuse coordinators, shall ensure that investigation and resolution activities are undertaken in response to allegations received through the Hotline. The State Internal Auditor may allow an internal auditing program at an executive branch agency to contract with a private firm in order to perform the investigations in a timely manner. Any such private firm shall comply with the applicable policies and procedures and the work must be supervised and approved by the contracting internal auditing program.

The State Internal Auditor shall undertake investigation and resolution activities in the most cost-effective manner possible. Responsibility for investigation or resolution activities shall be assigned to other investigative staffs when appropriate to avoid unnecessary duplication.

The State Internal Auditor shall review the reported corrective actions taken to rectify an actual fraud, waste, or abuse identified. If corrective actions are deemed insufficient, then the State Internal Auditor will conduct such follow-up as may be necessary to ensure that acceptable corrective actions are developed.

The State Internal Auditor shall conduct follow-up reviews to ensure that corrective action has been implemented. The results of such reviews shall be reported to the Governor's Chief of Staff and to the relevant cabinet secretary.

All executive branch agencies of the Commonwealth shall cooperate with, and assist, the State Internal Auditor and all investigators to the fullest extent allowed by law. During the course of a Hotline investigation, investigators will have access to electronic and paper files, records, and documents, as well as personnel, facilities, property, and any other things necessary to conduct an investigation.

Under no circumstances shall anyone directly or indirectly interfere with a Hotline investigation, or induce or coerce others not to cooperate with investigators. Any attempt to directly or indirectly interfere with a Hotline investigation is also prohibited and is subject to appropriate disciplinary action under the Standards of Conduct.

Under no circumstances shall anyone, directly or indirectly, attempt to identify or retaliate against someone suspected of calling or cooperating with the Hotline. This includes threatening to effect any reprisal; or taking, or directing others to take, or recommending, processing, or approving, any personnel action, or any other retaliatory actions, or attempts to do the same. Any such actions will be subject to appropriate disciplinary actions under the Standards of Conduct.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

The Governor's Chief of Staff shall be responsible for addressing any instances of alleged interference with an investigation or retaliation against employees using the Hotline.

This Executive Order rescinds Executive Order Number Twenty-Four (2002), Hotline for State Employees to Report Fraud, Waste or Abuse, issued by Governor Mark Warner.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 2nd day of June 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTEEN (06)

THE GOVERNOR'S COMMISSION ON COMMUNITY AND NATIONAL SERVICE

Community and national service are vital to the fabric of American democracy. Volunteerism and service are critical aspects of our civic life. It is appropriate that the state and federal governments work together to develop a focal point for these efforts.

Mindful of the importance of community and national service, and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Commission on Community and National Service.

The Commission is classified as a gubernatorial advisory commission in accordance with Section 2.2-2100 of the Code of Virginia.

The Commission shall be established to comply with the provisions of the National and Community Services Trust Act of 1993 and to advise the Governor and Cabinet Secretaries on matters related to promotion and development of national service in the Commonwealth of Virginia. The Commission shall have the following specific duties:

1. To advise the Governor, the Secretaries of Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on national and community service programs in Virginia and on fulfilling the responsibilities and duties prescribed by the federal Corporation for National Service.
2. To advise the Governor, the Secretaries of Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on the development, implementation, and evaluation of Virginia's Unified State Plan that outlines strategies for supporting and expanding national and community service throughout the Commonwealth.
3. To promote the expansion of AmeriCorps programs to meet Virginia's most pressing human, educational, environmental, and public safety needs.

GUBERNATORIAL DOCUMENTS

4. To work collaboratively with Virginia Corps and the Citizen Corps initiative to promote volunteerism and public service throughout the Commonwealth.
5. To collaborate with the Virginia Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.
6. To develop a plan for sustaining and increasing the number of Virginia service programs supported by the Corporation for National Service.
7. To promote and coordinate State programs offering opportunities for community service within the Commonwealth.
8. To work with the Department of Social Services on promoting the involvement of faith based organizations in community and national service efforts.

The Commission shall be comprised of no more than twenty-five voting members appointed by the Governor and serving at his pleasure. No more than 25 percent of voting members may be state employees.

The Governor may appoint additional persons at his discretion as ex-officio non-voting members. The voting members of the Commission shall elect the Chairman. Commission voting membership shall include representatives for the categories as outlined in federal regulations issued by the Corporation for National Service.

Such staff support as is necessary to support the Commission's work during the term of its existence shall be furnished by the Virginia Department of Social Services, and any other executive branch agencies having definitely and closely related purposes, as the Governor may designate. An estimated 2000 hours of staff time will be required to support the work of the Commission.

Funding necessary to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes of the Commission, authorized by Section 2.2-135 of the Code of Virginia. Direct costs for this Commission are estimated at \$9,000. Members of the Commission shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission shall meet at least quarterly upon the call of the Chairperson. The Commission shall make an annual report to the Governor and shall issue such other reports and recommendations as it deems necessary or as requested by the Governor.

This Executive Order shall be effective upon its signing and shall remain in force and effect until June 2, 2007, unless amended or rescinded by further executive order. It is my intent to submit legislation to codify this commission to the 2007 session of the General Assembly.

Given under my hand and under the seal of the Commonwealth of Virginia this 2nd day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOURTEEN (06)

REPORT OF THE SECRETARY OF THE COMMONWEALTH

DIRECTING ALL STATE AGENCIES TO ACTIVELY RECRUIT NATIONAL AND REGIONAL CONFERENCES TO THE COMMONWEALTH

The Commonwealth of Virginia is blessed a wide range of attractions and accommodation to host professional conferences and conventions. The hospitality and travel businesses of Virginia stand ready to assist with major conferences and conventions.

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Sections 2.2-103 and 2.2-104 of the Code of Virginia, I hereby direct all executive branch agencies, including institutions of higher education, boards, and commissions to continue efforts for identifying appropriate organizations and recruiting those organizations to hold their regional and national conferences and conventions in the Commonwealth of Virginia.

All executive branch agencies, boards, commissions, and institutions shall regularly contact all national and regional organizations to which they pay any dues and encourage such organizations to hold regional and national conferences and conventions in Virginia.

All executive branch agencies shall report to the Secretary of Commerce and Trade by May 1 of each year regarding their efforts pursuant to this executive order, including the efforts of any boards and commissions for which the agency is responsible. The report shall be in a format to be specified by the Secretary of Commerce and Trade. The Secretary of Commerce and Trade shall make this format available no later than December 31, 2006.

This Executive Order rescinds Executive Order 6 (2002), issued by Governor Mark R. Warner. This Executive Order shall be effective upon its signing, and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 2nd day of June, 2006.



Governor 

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTEEN (06)

ESTABLISHING VIRGINIA'S INTERAGENCY ANTI-GANG WORKGROUP

Importance of the Issue

Intelligence sources in Virginia indicate an emergence and growth of gangs and gang-related violent crimes in small cities and communities across the state. Areas once protected from the violent crime evident in larger cities have now become targets, making it an increasingly significant social policy issue. According to the Federal Bureau of Investigation, "Gangs are more organized, larger, more violent and more widespread than ever before." The Virginia Departments of Corrections, Juvenile Justice and State Police concur that gang activity in Virginia continues to be a significant public safety concern.

A recurring theme of gangs and gang activity is their propensity towards violence. Most are involved in all aspects of criminal activity including: drug distribution, murder, grand larceny and assault.

GUBERNATORIAL DOCUMENTS

Gangs and gang activity endanger all members of the community intensifying the necessity to address this problem.

It is well recognized that law enforcement alone cannot adequately address the problem of youth gangs. Strong anti-gang education and prevention efforts are essential to reducing gang membership. Children who have the active, involved support of adults and safe, positive places to be after school are less likely to join gangs.

Accordingly, it is appropriate that state government marshal all appropriate resources to combat this scourge.

Establishing Virginia's Interagency Anti-Gang Workgroup

While many localities have taken voluntary steps to address the gang problem within their communities, additional tools and resources are needed. Accordingly, based on the consultation with and the best professional advice from the Secretaries of Education, Health and Human Resources and Public Safety and the Superintendent of State Police, I am hereby formally establishing Virginia's Interagency Anti-Gang Workgroup, to promote collaboration among relevant state agencies involved in gang reduction and prevention efforts.

Composition of the Workgroup

Virginia's Interagency Anti-Gang Workgroup shall operate under the direction of the Secretary of Public Safety, in coordination with Secretaries of Education and Health and Human Resources. Recognizing that anti-gang efforts encompass many state agencies, this workgroup shall consist of designees from the following agencies:

- The Commonwealth's Attorneys' Services Council
- The Department of Correctional Education
- The Department of Corrections
- The Department of Criminal Justice Services
- The Department of Education
- The Department of Health
- The Department of Juvenile Justice
- The Department of Mental Health, Mental Retardation, and Substance Abuse Services
- The Department of Social Services
- The Department of State Police
- The Governor's Office for Substance Abuse Prevention
- The Office of the Attorney General

In addition, representatives from the Virginia Association of Commonwealth's Attorneys, the Richmond Behavioral Authority, the Virginia Association of Chiefs of Police, the Virginia Sheriffs' Association and Virginia Commonwealth University's Center for School-Community Collaboration will participate in this workgroup. Additional members may be appointed at the Governor's discretion.

Staff support for the Workgroup will be provided by the Office of the Secretary of Public Safety, the Governor's Office and such other agencies as may be designated by the Governor. All agencies of the Commonwealth will cooperate fully with the Workgroup and offer support as requested.

Duties of the Workgroup

The specific duties of Virginia's Interagency Anti-Gang Workgroup are to:

1. Cultivate strong collaboration within and among every level of government regarding gang prevention strategies in Virginia;
2. Prioritize, coordinate, and leverage Virginia's gang prevention resources to improve efficiency;

REPORT OF THE SECRETARY OF THE COMMONWEALTH

3. Encourage and facilitate wider use of model programs and best-practice solutions for positive youth development throughout the Commonwealth;
4. Provide training and tools to assist state and local prevention professionals, service providers, and the faith community in assessing needs, targeting resources, and planning services for youth and families;
5. Disseminate gang-awareness information to citizens of the Commonwealth increasing their involvement in making local communities safe and fostering local opportunities for youth; and,
6. Report to the Governor yearly by October 30, through the Secretary of Public Safety, regarding the Commonwealth's progress and achievements statewide in the area of gang prevention as well as any recommendations for strengthening the Commonwealth's anti-gang activities.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 2, 2007, unless amended or rescinded by further Executive Order.

Given under my hand this 2nd day of June 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTEEN (06)

DESIGNATION OF EXECUTIVE BRANCH OFFICERS AND EMPLOYEES REQUIRED TO FILE FINANCIAL DISCLOSURE STATEMENTS

The State and Local Government Conflict of Interest Act reflects the Commonwealth's continuing commitment that the judgment of public officers and employees will not be compromised or affected by inappropriate conflicts between the personal economic interests and the official duties of Virginia's public servants.

In furtherance of the purposes of the State and Local Government Conflict of Interests Act, Section 2.2-3100 et seq. of the Code of Virginia (hereinafter, "the Act"), and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-104, 2.2-110, and 2.2-3114 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters and to reserve powers, I hereby delegate to the Secretary of the Commonwealth the power and duty to implement the Act and to designate offices or positions in Executive Branch agencies, institutions, boards, commissions, councils and authorities through the following policies and procedures:

1. All non-salaried citizen members of Executive Branch advisory boards, commissions, councils and authorities are hereby designated to file the financial disclosure form included in Section 2.2-3118.
2. In order that all appropriate Executive Branch officers and employees may be designated to file the statement of economic interests set out in the Act, each of the Governor's Secretaries shall

GUBERNATORIAL DOCUMENTS

submit to the Office of the Secretary of the Commonwealth by October 1, 2006, a report identifying:

- (a) Each position within the Secretary's jurisdiction, whether classified or non-classified, which involves substantive responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, or professions; and
 - (b) Each position within the Secretary's jurisdiction, whether classified or non-classified, which involves substantive responsibility for procurement, audit, investment, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of the officeholder or employee.
3. The Secretary of the Commonwealth shall prepare from the reports submitted pursuant to Paragraph 2 of this order a comprehensive list of officers and employees who shall be required to file the statement of economic interests set out in the Act. The Secretary of the Commonwealth, with the assistance and cooperation of the Governor's Secretaries, shall maintain this list, shall review and revise it annually to reflect the creation and abolition of offices and positions, and shall annually inform each officer and employee listed of his or her obligation to file the statement of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.
 4. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall assist the Governor's Secretaries and the Secretary of the Commonwealth in compiling the information required by this Executive Order, in ensuring that appropriate additions to and deletions from the list of those designated to file the statement of economic interests are recommended in a timely fashion, and in ensuring that designated officers and employees file their statements of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.
 5. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall be responsible for acquiring a statement of economic interests from each new officer or employee so long as the officer or employee is hired for a position previously designated. Agency heads shall also be responsible for ensuring that appropriate employees receive the necessary orientation course on the State and Local Government Conflict of Interests Act in accordance with the provisions Section 2.2-3128 of the Code of Virginia.
 6. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall communicate to the officers, employees, and members within his or her jurisdiction the importance and necessity of maintaining the highest standards of conduct, and avoiding even the appearance of impropriety arising out of personal economic interests and the conduct of the business of the Commonwealth.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further Executive Order.

Given under my hand this 2nd day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTEEN (06)

REPORT OF THE SECRETARY OF THE COMMONWEALTH

DESIGNATION OF HOUSING CREDIT AGENCY UNDER THE FEDERAL TAX REFORM ACT OF 1986

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the Code of Virginia, and under 26 CFR 1.42-1T(c)(1), and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct that all of the State Housing Credit Ceiling for the Commonwealth, as determined in accordance with the Tax Reform Act of 1986, shall continue to be allocated to the Virginia Housing Development Authority (VHDA), as the Housing Credit Agency for the Commonwealth.

The Tax Reform Act of 1986 (“the Act”), adopted by the United States Congress and signed by the President, authorizes tax credits that may be claimed by owners of residential rental projects that provide housing for low-income residents. The Act imposes a ceiling, called the “State Housing Credit Ceiling,” on the aggregate amount of tax credits that may be allocated during each calendar year to qualified housing projects within each state. The Act also provides for an allocation of the State Housing Credit Ceiling to the “Housing Credit Agency” of each state, but permits each state’s governor to establish a different formula for allocating the State Housing Credit Ceiling.

As the Commonwealth’s Housing Credit Agency for the low-income housing tax credits program authorized by the Act, VHDA is hereby directed to consult with the Department of Housing and Community Development, housing development industry and nonprofit providers, municipal and county government officials, housing authorities, and other interested parties.

This Executive Order rescinds Executive Order 18 (2002), issued by Governor Mark R. Warner.

This Executive Order shall be effective upon its signing, and shall remain in full force and effect unless amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 2nd day of June 2006



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTEEN (06)

ESTABLISHING THE VIRGINIA CITIZEN-SOLDIER SUPPORT COUNCIL

Our Citizen-Soldiers, the members of the Virginia National Guard and their families, along with the members of our Military Reserves and their families, continually make tremendous sacrifices in service to the Commonwealth and our great nation. These sacrifices and their service is something that should never be taken for granted. It is important that our citizen soldiers and their families receive fair and continuous services throughout Virginia.

Since 2003, the Virginia Citizen-Soldier Support Council has made great strides in assisting Virginia’s military personnel and their families. The Council identified issues that significantly impacted their lives during deployment, and effectively initiated collaboration with the various support agencies to provide key services to assist the soldiers and their families. The essential contributions and sacrifices of these men and women are enormous and should continue to be recognized.

GUBERNATORIAL DOCUMENTS

Virginia Citizen-Soldier Council

By virtue of the authority vested in me by Article V of the Constitution of Virginia and Section 2.2-134 of the Code of Virginia, I hereby formally establish the Virginia Citizen-Soldier Support Council. Council members shall be appointed by the Governor. Members shall include state legislators, the Secretary of Public Safety, the Secretary of Education or designee, the Secretary of Health and Human Resources or designee, the Assistant to the Governor for Commonwealth Preparedness or designee, the Commissioner of Veterans Services or his designee, a representative of the Joint Leadership Council, representatives from the Virginia National Guard and the Virginia Air National Guard, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air Force Reserve, and the Coast Guard Reserve, local government officials, community business leaders, and representatives from Military Family Support Groups.

The Secretary of Public Safety shall serve as the chairman of the Council. The Council shall meet, at a minimum, quarterly upon the call of the chairman.

Members of the Council shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties.

The Council shall have the following powers and duties:

1. To increase awareness, involvement, and cooperation of the business community of Virginia in support of these military personnel and their families.
2. To increase awareness, involvement and cooperation of the state agencies in support of these military personnel and their families.
3. To increase awareness, involvement, and cooperation of non-government agencies and organizations in support of these military personnel and their families.
4. To increase awareness, involvement, and cooperation of local government in support of these military personnel and their families.
5. To increase awareness, involvement, and cooperation of major financial institutions in support of these military personnel and their families.
6. To increase awareness, involvement, and cooperation of general and mental health care providers in support of these military personnel and their families.
7. To increase awareness, involvement, and cooperation among members of the Virginia State Bar in support of these military personnel and their families.
8. To increase awareness, involvement, and cooperation of the Virginia Employer Support of the Guard and Reserve (ESGR) Committee in support of these military personnel and their families.
9. To increase awareness, involvement, and cooperation of Virginia Chambers of Commerce in support of these military personnel and their families.

Staff support shall be provided by the Secretary of Public Safety, the Department of Military Affairs, and such other agencies as may be designated by the Governor.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 5, 2007, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 5th day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETEEN (06)

SERVING VIRGINIA'S VETERANS

Importance of Veterans' Services

For almost 400 years, Virginians have defended our great nation and Commonwealth. Today, the Commonwealth is home to 744,000 veterans who served the cause of freedom in war and in peace, at home and abroad. Our Commonwealth owes a great debt to the brave men and women and their families who answered liberty's call and protected all that we hold so dear, and it is only right that our Commonwealth do all that it can to ensure that our veterans and their families receive the benefits, support, quality care, and recognition they have earned through service and sacrifice.

Veterans accounted for almost \$6 billion in direct federal spending in Virginia in 2004. Expenditures by the U.S. Department of Veterans Affairs on compensation and pension benefits, health care, cemetery services, and construction totaled \$1.8 billion, while the U.S. Department of Defense paid \$4 billion in retirement pay to Virginia's veterans. Capitalizing on available federal funding not only benefits our veterans, but is a good for Virginia's economy.

Directives for Serving Virginia's Veterans

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to, Chapter 1 of Title 2.2 and Section 2.2-2100 of the Code of Virginia, I hereby set forth the Commonwealth's policy for improving services to Virginia's veterans.

- I hereby direct the Commissioner of Veterans Services to prepare a comprehensive report on the status of current Commonwealth programs and services that are either offered exclusively to veterans or are tailored to the specific needs of veterans. The report shall identify opportunities for improving services and shall address the continuum of care needs of disabled veterans. An interim report shall be prepared by October 15, 2006, and a final report shall be completed by April 30, 2007. All executive branch agencies shall work with the Commissioner of Veterans Services to assist as requested.
- I hereby direct all state agencies to identify opportunities to partner with the Department of Veterans Services on ways to offer new, expanded, or customized services that meet the educational, health care, and social service needs of Virginia's veterans. Agencies will identify the resources required to implement the new, expanded, or customized services for veterans and will report such requirements to the Commissioner of Veterans Services no later than April 30, 2007.
- I hereby direct the Department of Veterans Services, working with all appropriate state agencies, to give special attention to opportunities for improving services to disabled veterans, including all aspects of the continuum of care and service delivery.
- I hereby request the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations to jointly develop legislative proposals to be considered by the Governor for introduction in the 2007 General Assembly. Such proposals shall be submitted to the Governor's Office no later than September 30, 2006.

GUBERNATORIAL DOCUMENTS

- I hereby direct the Commissioner of Veterans Services and the Veterans Services Foundation to continue to give high priority to efforts to obtain federal grants, private contributions, and other resources for improving services to veterans in Virginia.
- I hereby direct all state agency heads to renew their commitment to veterans' preference in hiring.

This Executive Order rescinds Executive Order 40 (2002) issued by Governor Mark R. Warner. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 16th day of June, 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER TWENTY (06)

ASSIGNING RESPONSIBILITY FOR PARTICIPATION IN THE FEDERAL "SUPERFUND" PROGRAM

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-104 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign responsibilities for the administration and coordination of state response actions under the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 ("Superfund") program, as amended, to the following executive branch agencies and officials:

1. The Secretary of Public Safety or the Secretary's designee shall be responsible for entering into cooperative agreements with the United States Environmental Protection Agency (EPA) regarding the immediate response to the release of, or substantial threat of a release of, hazardous substances that threaten the public health, welfare, and environment.
2. The State Coordinator of the Department of Emergency Management, under the direction of the Secretary of Public Safety, shall be responsible for developing the Virginia Oil and Hazardous Materials Emergency Response Plan and other requisite documents.
3. The Director of the Department of Environmental Quality, under the direction of the Secretary of Natural Resources, shall be responsible for entering into cooperative agreements and other agreements and contracts with EPA, the United States Department of Defense, and other federal agencies for the Superfund Site Assessment, Removal and Remedial Programs. Such agreements and contracts shall provide for the investigation and assessment of releases of hazardous substances into the environment, and for remedial actions providing permanent resolution of the release of hazardous substances into the environment, except removals that involve immediate response to the release of hazardous substances that threaten the public health, welfare, and environment. Before signing any cooperative agreement, the Director of the Department of Environmental Quality shall assure the adherence to any applicable requirements of the General Provisions of the current Appropriation Act.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

- 4. The Director of the Department of Environmental Quality is authorized to sign, on behalf of the Commonwealth, the hazardous waste capacity assurance plan mandated by the Superfund Amendments and Reauthorization Act and any amendments thereto.
- 5. The Secretary of Natural Resources shall act on behalf of the public as trustee for natural resources. The Secretary of Natural Resources shall assess damage to natural resources in the case of injury to, destruction of, or loss of natural resources. Funds recovered by the Secretary of Natural Resources as trustee shall be available only to restore, rehabilitate, or acquire the equivalent of such natural resources.
- 6. The Secretary of Natural Resources and the Secretary of Public Safety are authorized to develop memoranda of understanding which set forth the working relationships between and among state agencies with responsibilities under the Executive Order and applicable statutes.

This Executive Order rescinds Executive Order Number 22 (2002), issued by Governor Mark R. Warner. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-ONE (06)

CONTINUATION OF THE VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-103 and 2.2-104 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Virginia Coastal Zone Management Program (hereinafter known as "the Program").

The Program's mission is to create more vital and sustainable coastal communities and ecosystems. I direct all state agencies to carry out their legally established duties consistent with this Program and in a manner that promotes coordination among all government agencies. The Department of Environmental Quality shall serve as the lead agency for this networked program and shall be responsible for allocation and assignment of all federal funds received for the Virginia Coastal Resources Management Program Implementation Grant.

Policy Goals

State agencies having responsibility for the Commonwealth's coastal resources shall promote the Coastal Zone Management Program consistent with the following goals:

Coastal Zone Management

GUBERNATORIAL DOCUMENTS

Goal 1. To protect and restore coastal resources, habitats, and species of the Commonwealth. These include, but are not limited to, wetlands, subaqueous lands and vegetation, sand dune systems, barrier islands, underwater or maritime cultural resources, riparian forested buffers, and endangered or threatened species.

Goal 2. To restore and maintain the quality of all coastal waters for human and ecosystem health through protection from adverse effects of excess nutrients, toxics, pathogens, and sedimentation.

Goal 3. To protect air quality.

Goal 4. To reduce or prevent losses of coastal habitat, life, and property caused by shoreline erosion, storms, and other coastal hazards in a manner that balances environmental and economic considerations.

Coastal Resource Sustainable Use

Goal 5. To provide for sustainable wild fisheries and aquaculture.

Goal 6. To promote sustainable ecotourism and to increase and improve public access to coastal waters and shorefront lands compatible with resource protection goals.

Goal 7. To promote renewable energy production and provide for appropriate extraction of energy and mineral resources consistent with proper environmental practices.

Coastal Management Coordination

Goal 8. To ensure sustainable development on coastal lands and support access for water-dependent development through effective coordination of governmental planning processes.

Goal 9. To avoid and minimize coastal resource use conflicts through research, planning, and a forum for coordination and facilitation among government agencies, interest groups, and citizens.

Goal 10. To promote informed decision-making by maximizing the availability of up-to-date educational information, technical advice, and scientific data.

Implementation and Enforcement

The following agencies shall have primary responsibility for implementing the enforceable policies of Virginia's Coastal Zone Management Program as approved by the National Oceanic and Atmospheric Administration:

Responsible Agency and Enforceable Policies

- Department of Environmental Quality (DEQ)
Point source water pollution management and nontidal wetlands management
Air pollution
- Department of Conservation and Recreation (DCR)
Nonpoint source pollution management
- Marine Resources Commission (MRC)
Primary sand dunes management
Tidal wetlands management
Subaqueous lands management
Fisheries management (shared with DGIF)
- Department of Game and Inland Fisheries (DGIF)
Fisheries management (shared with MRC)
- Department of Health
Shoreline sanitation
- Chesapeake Bay Local Assistance Department
Coastal Lands Management

The following agencies are responsible for assisting with the program:

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Department of Historic Resources
Department of Forestry
Department of Agriculture and Consumer Services
Virginia Institute of Marine Science
Department of Transportation
Virginia Economic Development Partnership

In addition, other agencies that conduct activities that may affect coastal resources shall conduct such activities in a manner consistent with and supportive of Virginia's Coastal Zone Management Program. For purposes of this Program, the Coastal Area shall mean Tidewater Virginia as defined in Section 28.2-100 of the Code of Virginia.

The Director of the Department of Environmental Quality (DEQ) shall monitor all state actions that affect coastal resources. When, in the judgment of the DEQ Director, a state agency, regulatory board, or commission is ready to act in a manner that appears to be inconsistent with the Program or has established a pattern of actions that appears to be inconsistent with the Program, the Director shall discuss the situation with the head of such agency, board, or commission to determine if a consistency problem in fact exists.

If after discussion, the head of such agency, board, or commission and the Director of DEQ are in disagreement about the existence of a consistency problem, the Director will inform the Secretary of Natural Resources of the disagreement. The Secretary shall then determine if a state consistency problem exists.

If the head of such agency, board, or commission and the Director of DEQ agree that a consistency problem exists, they shall attempt to resolve the problem. If they cannot resolve the problem, the Director shall advise the Secretary that an unresolved state consistency problem exists.

Upon notification of the existence of an unresolved consistency problem, the Secretary shall review the problem, determine how it should best be resolved, and effect such resolution within the Secretariat of Natural Resources or consult with other Cabinet Secretaries to resolve a consistency problem with agencies, boards, or commissions not within the Secretariat of Natural Resources. If unable to resolve the problem, the Secretary shall report to the Governor and recommend appropriate action. The Governor shall have the ultimate responsibility for resolving any consistency problem that cannot be resolved by the Secretary of Natural Resources.

Any person having authority to resolve consistency problems under the terms of this Executive Order shall resolve those problems in a manner that furthers the goals and objectives of the Program as set forth above and in accordance with existing state law, regulations, and administrative procedures.

This Executive Order rescinds Executive Order Number 23 (2002), issued by Governor Mark R. Warner. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of June 2006.



Governor



Attest:



Secretary of the Commonwealth
EXECUTIVE ORDER NUMBER TWENTY-TWO (06)

ESTABLISHING THE VIRGINIA PRISONER REENTRY POLICY ACADEMY

Importance of the issue

Section 2.2-221.1 of the Code of Virginia directs the Secretary of Public Safety to establish an integrated system for coordinating the planning and provision of offender transitional and reentry services among and between state, local, and nonprofit agencies in order to prepare inmates for successful transition into their communities upon release from incarceration and for improving opportunities for treatment, employment, and housing while on subsequent probation, parole, or post-release supervision.

It is essential that Virginia continue with its efforts of fostering a successful transition of offenders into their communities, and reducing the rates at which they are returned to prison. If we improve their chances of acquiring and maintaining work and housing, it will significantly reduce the probability of offenders returning to a life of crime, which in turn would significantly enhance public safety. Accordingly, I am taking the following measures.

Establishing the Virginia Prisoner Reentry Policy Academy

By virtue of the authority vested in me by Article V of the Constitution of Virginia and Section 2.2-134 of the Code of Virginia, I hereby direct the Office of the Secretary of Public Safety to lead the Virginia Prisoner Reentry Policy Academy with the aim of promoting reentry strategies for offenders.

The Reentry Academy shall be chaired by the Secretary of Public Safety or his designee. The Academy shall be comprised of the following executive branch representatives:

- Secretary of Commerce & Trade
- Secretary of Education
- Secretary of Health & Human Resources
- Secretary of Public Safety
- Senior Advisor to the Governor for Workforce
- Counselor to the Governor
- Commonwealth Attorney's Services Council
- Department of Corrections
- Department of Correctional Education
- Department of Criminal Justice Services
- Department of Education
- Department of Health
- Department of Housing & Community Development
- Department of Juvenile Justice
- Department of Medical Assistance Services
- Department of Mental Health, Mental Retardation & Substance Abuse Services
- Department of Planning & Budget
- Department of Professional & Occupational Regulation
- Department of Rehabilitative Services
- Department of Social Services
- Department of Veteran Services
- Virginia Employment Commission
- Virginia Indigent Defense Commission
- Virginia Parole Board

The Reentry Academy shall invite additional participation by the General Assembly, Supreme Court, Law Enforcement, and Community Advocacy Groups. All executive branch agencies of the Commonwealth shall participate in the activities of the Academy upon request. Staff support will be provided by the Office of the Secretary of Public Safety and such other agencies as the Secretary may designate.

The Academy shall have the following responsibilities:

1. Provide on-going coordination at the executive level of reentry initiatives across the state;

REPORT OF THE SECRETARY OF THE COMMONWEALTH

2. Explore programs that will aid with the offender reintegration
3. Address policies and practices that impede successful reintegration
4. Work collaboratively to implement new policies and procedures
5. Submit a status report of actions taken to improve offender transitional and reentry services to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

This Executive Order shall become effective upon its signing and shall remain in effect until December 31, 2008, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of June 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER TWENTY-THREE (06)

EMPLOYEE WORKPLACE GIVING AND VOLUNTEERISM

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-103A and 2.2-104 of the Code of Virginia and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby authorize an annual Commonwealth of Virginia Campaign (CVC).

Employees of the Commonwealth have demonstrated that they share civic responsibility with other members of their communities, the Commonwealth, and the United States by contributing more than \$4.5 million for the 2005 campaign (including over \$500,000 for the Hurricane Katrina Relief Fund) and over \$25 million since 1998. The Commonwealth of Virginia has an interest in assisting its employees in their charitable giving through the provision of a single state employee campaign that minimizes the disruption of the workplace and maximizes contributions to these organizations. This program will provide a responsive and convenient system to facilitate charitable giving. The goals of this program will be to:

1. To provide assistance to the communities and non-profit organizations in serving the needs of the community;
2. Provide an efficient and cost-effective vehicle by which state employees can voluntarily contribute to charity;
3. Recognize the generosity of the state workforce;
4. Ensure fiscal accountability;
5. Consolidate all fundraising solicitations into one campaign, and prohibit interruptions in the state workplace from outside fundraising.

GUBERNATORIAL DOCUMENTS

The CVC will be conducted annually in all state agencies. The Director of Human Resources Management shall serve as the chairperson of the Advisory Council, who will develop and implement operating procedures for the program organization and administration. These procedures shall be in concert with the goals of the program as set forth in this Executive Order.

This Executive Order rescinds Executive Order Number 32 (2002), issued by Governor Mark R. Warner. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FOUR (06)

GOVERNOR'S ECONOMIC DEVELOPMENT STRATEGIC PLANNING STEERING COMMITTEE

Virginia is graced with abundant natural and human resources, and has worked to build and maintain a favorable business climate. With the emergence of robust international trade, changes in technology, and evolution in every business sector, the economic landscape is changing continually. The Commonwealth, her localities and her regions must continually reevaluate and recalibrate its economic development strategic plan to reflect the changing economy.

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Section 2.2-205 of the *Code of Virginia*, I hereby establish the Governor's Economic Development Strategic Planning Steering Committee (Steering Committee). The purpose of this Steering Committee is to create a four-year strategic plan for economic development, in collaboration with interested citizens and economic development and related professionals.

The Secretary of Commerce and Trade will chair the Governor's Economic Development Strategic Planning Steering Committee on my behalf. The Steering Committee shall include the Secretaries of Administration, Education, Health and Human Resources, Natural Resources, and Transportation, as specified in Section 2.2-205 B of the *Code of Virginia*. In addition, the Senior Advisor for Workforce shall serve as a member. The Steering Committee shall also include high-level representatives from local and regional economic development organizations from across Virginia, from sectors significant to Virginia's economy, and from other groups interested in economic development, designated by the Secretary of Commerce and Trade. All agencies deemed appropriate by the Secretary of Commerce and Trade shall participate and provide assistance as requested. In addition, I may designate such citizens as I deem appropriate to sit on the Steering Committee.

Staff support for the Steering Committee shall be provided by the Office of the Governor, the Office of the Secretary of Commerce and Trade, the various secretariats and their agencies represented on the Steering Committee, and such other agencies as may be designated by the Secretary of Commerce and Trade. All executive branch agencies shall cooperate fully with the Steering Committee and shall render such assistance as may be requested by the Chair. The Secretary of Commerce and Trade shall ensure coordination between the development of the Economic Development Strategic Plan and the Workforce Development Strategic Plan.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

The Steering Committee shall provide a report to the Governor on or before October 15, 2006, setting forth the Commonwealth's proposed economic development strategic plan. The council shall report annually to the Governor by October 15 on progress towards achieving the goals established in the strategic plan.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 23rd day of June 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FIVE (06)

CHIEF WORKFORCE DEVELOPMENT OFFICER COORDINATION OF WORKFORCE DEVELOPMENT

The quality and breadth of a state's workforce is critical to economic development. Individual readiness for the workplace is vital to career success. Accordingly, it is incumbent on state government to deliver, and to be as efficient, effective, and responsive as possible in delivering, workforce development services.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign authority for carrying out the state's responsibilities under Chapter 4.2 of Title 2.2, Sections 2.2-2669, 2.2-2670, 2.2-2674.1, 2.2-435.6 and 2.2-435.7 regarding the coordination of workforce development.

Background

The 2006 General Assembly enacted into law legislation creating the Chief Workforce Development Officer. The Governor is the Chief Workforce Development Officer and he may delegate that responsibility to a senior person on his immediate staff. The Chief Workforce Development Officer is responsible for the coordination of workforce development across Secretariats and ensuring that the Commonwealth's workforce development efforts are implemented in a coordinated and efficient manner.

A skilled workforce is central to Virginia's continued economic prosperity. It is the policy of the Commonwealth that there be a dynamic and substantive relationship between workforce development and economic development. Furthermore, it is essential that workforce development strategies embody skilled training and education and the purposeful development of the Commonwealth's human resources. The skill development of the Commonwealth's human resources must achieve parity in areas of the state where individual skill levels do not meet the demands of employers and the economy in sufficient numbers.

It is the purpose of this Executive Order to ensure that an orderly transition occurs to implement the 2006 legislation and that appropriate responsibilities and duties are specified.

GUBERNATORIAL DOCUMENTS

Authority and Responsibility of the Chief Workforce Development Officer

I hereby affirm and delegate to my Chief Workforce Development Officer (hereafter referred to as "Officer") the powers and duties enumerated below.

1. Serve as chief advisor to the Governor on all workforce development matters.
2. Establish the means, proportionately and fiscally, and work with the respective Cabinet Secretaries, to support the development and implementation of the workforce system. This shall include a system building staffing and resource pattern, which crosses Secretarial areas to carry out workforce development activities. The Officer shall establish a regular meeting schedule with appropriate Cabinet Secretaries and appropriate staff to ensure involvement and support.
3. In the event of the existence of unresolved problems to support proportionately and fiscally the development and implementation of the workforce system among the respective Cabinet Secretaries, the Officer shall report to the Governor and recommend appropriate action. The Governor shall have the ultimate responsibility for resolving any workforce system building problems regarding staffing and resource patterns that cross Secretarial areas.
4. Develop and implement the Commonwealth's Workforce Development Strategic Plan for the statewide delivery of workforce development and training programs and activities.
5. Direct the implementation and administration of the Workforce Investment Act (WIA).
6. Advise the Governor regarding, and direct the expenditures of, the 15% Governor's statewide WIA discretionary funds.
7. Direct and conduct annual evaluations of workforce development and training programs.
8. Make recommendations to the Governor on the allocation and reallocation of workforce development funds and resources.
9. Establish a Task Force of stakeholders to study and advise on resource allocation and reallocation. An interim report is due to the Governor by June 30, 2007. A final report is due to the Governor by April 30, 2008.
10. Serve as lead staff for the Virginia Workforce Council and hire subordinate staff for the Council.
11. Work with the Virginia Workforce Council and Cabinet Secretaries to ensure coordination and effectiveness of programs comprising the Virginia Workforce Network.
12. Direct and establish a regular system of communication to the Cabinet and the Virginia Workforce Council.
13. Represent the Governor on workforce development matters and at Virginia Workforce Council meetings. This includes the authority to vote on the Governor's behalf at Virginia Workforce Council meetings.

Duties of the Cabinet Secretaries

1. The Secretaries of Commerce and Trade, Education, Health and Human Resources and Public Safety shall assign appropriate staff members to assist the Officer in carrying out the workforce development duties of the Officer.
2. The Secretaries shall meet regularly with the Officer. The respective Deputies shall also meet regularly with the Officer.
3. The Secretaries shall enter into a State Memorandum of Understanding (MOU) with the Officer, which sets forth the terms of agreement for cooperation and consultation with

REPORT OF THE SECRETARY OF THE COMMONWEALTH

regard to the implementation of the WIA in Virginia and provides a model for local MOU implementation. This MOU shall also address support for funding of the staff of the Virginia Workforce Council. Unresolved problems among the Cabinet Secretaries regarding the entering into and implementation of the MOU shall be resolved according to the process in item number three under "Authority and Responsibility of the Chief Workforce Development Officer."

Duties of the Secretary of Commerce and Trade and the Virginia Employment Commission

1. The Secretary of Commerce and Trade shall ensure coordination between the development of the Economic Development Strategic Plan and the Workforce Development Strategic Plan.
2. The Virginia Employment Commission (VEC) shall receive all federal funds allocated under Title I of the WIA and shall be the fiscal agent for the WIA. The VEC shall be responsible for implementing the compliance requirements for the Title I programs under the WIA. The VEC shall ensure that WIA funds are allocated and spent in accord with federal law, regulation and guidance.
3. The Office of the Chief Workforce Development Officer shall have budget authority. The VEC shall verify expenditures and conduct other appropriate administrative fiscal tasks.
4. The Officer shall enter into an MOU with the VEC outlining the fiscal agent and WIA Title I compliance responsibilities of the VEC.

The Virginia Workforce Council (VWC)

1. The Officer shall hire subordinate staff of the VWC.
2. The Officer shall work with the VWC in establishing standards, policies and procedures for the Virginia Workforce Network directed by the Workforce Development Strategic Plan.
3. The Officer shall work with the VWC in monitoring the effectiveness of Virginia Workforce Network Centers and recommending improvements.
4. The Officer shall serve and vote on the Executive Committee of the VWC.

This Executive Order shall be effective July 1, 2006, and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 23rd day of June, 2006.



Governor

Attest:



Secretary of the Commonwealth
EXECUTIVE ORDER NUMBER TWENTY-SIX (06)

GUBERNATORIAL DOCUMENTS

CONTINUING CERTAIN EMERGENCY DECLARATIONS DUE TO DISASTERS IN THE COMMONWEALTH

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 44-146.17 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, and to reserve powers, I hereby continue the states of emergency declared in the following executive orders for the purposes of continuing disaster recovery operations:

Executive Order Number Fifty-six (2004), *Declaration of a state of emergency for the entire Commonwealth due to Hurricane Isabel*, as continued in Executive Order Eighty-eight (2005); and

Executive Order Number Ninety-Seven (2005), *Declaration of a state of emergency in Support of the Emergency Management Assistance Compact to respond to the Impact of Hurricane Katrina and Hurricane Rita*.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2009, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 23rd day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SEVEN (06)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SIGNIFICANT FLOODING, TRANSPORTATION IMPACTS, MUDSLIDES, AND CONTINUED FLASH FLOOD WARNINGS DUE TO EXTENSIVE RAINFALL BEGINNING JUNE 23, 2006 FROM A SEVERE TROPICAL WEATHER SYSTEM

On June 28, 2006, I verbally declared a state of emergency to exist throughout the Commonwealth of Virginia due to significant flooding, mudslides and transportation impacts throughout the Commonwealth due to severe weather from a continued tropical storm system. Beginning June 23, 2006, rainfall originating from a tropical low pressure system has inundated the state with significant rainfall, mudslides, tornados and high winds. The potential for storm related impacts continues throughout all localities of the Commonwealth due to continued flash flooding and river flood warnings.

The health and general welfare of our citizens required that state action be taken to help alleviate the conditions resulting from this situation and to enhance readiness, response and recovery from existing and future storm impacts. I feel that the effects of these incidents constitutes a disaster wherein human life and public and private property were imperiled, as described in § 44-75.1.A.4 of the Code of Virginia. I specifically authorized placement of assets of the Virginia National Guard.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to

REPORT OF THE SECRETARY OF THE COMMONWEALTH

my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued June 28, 2006. In these I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of state government to respond to needs in the impacted county. This will support the needs of persons affected to alleviate any conditions resulting from severe weather during this period and to implement recovery and mitigation programs and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I authorized that the Virginia National Guard be called forth to state duty to assist as needed. This shall include such necessary functions as determined by the State Coordinator of Emergency Management, the Adjutant General, and the Secretaries of Public Safety, Transportation, Commerce and Trade and Health and Human Services.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following measures:

- A. The limited implementation by agencies of the state and local governments of Volume 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.
- B. Augmentation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of statewide assistance. I am directing that the VEOC and VERT coordinate state operations in support of the EMAC agreement, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretaries of Public Safety, Transportation, Commerce and Trade, and Health and Human Services which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.
- C. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia to provide for the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the Code of Virginia.
- D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination. The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Axle Size	Max. Weight
Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds

GUBERNATORIAL DOCUMENTS

Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All over width loads, up to a maximum of 14 feet, must follow Virginia Department of Transportation (VDOT) hauling permit and safety guidelines.

In addition to described overweight/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to §52-8.4 of the Code of Virginia.

The foregoing overweight/over width transportation privileges as well as the regulatory exemption provided by §52-8.4.A of the Code of Virginia, and implemented in §19 VAC 30-20-40.B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

- E. The discontinuance of provisions authorized in paragraph D above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.
1. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in §44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.
 2. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the

REPORT OF THE SECRETARY OF THE COMMONWEALTH

immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

H. The following conditions apply to the deployment of the Virginia National Guard:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.
2. Pursuant to §52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as appropriate. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by §52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.
3. In all instances, members of the Virginia National Guard shall remain subject to military command as prescribed by §44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.
4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:
 - (a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,
 - (b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.
5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid from state funds.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard, in performing these missions shall be paid from state funds.

This Executive Order shall be effective June 28, 2006 and shall remain in full force and effect until June 30, 2007, unless sooner amended or rescinded by further executive order. Termination of the

GUBERNATORIAL DOCUMENTS

Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-EIGHT (06)

CONTINUING CERTAIN EXECUTIVE ORDERS

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, I hereby **continue the executive orders listed below**. It is my intention to offer, in the near future, significant revisions of these orders. However, to ensure continuity of these important efforts, I am continuing the following executive orders until September 30, 2006:

- Executive Order 21 (2002), Development and Review of Regulations Proposed by State Agencies, issued by Governor Mark R. Warner;
- Executive Order 54 (2003), Energy Conservation by State Agencies, issued by Governor Mark R. Warner;
- Executive Order 60 (2004), Furthering the Virginia Water Supply Initiative, issued by Governor Mark R. Warner; and
- Executive Order 103 (2005), Promoting Diversity and Equal Opportunity for Small, Women, and Minority-Owned Business Enterprises in State Government, issued by Governor Mark R. Warner.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 30th day of June 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-NINE (06)

REPORT OF THE SECRETARY OF THE COMMONWEALTH

ESTABLISHING THE HEALTH INFORMATION TECHNOLOGY COUNCIL

Building and improving our health information technology infrastructure is critical to providing quality health care. As the complexity of our health care system continues to grow, health care providers must leverage information technology to improve patient safety and health outcomes. It is critical that Virginia health care providers employ health information technology to provide the best care for patients. Improving health care technology infrastructure offers the potential for both improving the quality and safety of patient care and helping control costs.

In addition, public policies adopted prior to the widespread adoption of information technology in health care at times prevent seamless sharing of health records information among health providers, particularly between hospitals and hospital systems and community physicians. Reexamining these public policies can help speed the widespread adoption of health IT, quickly close the “adoption gap” between large and small physician practices, and, most importantly, improve the lives and healthcare of Virginians and all Americans.

With these important potential benefits in mind, health care information technology is important in both institutional and non-institutional settings. It is important for the Commonwealth to encourage the development of appropriate, interoperable health care information technology to improve the quality of care and help control costs. As was recognized in the 2006 Appropriation Act, at the request of my administration, an appropriate first step is to convene major stakeholders and leading thinkers on this issue.

Establishing the Council

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2.-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor’s Health Information Technology Council.

In addition to the responsibilities identified in the 2006 Appropriation Act, the Council shall have the following responsibilities:

1. Establish an interoperability framework drawing from and complying with the standards of the Healthcare Information Technology Standards Panel (HITSP).
2. Build public-private partnerships to increase adoption of electronic medical records for physicians in the Commonwealth and encourage vendors and entrepreneurs to build to the Certification Commission for Healthcare Information Technology standards.
3. Identify areas where health information technology can lower health care costs for the Commonwealth of Virginia as an employer and health insurer.
4. Provide an interim report to the Governor by October 15, 2006 recommending amendments to the state budget that will spur the development, implementation, and ongoing use of Virginia’s health information technology infrastructure.
5. Recommend funding and strategies necessary to encourage long-term sustained adoption and interoperability of health information technology in the Commonwealth in a report to the Governor by December 1, 2006.
6. Review and approve proposals to fund public-private pilots designed to increase the adoption of electronic medical records out of funds appropriated for that purpose.
7. Examine other issues as may seem appropriate.

The Council shall consist of 15 members to be appointed by the Governor and to serve at his pleasure, in accordance with the parameters laid out in the 2006 Appropriation Act. Additional members may be appointed at the Governor’s discretion. The Secretaries of Health and Human Resources and Technology will co-chair the Council and will be responsible for convening the Council.

GUBERNATORIAL DOCUMENTS

The Council shall meet at the call of the co-chairs to oversee the development of the health information technology infrastructure in the Commonwealth. Members of the Council shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties.

Staff support shall be provided through the Office of the Governor, the Secretaries of Technology and Health and Human Resources, and such other agencies as the Governor may designate. It is my intention to create a cross-secretarial team to provide staff support to this effort. It is also my intention to draw whenever possible on private sector expertise. Direct expenses for this effort, exclusive of staff time, are estimated at \$9,000.

This Executive Order shall become effective upon its signing and shall return in full force and effect until July 7, 2007, unless amended or rescinded by further executive order. It is my intention to renew this executive order as provided for in 2.2-134 at the appropriate time.

Given under my hand and under the Seal of the Commonwealth of Virginia this 20th day of July 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY (06)

STATE INTEROPERABILITY EXECUTIVE COMMITTEE

Interoperability is a key issue in public safety communications, allowing public safety agencies to communicate with one another in their common effort to protect the public. Section 9.1-1200 of the Code of Virginia requires the annual update and implementation of the Statewide Strategic Plan for Interoperable Communications. Additionally, all agencies and localities must comply with and achieve consistency with the Plan by July 1, 2015 in order to remain eligible to receive state or federal funds for communications programs and systems.

Local first responders and public safety community must have a way to provide input into the advising and decision-making processes for any statewide interoperable communications effort. Continuing to keep relevant organizations involved in decisions on interoperable communication efforts is essential to accomplishing interoperability.

Establishment of the Executive Committee

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the State Interoperability Executive Committee (SIEC). The primary purpose of the SIEC is to make official recommendations via the Commonwealth Interoperability Coordinator to the Commonwealth Preparedness Working Group, Secure Commonwealth Panel and the Office of the Governor concerning communications interoperability. The SIEC is comprised of various associations that represent the local first responder perspective, a critical element that allows the SIEC to serve as a voice for that community. The SIEC coordinates with a larger Advisory Committee that allows feedback and input from an even more diverse group of agencies and associations.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Executive Committee Membership

The SIEC membership shall be comprised of the following associations and agencies, and any other state agencies or institutions and local government agencies or institutions that may be designated by the Governor:

- Virginia Fire Chiefs Association
- Virginia Sheriffs Association
- Virginia Association of Chiefs of Police
- Virginia Municipal League
- Virginia Association of Counties
- Virginia Association of Public Communication Officials
- Virginia Association of Government Emergency Medical Services Administrators
- Commonwealth Interoperability Coordinator
- Office of the Secretary of Public Safety
- Office of Commonwealth Preparedness
- Office of the Secretary of Technology
- Virginia Department of State Police
- Virginia Information Technologies Agency
- Virginia Military Advisory Council

SIEC member organizations shall appoint primary and alternate representatives that will represent the organization. Members of the Committee shall serve without compensation. They may receive reimbursement for expenses incurred in the discharge of their official duties upon approval by the Director.

The Committee shall elect a chairman, and may elect a vice-chairman from its membership for a one year period. The Committee shall meet at least six times a year at such times as it deems appropriate or on call of the chairman. A majority of the members of the Committee shall constitute of a quorum.

Duties of the Executive Committee

The State Interoperability Executive Committee will:

- Recommend an approach of Virginia interoperability efforts, evaluate progress and approve changes in direction and scope for the overall strategy;
- Represent their respective organization at SIEC and Advisory Group meetings;
- Coordinate with and support the Commonwealth Interoperability Coordinator;
- Make formal recommendations to the Commonwealth Preparedness Working Group (CPWG) and the Secure Commonwealth Panel (SCP) concerning DHS interoperability grant funds;
- Provide advice, feedback, and support to appropriate decision makers;
- Ensure local, regional and state interoperability efforts are in alignment with the Statewide Strategic Plan for Interoperable Communications;
- Resolve issues requiring policy, procedural, or other business decisions as needed;
- Participate in periodic, pre-scheduled meetings; and
- Develop interoperable communications minimum requirement recommendations.

The SIEC will report on the status of the Strategic Plan for Statewide Communications Interoperability to the Governor and General Assembly by November 1 of each year.

GUBERNATORIAL DOCUMENTS

This Executive Order shall become effective upon its signing and shall return in full force and effect until July 20, 2007, unless amended or rescinded by further executive order. It is my intention to renew this executive order as provided for in 2.2-134 at the appropriate time.

Given under my hand and under the Seal of the Commonwealth of Virginia this 20th day of July 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-ONE (06)

ESTABLISHING THE HEALTH REFORM COMMISSION

Access to affordable, safe, high quality health care and long-term care are fundamental building blocks of a strong society. Virginians today face challenges in accessing health care, more than 1 million Virginians are uninsured and a growing shortage of health professionals of all types complicates access to care. While Virginia's health professionals are tremendously skilled and dedicated, more needs to be done to improve the quality and safety of patient care. Health care costs continue to rise, creating further strains on access to care and raising competitiveness issues for employers providing health care to their employees and retirees.

Health reform is a challenging undertaking, involving a wide range of valid, competing interests. Therefore, it is appropriate that leading voices on health care in Virginia be convened to make recommendations for reforming and strengthening health care in Virginia.

Creation of the Commission

By the power vested in me by Article V of the Constitution of Virginia, and Section 2.2-134 of the Code of Virginia, and mindful of the critical importance of this issue, I hereby create the Commission on Health Reform (the Commission) and direct it to begin work immediately. The Commission will be composed of 22 members, including state legislators, consumer and patient advocates, health care leaders, and citizen members. Additional members may be appointed at the Governor's discretion. The Secretary of Health and Human Resources shall chair the Commission. The Secretaries of Administration, Commerce and Trade, Education, Finance, and Technology, as well as the senior advisor for workforce shall serve as ex officio, voting members of the Commission. The Commission shall elect a vice-chair.

The Commission will have the following responsibilities:

1. Identifying and implementing national best practices in health care at the state level in terms of access to care, improving quality and safety of care, providing long-term care, and addressing affordability of care;
2. Working closely with the Joint Commission on Health Care and fostering executive—legislative cooperation on health care issues;
3. Strengthening long-term care;
4. Forming, with appropriate other stakeholders, working groups on the uninsured, quality and safety of care, health care workforce, and long-term care;
5. Issuing a final report by September 1, 2007;

REPORT OF THE SECRETARY OF THE COMMONWEALTH

6. Holding public meetings or hearings as appropriate to allow for input into the Commission's work; and
7. Examining other issues as may seem appropriate.

Staff support for the Commission will be provided by the Governor's cabinet secretaries, the Governor's Office, and such agencies as shall be designated by the chair. All executive branch agencies shall cooperate fully with the Commission and provide any assistance necessary, upon request of the Commission or its staff.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until July 20, 2007, unless amended or rescinded by further executive order. It is my intention to renew this commission for an additional year, as permitted by law.

Given under my hand and under the Seal of the Commonwealth of Virginia this 20th day of July 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-TWO (06)

URBAN POLICY TASK FORCE

The Commonwealth has long faced the challenges of urbanization in a diverse range of policy areas, including but not limited to economic development, education, transportation, public safety, and human services. The challenges facing local governments and state government in these urban and urbanizing areas have required significant efforts on the part of appointed and elected governmental officials at all levels. In addition, the modernization, expansion, and diversity of new businesses has placed demands on governmental leaders at all levels to provide, in an efficient and timely manner, a full range of relevant and affordable public services. The 2003 final report of the Virginia Advisory Commission on Intergovernmental Relations on the Condition and Future of Virginia's Cities noted in its findings that "Virginia has never adopted a comprehensive policy to ensure the health and vitality of its local jurisdictions or metropolitan areas."

The Code of Virginia Section 2.2-206 requires creation of a cabinet-level task force on urban policy. This task force serves as the ideal vehicle for crafting a comprehensive urban policy for the Commonwealth.

Establishment of the Task Force

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-206 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Urban Policy Task Force. The Secretary of Commerce and Trade or his designee shall chair the task force. Other members shall consist of the Secretaries of Education, Health and Human Resources, Natural Resources, Public Safety, and Transportation or their designees. Additional members may be appointed to the task force at the Governor's discretion. The chair, with the cooperation, participation, and advice from the Senior Advisor for Urban Policy, shall establish sub-committees and prepare a work plan consistent with the requirements of the enabling legislation.

GUBERNATORIAL DOCUMENTS

Responsibilities of the Task Force

The task force shall develop a comprehensive state urban policy that will give particular attention to actionable, top priorities and establish specific quantifiable benchmarks to address economic and social conditions and inequities within urban areas. It shall include but not be limited to establishing such methods, processes, and approaches as are necessary to recognize the importance of interdependence of localities within metropolitan areas and make recommendations to increase collaboration within all areas. All executive branch agencies shall cooperate fully as requested by the task force or its staff. The task force shall report annually by December 1 to the Governor, and include in their report the performance of each agency in meeting established benchmarks.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 28th day of July 2006



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-THREE (06)

ENHANCING OPPORTUNITIES FOR SMALL, WOMEN- AND MINORITY-OWNED BUSINESSES

It is imperative that the Commonwealth of Virginia maximize the participation of its citizens in the vast array of commercial opportunities in state procurement. The Commonwealth's historical record in buying goods and services from small, women-owned and minority-owned (SWaM) businesses must be improved. This record as documented in "A Procurement Disparity Study of the Commonwealth of Virginia" January 12, 2004 final report, requires that Virginia develop new approaches in creating a system of fair contracting. The firm MGT of America, Inc., which conducted the disparity study, found that the Commonwealth's spending with minority business enterprises as a percentage of total spending was the lowest recorded in over 100 of their studies. For Virginia to remain competitive, we must assure that all businesses and owners have an equal opportunity to share in state procurement.

Initiatives

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and the Code of Virginia, I hereby direct my cabinet secretaries and all executive branch entities to implement and advance the following:

1. It shall be the goal of the Commonwealth that 40% of its purchases be made from small businesses. This includes discretionary spending in prime contracts and subcontracts. The Department of Minority Business Enterprise ("DMBE"), in consultation with executive branch entities and institutions with procurement policy responsibilities, shall develop a race- and gender-neutral Goal Setting Program. The Program shall require small business goals in every agency's procurement plan.

For the purpose of this goal a "small business" is one of 250 or fewer employees, or gross receipts of \$10 million or less averaged over the previous three years. This shall include, but not be

REPORT OF THE SECRETARY OF THE COMMONWEALTH

limited to, certified minority-owned and women-owned businesses that meet the small business definition.

2. DMBE, in consultation with executive branch entities and institutions with procurement authority shall develop a uniform, state-wide method for evaluating and monitoring SWaM participation plans in all state procurements. Each prime contractor shall include in its proposal(s)/bid(s) a SWaM participation component. Before final payment is made, the contractor must certify evidence satisfactory to the Commonwealth of compliance with the contract's SWaM Procurement Plan.
3. Executive branch entities and institutions with procurement responsibilities shall implement processes for producing SWaM subcontracting data as established by DMBE in consultation with the Department of General Services and the Virginia Information Technologies Agency. This subcontracting data must also include information on non-SWaM subcontractors performing on contracts over \$200,000.
4. DMBE, in consultation with executive branch entities and institutions with procurement policy responsibilities, shall formulate policies and procedures for the Commonwealth's small business set aside program and implement small business enhancement tools, including but not limited to, the unbundling of selected State contracts, increasing SWaM participation on small procurements under \$5,000, and the early posting of potential contract opportunities.
5. Agency heads, senior managers with procurement responsibility, procurement personnel, and end users with procurement P-Cards shall be evaluated on the attainment of SWaM goals as part of their annual and interim employee evaluations.
6. Executive branch entities and institutions with procurement responsibilities shall review practices, procedures and proposal evaluation criteria to identify and remove barriers or limitations to SWaM participation. A section on "barriers or limitations" shall be included in annual SWaM plans. SWaM plans shall be developed and submitted to DMBE and the appropriate cabinet secretary on September 1 of each fiscal year and shall include:
 - The designation of a SWaM champion to ensure nondiscrimination in the solicitation and awarding of contracts;
 - Agency SWaM goals, and
 - A statewide public information campaign to promote procurement opportunities and SWaM participation.
7. The Department of General Services, the Virginia Information Technologies Agency and executive branch entities and institutions shall actively recruit SWaM businesses to bid on statewide cooperative procurement agreements and/or contracts that are open for competition. DGS and VITA shall develop guidelines that promote greater representation of SWaM businesses on such contracts.
8. The Virginia Information Technologies Agency, Virginia Department of General Services, Virginia Department of Transportation and universities operating under management agreements shall develop pilot programs in conjunction with DMBE to increase opportunities for SWaM vendors to perform as prime contractors on Commonwealth projects.
9. The Department of Business Assistance, in conjunction with the Department of Minority Business Enterprise, Department of Planning and Budget, Virginia Department of Transportation and other executive branch entities as necessary, shall establish a Small Business Development Program and initiatives to enhance the development and to increase the number of small businesses in Virginia. Such efforts shall include, but not be limited to:
 - Access to capital, including contract financing and bonding support;
 - Management and technical assistance programs; and
 - Statewide mentor/protégé and/or joint venture programs.

GUBERNATORIAL DOCUMENTS

10. VDOT and DGS shall develop guidelines for vertical and horizontal construction to be used by executive branch entities and institutions in making construction mobilization payments to businesses when reasonable and necessary to facilitate contract initiation.
11. The Interagency Advisory Council on Administrative Dispute Resolution in conjunction with DMBE, and the Virginia Department of General Services shall establish a SWaM contract mediation program. The mediation program shall offer dispute resolution alternatives for conflicts between executive branch entities or institutions and a small business in a contract situation.
12. The purchasing manuals, regulations and guidelines of all executive branch entities and institutions subject to the Virginia Public Procurement Act shall include SWaM purchasing regulations and/or guidelines.

These directives are not intended in any way to limit the application of additional creativity at the agency level. They are designed to promote economic justice and eliminate impediments to a more equitable procurement process. Each cabinet secretary shall evaluate the performance of their agencies in implementing these directives. Accordingly, DMBE, in cooperation with each cabinet secretary, shall provide quarterly reports to me regarding the Commonwealth's progress in enhancing opportunities for Small, Women and Minority-owned businesses. The reports shall delineate the Commonwealth's spending in detail by ethnicity, SWaM category, and agency.

This Executive Order rescinds the relevant provisions of Executive Order 28 (2006) issued by Governor Timothy M. Kaine, which continued Executive Order 103 (2005), issued by Governor Mark R. Warner. This Executive Order shall be effective upon its signing and shall remain in full force unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of August 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FOUR (06)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE THREAT OF SIGNIFICANT FLOODING AND WIND DAMAGE CAUSED BY TROPICAL STORM ERNESTO

On August 31, 2006, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on current forecasts that indicate that Tropical Storm Ernesto could cause damaging high winds, flash flooding, and possible tornadoes throughout the state. The National Weather Service forecasts that Ernesto will follow a north-northwest track and affect much of Virginia during the next 48 hours resulting in the potential for significant rainfall causing river flooding and high wind damage in Virginia.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The potential effects of Ernesto constitute a natural disaster wherein human life and public and private property were imperiled, as described in § 44-146.16 of the Code of Virginia.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued August 30, 2006, wherein I proclaim that a state of emergency exists and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant flooding, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

- A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan), Volume 5 (Hurricane Response Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.
- B. Full activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.
- C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to §44-146.18 of the Code of Virginia.
- D. The evacuation of areas threatened or stricken by flooding or other effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.
- E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State

GUBERNATORIAL DOCUMENTS

Coordinator of Emergency Management is hereby designated as Virginia’s authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the Code of Virginia.

- F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Axle Size	Max. Weight
Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 14 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to §52-8.4 of the Code of Virginia.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by §52-8.4.A of the Code of Virginia, and implemented in §19 VAC 30-20-40.B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

- G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.
- H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.
- I. The authorization of a maximum of \$100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when authorized by the president), to be paid from state funds.
- J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in §44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.
- K. Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.24 of the Code of Virginia, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in the Appropriation Act.
- L. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to proper.
2. Pursuant to §52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the

GUBERNATORIAL DOCUMENTS

Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by §52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by §44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.
4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:
 - (a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,
 - (b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.
5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and
4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid from state funds.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

This Executive Order shall be effective August 31, 2006, and shall remain in full force and effect until June 30, 2007 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of September, 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FIVE (06)

**ESTABLISHING THE OFFICE OF TELEWORK PROMOTION
AND BROADBAND ASSISTANCE**

Encouraging telework is a family-friendly, business-friendly public policy that promotes workplace efficiency and reduces strain on transportation infrastructure. It is incumbent on state government to support public and private sector efforts to promote widespread adoption of telework efforts.

A key success factor for the adoption of telework is the availability of affordable broadband level telecommunication services. Because of the critical role broadband plays in the deployment of advanced applications such as telework, widespread access to broadband services is critical to the economic well-being of the Commonwealth of Virginia. Access to broadband provides communities with the foundation necessary for economic growth and a sustainable quality of life. At present, too many communities both urban and rural are not afforded access to broadband telecommunications and hence deprived of their ability to participate in enhanced social, education, occupation, healthcare, and economic development opportunities. It is critical that all Virginia communities have equal and affordable access to broadband telecommunications. Also, ubiquitous broadband will enable the Commonwealth to lead the nation in the deployment of high technology services and applications.

The Office of Telework Promotion and Broadband Assistance

By virtue of the power vested in me by Article V of the Constitution of Virginia and Title 2.2 of the Code of Virginia, I hereby establish the Office of Telework Promotion and Broadband Assistance within the Office of the Secretary of Technology. The Office will consist of a director appointed by the Secretary of Technology and additional professionals as the Secretary shall determine.

The director shall have the following duties:

- Promote and encourage use of telework alternatives for public and private employees, including but not limited to, appropriate policy and legislative initiatives.
- Support the efforts of both public and private entities within the Commonwealth to enhance or facilitate the deployment of, and access to competitively priced, advanced electronic communications services (commonly known as "broadband") and Internet access services of general application throughout the Commonwealth.

GUBERNATORIAL DOCUMENTS

- Specifically work towards establishing affordable, accessible broadband services to underserved areas of the Commonwealth and monitor advancements in communication that will facilitate this goal.
- Advocate for, and facilitate the development and deployment of applications, programs and services including, but not limited to: telework, telemedicine, and e-learning that will bolster the usage of and demand for broadband level telecommunications
- Serve as a broadband information and applications clearinghouse for the Commonwealth and a coordination point for broadband related services and programs in the Commonwealth.
- Advise the Secretary on broadband adoption, deployment and application issues.
- Coordinate activities regarding telework with, and regularly report to, a board consisting of the Secretaries of Administration, Commerce and Trade, Finance, Technology and Transportation. The Secretary of Technology shall serve as chair of the board. Additional members may be designated by the Governor. Staff support to this group shall be provided by the offices of the Secretaries of Technology and Transportation.

This office shall not have the power to consolidate or otherwise have authority over advanced communications projects being conducted by public or private bodies outside of the executive branch of government. Staff support to the effort shall be provided by the offices of the participating cabinet secretaries, and the Governor shall designate additional agencies to provide staff support as necessary.

This Executive Order shall become effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 12th day of September 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SIX (06)

DEVELOPMENT AND REVIEW OF REGULATIONS PROPOSED BY STATE AGENCIES

By virtue of the authority vested in me as Governor under Article V of the Constitution of the Commonwealth of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-4013 and 2.2-4017 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish policies and procedures for review of all new, revised, and existing regulations proposed by state agencies, which shall include for purposes of this executive order all agencies, boards, commissions and other entities of the Commonwealth within the Executive Branch which issue regulations. Nothing in this Executive Order shall be construed to limit my authority under Section 2.2-4013 to require an additional 30-day final adoption period, or to exercise any other rights and prerogatives existing under Virginia law.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

General Policy

The Executive Branch agencies of the Commonwealth must consider, review, and promulgate many regulations each year. This Executive Order sets out procedures and requirements to ensure the efficiency and quality of Virginia's regulatory process.

All state employees who draft, provide policy analysis for, or review regulations shall carefully consider and apply the principles outlined below during the regulatory development and review process. All regulatory activity should be undertaken with the least possible intrusion in the lives of the citizens of the Commonwealth consistent with public health, safety, and welfare. Where applicable and to the extent permitted by law, it shall be the policy of the Commonwealth that, unless otherwise mandated by law, only regulations that are necessary to interpret the law or to protect the public health, safety, or welfare shall be promulgated.

- A. Agencies shall identify the nature and significance of the problem a regulation is intended to address, including, where applicable, the failure of private markets and institutions to adequately address the problem.
- B. Agencies shall identify and assess reasonably available alternatives in lieu of regulation for achieving the goals of a regulation, including where feasible and consistent with public health, safety, and welfare:
 1. The use of economic incentives to encourage the desired outcomes (such as user fees or marketable permits);
 2. The use of information disclosure requirements, rather than regulatory mandates, so that the public can make more informed choices; and
 3. The use of performance standards in place of mandating specific techniques or behavior.
- C. Regulatory development shall be based on the best reasonably available scientific, economic, and other information concerning the need for, and consequences of, the intended regulation. Agencies shall specifically cite the best reasonably available scientific, economic, and other information in support of regulatory proposals.
- D. Regulations shall be designed to achieve their intended objective in the most efficient, cost-effective manner.
- E. Regulations shall be clearly written and easily understandable by the individuals and entities affected.
- F. All legal requirements related to public participation and all public participation guidelines shall be strictly followed to ensure that citizens have reasonable access and opportunity to present their comments and concerns, use of the Townhall website should be specifically offered in each instance. Agencies shall establish procedures that provide for a timely written response to all comments and the inclusion of suggested changes that would improve the quality of the regulation.
- G. In addition to requirements set out in the Virginia Administrative Process Act, agencies shall post all rulemaking actions on the Virginia Regulatory Town Hall to ensure that the public is adequately informed of rulemaking activity.
- H. Agencies, as well as reviewing entities, shall endeavor to perform their tasks in the regulatory process as expeditiously as the regulatory subject matter will allow and shall adhere to the time frames set out in this Executive Order.
- I. Each agency head will be held accountable for ensuring that the policies and objectives specified in this Executive Order are put into effect. Agency heads shall ensure that information requested by the Department of Planning and Budget (DPB) or the Office of the Governor in connection with this Executive Order is provided on a timely basis. Incomplete packages may be returned to the appropriate agency by DPB after timely notice to DPB.

GUBERNATORIAL DOCUMENTS

- J. Regulations shall not be considered perpetual and will be subject to periodic evaluation and review and modification, as appropriate, in accordance with the Administrative Process Act.
- K. Public comment will be encouraged for all regulations. The Department of Planning and Budget shall work with state agencies to promote use of the Town Hall to facilitate public comment.
- L. Regulatory development shall be conducted in accordance with statutory provisions related to impact on small businesses. The Department of Planning and Budget shall work with state agencies to address these requirements during the regulatory review process, including notifications as appropriate to the Joint Commission on Administrative Rules.

Applicability

The review process in this Executive Order applies to rulemaking initiated by agencies of the Commonwealth of Virginia in accordance with Article 2 of the Administrative Process Act (APA) (Section 2.2-4006 et seq. of the Code of Virginia).

With the exception of the requirements governing the periodic review of existing regulations, the posting of meeting agenda and minutes, and the posting of guidance documents, the requirements of this Executive Order may not apply to regulations exempt from Article 2 of the APA. A Cabinet Secretary or the Governor may request in writing that an agency comply with all or part of the requirements of this Executive Order for regulations exempt from Article 2 of the APA. Copies of such requests shall be forwarded to the Governor's Policy Office and DPB. In addition, a Cabinet Secretary may request in writing that certain Article 2 exempt regulations be further exempted from all or part of the requirements of this Executive Order.

These procedures shall apply in addition to those already specified in the APA, the agencies' public participation guidelines, and the agencies' basic authorizing statutes.

Any failure to comply with the requirements set forth herein shall in no way affect the validity of a regulation, create any cause of action or provide standing for any person under Article 5 of the APA (Section 2.2-4025 et seq. of the Code of Virginia), or otherwise challenge the actions of a government entity responsible for adopting or reviewing regulations.

Regulatory Review Process

Regulations shall be subject to Executive Branch review as specified herein. For each stage of the regulatory development process, DPB shall develop an appropriate background form describing the regulatory action. Agencies shall use the form to inform the public about the substance and reasons for the rulemaking. All agency regulatory packages shall be submitted on the Virginia Regulatory Town Hall and shall include the completed form for that stage of the regulatory process and the text of the regulation where applicable.

Agencies shall submit regulatory packages to the Registrar on the Virginia Regulatory Town Hall within 14 days of being authorized to do so. The Counselor to the Governor may grant exceptions to this requirement for good cause.

A. Notice of Intended Regulatory Action (NOIRA)

DPB shall conduct an initial review of the submission of a Notice of Intended Regulatory Action to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. The NOIRA shall include the nature of the regulatory changes being considered and the relevant sections of the Virginia Administrative Code. The Director of DPB shall develop an appropriate review form for NOIRAs to ensure the most efficient use of DPB staff resources. DPB shall advise the appropriate Secretary and the Governor of DPB's determination. The agency shall be authorized to submit the NOIRA to the Registrar for publication when the Governor approves the NOIRA for publication. Public comments received following publication of the NOIRA should be encouraged and carefully considered in development of the proposed stage of a regulation.

If the Director of DPB advises the appropriate Secretary and the Governor that the NOIRA presents issues requiring further review, the NOIRA shall be forwarded to the Secretary. The Secretary shall

REPORT OF THE SECRETARY OF THE COMMONWEALTH

review the NOIRA within seven days and forward a recommendation to the Governor. The Chief of Staff is hereby authorized to approve NOIRAs on behalf of the Governor.

B. Proposed Regulation and Fast-Track Regulations

Following the initial public comment period required by Section 2.2-4007.B of the Code of Virginia and taking into account the comments received, the agency shall prepare a regulatory review package. Agencies should complete the proposed regulation after the close of the NOIRA comment period as expeditiously as the subject matter will allow.

If a regulatory package is submitted to DPB, and DPB determines that the package is not substantially complete, then DPB shall notify the agency within 10 calendar days. At that time, the agency must withdraw the package from the Town Hall and resubmit the package only after all important missing elements identified by DPB have been completed.

A proposed regulatory action shall be in as close to final form as possible, including completed review by all appropriate technical advisory committees. A proposed regulation shall not address new issues that were not disclosed to the public when the NOIRA was published. If an agency can demonstrate a compelling reason to include new issues, an exception to this policy may be granted by the Chief of Staff during the proposed regulation review process.

In addition to the information required on the regulation background form, the agency shall also include in the regulatory package a memorandum from the Office of the Attorney General certifying that the agency has legal authority to promulgate the regulation being proposed.

The Attorney General's Office will also be requested to provide any appropriate comments for consideration by the Governor with respect to the proposed regulation. It is my intent that this process for feedback be managed in a manner similar to the process that has traditionally been used for soliciting the Attorney General's advice and recommendations on enrolled legislation.

DPB shall review the proposed regulation package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. Within 45 days of receiving a complete proposed regulation package from the agency, the Director of DPB shall advise the Secretary of DPB's determination. The Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor. The Chief of Staff is hereby authorized to approve proposed regulations on behalf of the Governor. Within 14 days of receiving notification that the Governor has approved the proposed regulation package, the agency shall submit the proposed regulation package to the Registrar for publication, unless an exception to this requirement is granted for good cause by the Counselor to the Governor.

With respect to fast-track regulations, the Department of Planning and Budget shall review the fast-track regulation to determine whether the regulatory change is appropriately within the intended scope of fast-track regulatory authority. Agencies shall report to DPB and the Governor's Policy Office all comments and or objections received with respect to a fast-track rulemaking.

If the Governor does not approve the regulatory package, the appropriate agency or board shall revisit the regulation as appropriate.

C. Final Regulation

After the agency has reviewed the comments received during the public comment period following publication of the proposed regulation and has revised the proposed regulation, as the agency deems necessary and proper, the agency shall prepare the final regulation package for submission to the Department of Planning and Budget.

The agency shall submit the final regulation to DPB after the close of the proposed regulation comment period as expeditiously as the subject matter will allow. The Attorney General's Office will also be requested to provide any appropriate comments for consideration by the Governor with respect to the final regulation. It is my intent that this process for feedback be managed in a manner similar to the process that has traditionally been used for soliciting the Attorney General's advice and recommendations on enrolled legislation.

GUBERNATORIAL DOCUMENTS

DPB shall review the final regulation package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the regulatory action comports with the policy of the Commonwealth as set forth herein. In particular, DPB shall assess the effect of any substantive changes made since the publication of the proposed regulation and the responsiveness of the agency to public comment. Within 14 days of receiving a complete final regulation package from the agency, the Director of DPB shall advise the Secretary and the Governor of DPB's determination.

After DPB's review, the final regulation shall be forwarded to the appropriate Secretary and the Governor. The Secretary shall make a recommendation to the Governor within seven days. The agency shall be authorized to submit the final regulation to the Registrar for publication if and when the Governor approves the final regulatory package for publication.

If the Governor does not approve the regulatory package, the appropriate agency or board shall revisit the regulation as appropriate.

D. Emergency Regulation

In addition to the information required on the background form, the agency shall also include in the regulatory package for any emergency regulation a memorandum from the Office of the Attorney General certifying that the agency has legal authority to promulgate the emergency regulation.

DPB shall review the emergency regulation package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. Within 14 days of receiving a complete emergency regulation package from the agency, the Director of DPB shall advise the Secretary of DPB's determination. The Secretary shall review the emergency regulation package within 14 days and forward a recommendation to the Governor. Upon receiving notification that the Governor has approved the emergency regulation package, the agency may then submit the emergency regulation package to the Registrar for publication.

If the Governor does not approve the regulatory package, the appropriate agency or board shall revisit the regulation as appropriate.

Periodic Review of Existing Regulations

Each existing regulation in the state shall be reviewed at least once every four years by the promulgating agency unless specifically exempted from periodic review by the Governor. The review shall ensure that each regulation complies with the principles set out in this Executive Order. In addition, each periodic review shall include an examination by the Office of the Attorney General to ensure statutory authority for the regulation and that the regulation does not exceed the authority to regulate granted in the enabling legislation. The periodic review of a regulation shall be reported on a form established by DPB. Such form shall minimally provide an opportunity for the agency to demonstrate the regulation's compliance with the policies set out in this Executive Order.

Agencies shall cooperate with reviews of regulations by the Office of the Attorney General, including but not limited to, reasonable requests for data and other supporting information as may be necessary to conduct the review.

Prior to the commencement date of the periodic review for a regulation, an agency shall post on the Town Hall a notice of the periodic review. The agency shall provide for a minimum of 21 days of public comment commencing on the posted date for the review. No later than 90 days after the close of the public comment period, the agency shall post a completed periodic review report on the Virginia Regulatory Town Hall.

When a regulation has undergone a comprehensive review as part of a regulatory action and when the agency has solicited public comment on the regulation, a periodic review shall not be required until four years after the effective date of this regulatory action.

The Governor may request a periodic review of a regulation at any time deemed appropriate. Such a request may outline specific areas to be addressed in the review. In the case of such a request, the agency shall follow the procedures for periodic review as established herein or such other procedures as may be stipulated by the Governor.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Petitions for Rulemaking

Agencies shall post petitions for rulemaking and written decisions to grant or deny the petitioner's request on the Virginia Regulatory Town Hall in accordance with the time frames established in **Section 2.2-4007 of the Code of Virginia**.

Waivers from Process Deadlines

Agencies shall file all regulatory actions in a timely manner. Agencies shall file all actions in as timely a manner as possible, and in all instances within 90 days of approval by the Governor unless a waiver of this requirement is granted. The Chief of Staff may waive the deadlines an agency must meet when submitting NOIRAs, proposed, and final regulatory packages. A waiver shall only be granted when an agency has demonstrated a compelling need for extending the deadlines set out herein. An agency shall submit a waiver request as soon as possible prior to the expiration of a deadline. Such requests shall be submitted on forms prepared by DPB.

Electronic Availability of Meeting Agenda and Minutes

Executive Branch agencies that promulgate regulations and keep minutes of regulatory meetings shall post such minutes of their public meetings on the Virginia Regulatory Town Hall in accordance with the time frames established in Section 2.2-3707.1 of the Code of Virginia. In addition, wherever feasible, agencies shall post the agenda for a public meeting on the Virginia Regulatory Town Hall at least seven days prior to the date of the meeting.

Electronic Availability of Guidance Documents

To the extent feasible, agencies shall make all guidance documents, as defined by Section 2.2-4001 of the Code of Virginia, available to the public on the Virginia Regulatory Town Hall. Any guidance document currently available in electronic format shall be posted on the Virginia Regulatory Town Hall. Any changes to a guidance document shall be reflected on the Virginia Regulatory Town Hall within 10 days of the change. The Counselor to the Governor may waive these requirements or extend these deadlines in cases where agencies have demonstrated a compelling need. An agency shall submit a waiver request as soon as possible prior to the expiration of the deadline. Such requests shall be submitted on forms prepared by DPB.

This Executive Order rescinds Executive Order Number Twenty-One (2002) issued by Governor Mark R. Warner. This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2010, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 20th day of September 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER THIRTY-SEVEN (06)

CREATING THE TRANSPORTATION ACCOUNTABILITY COMMISSION

Virginians face a transportation crisis. Too many of our citizens spend too much of their time gridlocked in traffic, at the cost of time with their families and time at work. Our aging transportation infrastructure is increasingly expensive to maintain. Current development patterns increase demand for additional highways and roads and are not fiscally sustainable over the long-term. Public transportation options are not as widely available as needed for Virginia's seniors, the disabled, and those who seek convenient alternatives to sitting in traffic. Throughout Virginia, our people are eager for improvements in transportation to increase mobility and safety. Such improvements require that transportation decisions be better linked with local land use planning. Collaboration between the state and local government in transportation planning needs to be a high priority.

Significant additional public and private investments are needed in the upgrading of Virginia's transportation system. Prudence and accountability demand that these funds be used in the most efficient and effective manner possible. Great strides have been made during the past four and a half years in increasing the percentage of on-time and on-budget transportation projects. Tremendous progress has also been made in making transportation projects more transparent, through VDOT's Dashboard Program and other means. The establishment of an Intermodal Office is improving multi-modal planning and coordination.

However, more remains to be done to ensure that Virginia has a transportation system that delivers the maximum value for the money paid by taxpayers, implements rigorous management standards, adheres to appropriate free market principles and promotes wise investments. We must ensure that all transportation dollars are spent wisely and that our transportation agencies are held accountable for their performance.

Accordingly I am calling together leaders from the Commonwealth to address this critical challenge.

Creation of the Commission

By the power vested in me by Article V of the Constitution of Virginia, and Section 2.2 of the Code of Virginia, and mindful of the critical importance of this issue, I hereby create the Transportation Accountability Commission (the Commission) and direct it to begin work immediately. The Commission will be composed of 15 members, including local government leaders, legislators, business leaders, and community leaders. Additional members may be appointed at the Governor's discretion. In addition, the Secretaries of Transportation, Finance, and Natural Resources will serve as ex officio members of the Commission. The Governor shall designate a chair and vice chair of the Commission.

The Commission will have the following responsibilities:

1. Reviewing Virginia's existing methods of promoting accountability and performance in transportation.
2. Identifying and recommending national best practices in accountability and performance for transportation.
3. Recommending quantifiable outcome measures for the major elements of the state's transportation program, including measures that incorporate effective land-use and transportation coordination.
4. Recommending performance standards for state transportation executives and agencies.

In recommending outcome measures, the Commission will consider whether there are quantifiable ways to measure a transportation project's positive or negative community impacts.

I direct the Commission to make an interim report to the Governor and General Assembly by May 30, 2007, and a final report by October 1, 2007. Staff support for the Commission will be provided by the Office of the Secretary of Transportation, the Office of the Governor, the Virginia Department of Transportation, the Virginia Department of Rail and Public Transportation, the Department of

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Planning and Budget, and other agencies as may be designated by the Governor. All executive branch agencies shall cooperate fully with the Commission and provide any assistance necessary, upon request of the Commission or its staff.

This commission shall be considered a gubernatorial advisory commission. Direct costs for the commission shall not exceed \$10,000, exclusive of staff time.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until October 1, 2007, unless amended or rescinded by further executive order. It is my intent to renew this commission, as provided for by law, at this time next year.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of October, 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER THIRTY-EIGHT (06)

CREATING THE COMMISSION ON SEXUAL VIOLENCE

The General Assembly and this administration took giant steps to develop important legislative and budgetary initiatives to manage sexually violent predators. While these efforts may prevent future crimes, the same level of energy and attention needs to be focused on the treatment of current victims of sexual violence and the prevention of future acts.

Sexually violent predators represent only a small minority of offenders and, given the physical and emotional trauma experienced by victims of sexual violence, research indicates that the vast majority of sexually violent acts are never reported.

Additional investigation of initiatives to support sexual violence prevention activities and comprehensive services to crime victims is essential and complementary to the recent efforts to manage perpetrators. This would further ensure the safety and health of citizens of the Commonwealth.

Accordingly, in this order I establish a Governor's Commission on Sexual Violence.

Establishment of the Commission

While many localities have taken voluntary steps to address sexual violence within their communities, additional tools and resources are needed. Accordingly, based on the consultation with and the best professional advice from the Secretaries of Health and Human Resources and Public Safety, I am hereby formally establishing the Governor's Commission on Sexual Violence, to improve the treatment of crime victims with emphasis on the Commonwealth's efforts to prevent and respond to sexual violence.

This Commission, through its work, will promote: appropriate and uniform criminal justice responses to sexual violence, comprehensive services to victims and effective prevention initiatives.

GUBERNATORIAL DOCUMENTS

Composition of the Commission

The Governor's Commission on Sexual Violence shall be co-chaired by the Secretaries of Health and Human Resources and Public Safety. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Commission shall consist of 38 members appointed by the Governor and serving at his pleasure. Appointees shall include representatives of state agencies, the General Assembly, domestic violence advocates, law enforcement, and health professionals. Additional members may be appointed at the Governor's discretion.

Staff support for the commission will be provided by the Secretaries of Health and Human Resources and Public Safety.

Duties of the Commission

The Commission's responsibilities shall include the following.

1. Review the recommendations set forth in Senate Document 18 (2005) and in the Sexual Violence State Plan as well as other relevant reports and studies.
2. Seek input and comment through regional public hearings to gather information.
3. Design strategies for implementing recommendations from these sources, including prioritization, approach, timeline, and designation of duties to accomplish the Commission's stated purposes of preventing and responding to sexual violence.
4. Design strategies to institutionalize recommendations into practice across Virginia.
5. Make any other recommendations as may be appropriate.

The Commission shall make an interim report of its activities by September 30, 2007. At that time, I will consider the need to review the commission for an additional year.

This Executive Order shall be effective October 10, 2006, and shall remain in full force and effect until October 10, 2007 unless amended or rescinded by a further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 10th day of October 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-NINE (06)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SIGNIFICANT FLOODING AND WIND DAMAGE CAUSED BY SEVERE WEATHER ON OCTOBER 6, THROUGH OCTOBER 8, 2006

On October 9, 2006, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on severe weather and flooding that caused damaging high winds, flash flooding in the central and southeastern portions of the state.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm and flooding constitute a natural disaster wherein human life and public and private property were imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued October 9, 2006, wherein I proclaim that a state of emergency exists and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant flooding, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

- A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.
- B. Augmentation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.
- C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to §44-146.18 of the Code of Virginia.
- D. The evacuation of areas threatened or stricken by flooding or other effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia

GUBERNATORIAL DOCUMENTS

Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

- E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the Code of Virginia.
- F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential emergency relief supplies or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle - 24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers) - 44,000 Pounds
Single Unit (2 Axles) - 44,000 Pounds
Single Unit (3 Axles) - 54,500 Pounds
Tractor-Semitrailer (4 Axles) - 64,500 Pounds
Tractor-Semitrailer (5 or more Axles) - 90,000 Pounds
Tractor-Twin Trailers (5 or more Axles) - 90,000 Pounds
Other Combinations (5 or more Axles) - 90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface - 850 Pounds

All overwidth loads, up to a maximum of 14 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to §52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by §52-8.4.A of the Code of Virginia, and implemented in §19 VAC 30-20-40.B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

- G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

- H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.
- I. The authorization of a maximum of \$100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.
- J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in §44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.
- K. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.24 of the Code of Virginia, other than the costs defined elsewhere, in performing these missions shall be paid out of the sum sufficient. In addition, up to \$150,000 shall be made available to VDEM for Response and Recovery Operations with the Department of Planning and Budget overseeing the release of these funds.
- L. The Marine Resources Commissioner is authorized to act on behalf of the Commission in issuing permits pursuant to Chapter 12 of Title 28.2 of the Code of Virginia when, in the judgment of the Commissioner, it is necessary to address immediate health and safety needs and the Commissioner would be unable to convene a meeting of the full Commission in a timely manner. In an effort to address the impacts attributable to this Storm damage on the health, safety and general welfare of the citizens of the Commonwealth, and in an attempt to expedite the return of impacted areas and structures to pre-event conditions insofar as is possible, no permits for encroachments over State-owned submerged lands shall be required to replace previously permitted structures that conform with the following criteria:
 - 1. The pre-existing structure must have been previously authorized and in a serviceable condition prior to the onset of the Storm.
 - 2. The replacement structure must be reconstructed in the same location and in identical or smaller dimensions as the previously permitted structure.
 - 3. Reconstruction activities must be initiated prior to January 31, 2007 and completed prior to July 31, 2008.
 - 4. Any property owner(s) seeking to replace a previously permitted structure pursuant to this Executive Order must submit to the Virginia Marine Resources Commission a letter attesting to the foregoing and containing suitable drawings of the proposed replacement structure(s) for comparison purposes.
 - 5. No person may proceed with replacement of a previously permitted structure under the provisions of this Executive Order without written approval from the Commissioner of the Virginia Marine Resources Commission.
- M. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster

GUBERNATORIAL DOCUMENTS

related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.
2. Pursuant to §52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by §52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.
3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by §44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.
4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:
 - (a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,
 - (b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.
5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

The following conditions apply to service by the Virginia Defense Force:

REPORT OF THE SECRETARY OF THE COMMONWEALTH

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and
4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid from state funds.

This Executive Order shall be effective October 9, 2006, and shall remain in full force and effect until June 30, 2007 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 13th Day of October, 2006.



Attest:



Secretary of the Commonwealth

Governor



EXECUTIVE ORDER NUMBER FORTY (06)

CONTINUING THE P-16 EDUCATION COUNCIL

As the Commonwealth moves forward on a wide range of education reform initiatives from preschool to graduate school, it is more important than ever to coordinate the various reform efforts underway across the continuum of education. Students increasingly are moving from one educational system to the other, and the need for improved transitions between systems is greater than ever. Education is a shared responsibility of several citizen boards in the Commonwealth, and opportunities exist to collaborate on common problems in moving forward on education reform.

Virginia's reform efforts have been nationally recognized, including through the receipt of a National Governors Association Honor States Grant, funded by the Gates Foundation. As part of the efforts for implementing this grant, the Commonwealth will formalize its already strong efforts at coordinating

GUBERNATORIAL DOCUMENTS

education reform across the entire spectrum of education through a P-16 Council, to address education reform from preschool to graduate school.

The Council is created in full recognition of the Commonwealth's commitment to creating a seamless transition and ensuring effective articulation from preschool to graduate school, enabling students to meet high standards, preparing faculties to teach to high standards, and continuing to improve student achievement.

The Council

The Secretary of Education will chair the Council. It will consist of 22 members, appointed by the Governor and serving at his pleasure. The Council will consist of two members of the House of Delegates, two members of the Senate of Virginia, the Secretary of Education, the Superintendent of Public Instruction, the Director of the State Council of Higher Education, the Chancellor of the Virginia Community College System, the President of the Board of Education, the Chairman of the Virginia Community College Board, the Chairman of the State Council of Higher Education, a representative of private colleges, a preschool education representative, and 9 citizen members. The citizen members will include educators, and business and community leaders. The Governor may appoint additional persons to the Council at his discretion.

The Council's responsibilities shall include the following.

1. Identify opportunities to better coordinate the state's education reform efforts from preschool to graduate school.
2. Work closely with the Start Strong Council and other appropriate entities and organizations to ensure that pre-K and early childhood initiatives are coordinated with other education initiatives.
3. Identify opportunities to improve longitudinal data gathering on student achievement.
4. Serve as a steering committee for oversight of the state's education reform activities as part of the NGA Honor States Grant.
5. Develop approaches to improve transitions among levels of education, promote student success, and encourage students to continue their education.
6. Make recommendations on appropriate legislation and other initiatives to improve educational coordination and achievement.
7. Make any other recommendations as may seem appropriate.

The Council shall make a report of its activities and recommendations by August 15, 2007. The Council shall meet at the call of the chairman.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its existence shall be furnished by the Office of the Governor, the Virginia Department of Education, the Virginia Community College System, the State Council of Higher Education for Virginia, the Department of Social Services, and such other agencies and offices as designated by the Governor. An estimated 3,000 hours of staff time will be required to support the Commission's work.

Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Commission, as authorized by Section 2.2-135 of the Code of Virginia. Estimated direct costs for this Commission are \$15,000.

Commission members shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

This Executive Order shall be effective upon signing, and shall remain in full force and effect until July 1, 2008, unless sooner amended or rescinded by further executive order. It is my intention to introduce legislation to codify the council in the 2008 General Assembly Session.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Given under my hand and under the Seal of the Commonwealth of Virginia, this 13th day of October 2006.



Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-ONE (06)

BANNING SMOKING IN STATE OFFICES AND VEHICLES

Earlier this year, a United States Surgeon's General Report recommended elimination of smoking from indoor spaces to fully protect nonsmokers from exposure to secondhand smoke. As a major employer in Virginia, I am committed to taking steps to improve the health of employees and minimizing health risks in the workplace. Smoking and exposure to secondhand smoke has a demonstrable, negative effect on the health of employees and customers of state government. Wise use of taxpayer dollars, promotion of employee health, and protection of citizens doing business with state government suggests the need to limit smoking in state buildings. Moreover, protecting employee health and preserving the value of state assets suggests the need to limit smoking in state vehicles.

Banning Smoking in State Offices and State Buildings

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the *Code of Virginia*, I hereby ban smoking in offices occupied by executive branch agencies and institutions, including institutions of higher education. I further direct that smoking shall be banned in any other building operated by executive branch agencies and institutions, including institutions of higher education, with the following exceptions:

- Smoking in correctional facilities shall be in accordance with guidelines set by the Director of the Department of Corrections; and
- Smoking in state mental health and mental retardation facilities and in mental health units at state teaching hospitals shall be in accordance with guidelines set by the Commissioner of Mental Health, Mental Retardation, and Substance Abuse Services.

Agency heads and heads of state institutions, including institutions of higher education may set appropriate guidelines for smoking outside on state-owned property, including appropriate signage. Such guidelines will be in accordance with guidance to be issued by the Secretary of Administration, in consultation with the Commissioner of Health.

Smoking Cessation and the State Employee Health Benefits Program

I hereby direct the Secretary of Administration to take necessary steps to publicize available state employee benefits for smoking cessation and to encourage employees to avail themselves of these benefits. I also direct the Secretary to develop, by November 15, 2006, options for pricing the State Employee Health Insurance Program based on smoking and nonsmoking rates, in a manner similar to the approach used by most life insurers, as well as options for waiving co-payments and deductibles for smoking cessation related services.

GUBERNATORIAL DOCUMENTS

Banning Smoking in State Vehicles

By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the *Code of Virginia*, I hereby ban smoking in state-owned vehicles. Smoking in state police vehicles shall be in accordance with policy set by the Superintendent of State Police.

This Executive Order shall become effective January 1, 2007. This order shall remain in full force and effect unless amended or rescinded by further executive order. The Secretary of Administration shall be responsible for implementation of the order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of October 2006.



Governor 

Attest:




Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-TWO (06)

ESTABLISHING PREPAREDNESS INITIATIVES IN STATE GOVERNMENT

The Commonwealth of Virginia must be prepared for both man-made and natural disasters. State government is obligated to stand at the forefront of a response to any disaster or emergency by taking appropriate steps to protect the lives of the Commonwealth's citizens and to provide for their well being.

In order to further this mission, it is vitally important that preparedness be considered an essential common good that each executive branch agency diligently maintains. The development and coordination of preparedness initiatives within state government will better equip us with the tools needed to prevent, respond, and recover from a disaster. I, therefore, direct that the following steps to accomplish this end be implemented.

Preparedness as Agency Mission

With the obligation to protect the citizens of the Commonwealth as my primary duty, and by the virtue of authority vested in me by Article 5, Sections 1 and 7 of the Constitution of Virginia and by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, I hereby direct all executive branch agencies, including institutions of higher education, to include emergency preparedness planning, training and promotion as a core component of their mission. This order affirms each agency's responsibility, under the guidance of their Emergency Coordination Officer, to actively plan, train, and act in the interest of the protection of the citizens of the Commonwealth and its infrastructure.

Preparedness Planning

Furthermore, each executive branch agency shall include emergency preparedness in its strategic planning and performance management process, pursuant to guidelines promulgated by the Assistant to the Governor for Commonwealth Preparedness, in collaboration with the Governor's Cabinet, Commonwealth Preparedness Working Group, the Department of Planning and Budget, and the Council on Virginia's Future.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Annual Preparedness Assessment

Also, I hereby assign the Office of Commonwealth Preparedness, the authority to create, disseminate, and devise an annual preparedness assessment to gauge the level of preparedness of executive branch agencies, including institutions of higher education. The purpose of conducting such assessment shall be to identify deficiencies and to devise solutions to address those areas of needed improvement.

All executive branch agencies, through their Emergency Coordination Officer, shall complete the annual preparedness assessment and respond as directed by the Assistant to the Governor for Commonwealth Preparedness.

Governor's Certification Program

Furthermore, I authorize the Office of Commonwealth Preparedness to create the criteria for a Governor's Preparedness Certification Program to recognize those agencies that represent exemplary preparedness initiatives among state government.

Emergency Plans and Procedures and Training

I direct the Office of Commonwealth Preparedness to certify that each agency, through their Emergency Coordination Officer, has annually updated its emergency plans and procedures in all appropriate respects. Furthermore, under the leadership of the Office of Commonwealth Preparedness, in collaboration with the Virginia Department of Emergency Management and the Department of Human Resources Management, each agency will certify annually that appropriate employees have completed the National Incident Management System, Incident Command System, or other appropriate training.

Uniformity, Review, and Testing of Continuity of Operations Plans

Continuity of Operation Planning is critical to the Commonwealth's ability to deliver valuable services to its citizens during and immediately after a disaster. Therefore, to provide for consistent and uniform planning, I hereby direct that each executive branch agency including institutions of higher education with guidance from their Emergency Coordination Officer:

1. Create or update Continuity of Operation Plans to conform to the template produced by the Virginia Department of Emergency Management, and
2. Utilize the resources available from the Virginia Department of Emergency Management for creating or updating Continuity of Operations Plans.

The process of creating or updating Continuity of Operations Plans shall be completed by April 1 of each year, with an electronic copy sent to the Virginia Department of Emergency Management. I authorize the Office of Commonwealth Preparedness, in consultation with the Virginia Department of Emergency Management to devise a process for review of all executive branch agencies' Continuity of Operations Plans by the first week of December each year.

Furthermore, I direct the Office of Commonwealth Preparedness to develop an annual Continuity of Operations Plan testing, training and review schedule for all executive branch agencies.

A report on the status of the Commonwealth's executive branch agency's Continuity of Operations Plans, directed by the Office of Commonwealth Preparedness in collaboration with the Virginia Department of Emergency Management, will be due to me annually, with the first report due October 1, 2007.

This Executive Order works in conjunction with Executive Order 65 (2004), which assigns each designated state department or agency to appoint a lead and one alternate Emergency Coordination Officer for the agency. Included in their responsibilities is the coordination on emergency preparedness, response, and recovery issues. Please reference Executive Order 65 (2004) for more information on the Emergency Coordination Officer duties.

GUBERNATORIAL DOCUMENTS

This Executive Order shall be effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order. Given under my hand and the Seal of the Commonwealth of Virginia this 28th day of November, 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-THREE (06)

STRENGTHENING TRANSPARENCY AND ACCOUNTABILITY IN HEALTH CARE

The health care system in Virginia has many strengths, including world class health care institutions and remarkably dedicated health care providers. However, improvements can and must be made to promote increased quality, accountability, and transparency in health care. Better and more open information about the quality and price of health services can facilitate achieving these goals while avoiding duplication of effort and unnecessary administrative burdens.

Health care purchasers, insurers/benefits administrators, providers, and consumers alike need good information to make appropriate health care decisions. Today, that information base is expanding rapidly, and Virginia has been a leader in use of health care information technology. By expanding on that base of available information, we can improve the value and effectiveness of health care.

Health information technology is enlarging our capacity to gather, analyze, and share crucial health information. I previously created a commission to strengthen health information technology in Virginia and to allocate funding provided by this year's General Assembly for innovation in health care. We are developing a broadly-available capacity for purchasers, insurers/benefits administrators, providers, and consumers to utilize information regarding the quality and cost of health care services to enable a more value-driven system of health care.

The Commonwealth's Commitment to Health Care Accountability and Transparency

Purchasers, including state government, are key to improving the transparency and accountability of health care. The state is a major purchaser of health care, through its Medicaid Program, child health insurance program (FAMIS), and State Employee Health Benefits Program. By adopting and facilitating common approaches based on consensus standards, the Commonwealth can help accelerate the availability of sound and useful information. In doing so, we can help consumers and other stakeholders in our health care system make value-driven health care choices. We can also partner with ongoing government and private sector efforts in this regard.

I hereby set forth and commit the Commonwealth to the following goals and actions:

- **Health Information Technology** –The Commonwealth will work with health insurance providers or third party administrators to encourage these companies to use health information technology systems and programs that meet interoperability standards recognized by the Secretary of Health and Human Services as existing at the time the systems are updated or implemented. In exchanging information, patient privacy will be protected as required by law. We will build on the work of the Health Care Information Technology Council to leverage the potential of information technology to improve health care delivery.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

- **Transparency of Quality Measurements** – In order to support assessment of the quality of care delivered by health care providers, the Commonwealth will encourage health insurance providers or third party administrators with which it contracts to implement programs measuring the quality of services supplied to their enrollees. The Commonwealth will play an active role in bringing stakeholders, including representatives of patients, physicians, hospitals, long-term care providers, pharmacists, payers, and other appropriate stakeholders together to appropriate metrics for use in Virginia. Quality measurements will be developed in collaboration with similar initiatives in the private and public sectors.
- **Transparency of Pricing Information** – In order to support consumer knowledge concerning the cost of care, the State Employee Health Benefits Program will work with its third party administrator(s) to make available to enrollees in state-sponsored health insurance plans the prices paid to providers for health care procedures, drugs, supplies and devices. The Commonwealth will also participate with multi-stakeholder groups in developing information about the overall cost of services for common episodes of care and the treatment of common chronic diseases. Pricing information will be developed thoughtfully, using appropriate stakeholder engagement and consumer research.
- **Promoting Quality and Efficiency of Care** – The Commonwealth will examine appropriate opportunities to promote pay for performance in health care financing, consistent with its goals of maintaining access, a broad provider network, and quality health services. These efforts will especially focus on chronic disease management. We will also work with our federal and private sector partners to identify opportunities to improve the quality and safety of care across the board, with a particular focus on management of chronic diseases.

These efforts shall be coordinated by the Secretary of Health and Human Resources, in cooperation with the Secretaries of Administration and Technology, and in consultation with my Commission on Health Reform.

This Executive Order shall be effective immediately upon signing, and shall remain in full force and effect unless amended or rescinded by a further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of December 2006.



Governor



Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-FOUR(06)

WRITS