Gubernatorial Documents

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER ONE (2014)

EQUAL OPPORTUNITY

Importance of the Initiative

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. The foundational tenet of this Executive Order is premised upon a steadfast commitment to foster a culture of inclusion, diversity, and mutual respect for all Virginians.

This policy specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, gender identity, 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 and update annually state procurement, employment, and other relevant policies to ensure 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 No. 6 (2010), Equal Opportunity, issued by Governor Robert F. McDonnell on February 5, 2010.

Effective Date of the Executive Order

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 11th day of January 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWO (2014)

PERSONNEL DIRECTIVE PROHIBITING THE RECEIPT OF CERTAIN GIFTS; ESTABLISHMENT OF EXECUTIVE BRANCH ETHICS COMMISSION

Part I – Importance of the Initiative

Every citizen of the Commonwealth is entitled to have complete confidence and the highest degree of trust in Virginia's government. It is the intent of this Executive Order (the "Order") to ensure that Virginians are governed and represented with integrity. This Order is initiated to establish an ethical framework for state Executive Branch officers and employees with regard to gifts that will enhance the public's trust in the actions of such officers and employees by addressing the receipt of gifts that may result in, or create an appearance of, impropriety.

Therefore, by virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth of Virginia, including but not limited to, Chapters 1, 12, and 29 of Title 2.2 of the *Code of Virginia*, and as the Governor and Chief Personnel Officer of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish (i) the following personnel policy, banning the solicitation and receipt of certain gifts by officers and employees of the state Executive Branch of the Commonwealth and (ii) an Executive Branch Ethics Commission to perform such duties and responsibilities as are specified below. An officer's or employee's ethical duties and responsibilities under this Executive Order are in addition to those prescribed by law, primarily the State and Local Government Conflict of Interests Act, § 2.2-3100 *et seq.*, and the Virginia Public Procurement Act, § 2.2-4300 *et seq.*, of the *Code of Virginia*.

Part II – Definitions

As used in this Executive Order, unless the context clearly requires otherwise:
"Advisory agency" means any board, commission, committee or post of the state Executive Branch that does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;

4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A gratuity, favor, special privilege or exception;
7. The provision of services;
8. Lodging;

9. A meal, or other food or beverage, or both;
10. Entertainment, including a ticket to an event, or hospitality;
11. The provision of travel or the payment or reimbursement of travel expenses;
12. A right in action;
13. A tangible good, chattel, or an interest in a tangible good, or chattel;
14. A loan or forgiveness of indebtedness;
15. A work of art, antique, or collectible;
16. An automobile or other means of personal transportation;
17. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
18. An honorarium or compensation for services;
19. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an officer or employee, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
20. A promise or offer of employment; or
21. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 *et seq.*) of Title 24.2.

"Dependent" means a son, daughter, father, mother, brother, sister or other individual, whether or not related by blood or marriage, if such individual receives from the officer or employee, or provides to the officer or employee, more than one-half of his or her financial support.

"Employee" means, unless otherwise limited by the context of its use, all individuals who are not officers of a component part of the state Executive Branch but are employed by a component part of the state Executive Branch on an at will basis or serve at the pleasure of the Governor, and all individuals who are employed by the component parts of the state Executive Branch and who are covered by the Virginia Personnel Act, Va. Code § 2.2-2900 *et seq.*

"Fair market" value means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value to the extent that a consideration of equal or greater value is not received by the donor.

"Gift" does not mean:

1. Printed informational or promotional material;

2. A gift that is not used and, no later than sixty (60) days after receipt, is returned to the donor or delivered to a charitable organization or to a state governmental or advisory agency and is not claimed as a charitable contribution for federal income tax purposes;

3. A gift, devise, or inheritance from an officer's or employee's spouse, child, nephew, niece, aunt, uncle, first cousin, or the officer's or employee's or his or her spouse's parent, grandparent, grandchild, brother, sister, the spouse of any individual covered by this subdivision, or an individual to whom the officer or employee is engaged to be married; provided the donor is not acting as the agent or intermediary for someone other than an individual covered by this subdivision;

4. Anything of value provided by an individual on the basis of a personal friendship unless the officer or employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the officer or employee and not because of the personal friendship. In determining

whether a gift is provided on the basis of personal friendship, the circumstances under which the gift was given shall be considered, including: (1) the history of the relationship of the individual receiving the gift with the individual giving the gift, including any previous exchange between them; (2) whether the individual receiving the gift knew that the individual giving the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (3) whether the individual receiving the gift knew that the individual giving the gift also gave the same or similar gifts to other officers or employees;

5. Anything of value provided to an officer or employee, or an immediate family member of an officer or employee, by an individual on the basis of a private business relationship between them that is unrelated to the official duties and responsibilities of the officer or employee, unless the officer or employee has reason to believe that, under the circumstances, the thing of value was provided by the individual to the officer or employee or the immediate family member because of the official position of the officer or employee and not because of the private business relationship;

6. Any offer of a ticket or other admission or pass unless the ticket, admission, or pass is used or unless it is a ticket, admission or pass to an event held by a team or organization that is an official team or organization of a public or private institution of higher education or elementary or secondary school located in the Commonwealth or held by another governmental or advisory agency, or by a local government or component part of a local government, or by a school board;

7. Honorary degrees;

8. Payment or reimbursement of reasonable legitimate travel and related expenses incurred by an officer or employee in order to engage in an activity that serves a legitimate public purpose;

9. Attendance by an officer or employee at a widely attended event that is attended by at least twenty (20) non-officers or employees, is open to the public or to a wide range of individuals, and where (i) such attendance serves a legitimate public purpose, or (ii) the officer or employee attends by virtue of being the spouse of an invited public official who attends without charge;

10. Attendance by an officer or employee at a political or inaugural event where the officer or employee is invited to attend by the elected official, the candidate, or their authorized representative;

11. Financial aid awarded by an educational institution or training institution or program, provided that the financial aid is awarded pursuant to the institution's or program's normal financial aid standards and procedures;

12. Something of value given to an officer or employee by a governmental or advisory agency related to the officer's or employee's service as a public officer or employee or upon his or her retirement;

13. A prize in a competition that was widely available, or an award from a charitable, religious, civic, or educational group;

14. A gift with a value of $25 or less.

"Governmental agency" means each component part of the state Executive Branch, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse, regardless of whether he or she resides in the same household as the officer or employee, (ii) any individual residing in the same household as the officer or employee, who is a dependent of the officer or employee or of whom the officer or employee is a dependent, (iii) any individual who has a child in common with the officer or employee, whether or not the officer or employee and that individual have been married or have resided together at any time, as long as there is a legally enforceable financial relationship between them, or (iv) any individual who cohabits or who, within the previous 12 months, cohabited with the officer or employee, and any children of either of them then residing in the same household as the officer or employee. With regard to the receipt of gifts, "immediate family" also shall mean an officer's or employee's child, grandchild, parent, grandparent, brother, sister, or brother's or sister's spouse or children, if such individual knew or should have known that the gift was given because of the officer's or employee's position as an officer or employee.

"Legitimate travel and related expenses" include reasonable expenses incurred by the officer or employee in order to engage in an activity that serves a legitimate public purpose, including, but not limited to, air, train, bus, and taxi fare, rental car charges, the cost of meals and lodging, and expenses related to attendance at an event that has a legitimate public purpose, including, but not limited to, costs of registration, admission, tickets, food, refreshments, instruction, and materials.
"Legitimate public purpose" means an activity that is intended to promote the interests of the Commonwealth, a political subdivision of the Commonwealth, an advisory or governmental agency of the Commonwealth, or a component part of a political subdivision of the Commonwealth, including, but not limited to, activities that promote tourism, economic development, charitable, public health, environmental, or educational goals; attendance at training and educational events and conferences designed to improve the efficiencies and effectiveness of public service, or to enhance the knowledge and skills of public officers or employees, or both, relative to their official duties; and any purpose defined as a legitimate public purpose by the Commonwealth, the Governor, the governing body of a political subdivision of the Commonwealth, an advisory or governmental agency, or the Commission established by Part V of this Order.

"Officer" means the Governor, his Cabinet, Deputy Secretaries, and any individual appointed or elected to any governmental or advisory agency who serves at the pleasure of the Governor or whose position may be affected "for cause," whether or not he or she receives compensation or other emolument of office.

"State Executive Branch" means every component part of the government of the Commonwealth of Virginia except any component part of the state Legislative or Judicial Branches, the Office of the Lieutenant Governor, the Office of the Attorney General, the State Corporation Commission, the Virginia Workers' Compensation Commission, the State Lottery Department, local governments and their component parts, and the offices of constitutional officers.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration. For food and beverages, "value" includes a proportional amount of any tip, a portion of which was for the food item or beverage.

Part III – Personnel Directive – Prohibited Conduct

No officer or employee of the state Executive Branch or an immediate family member of such officer or employee shall (i) solicit anything of value, or (ii) accept, directly or indirectly, any gift from any lobbyist or from any principal or employee or agent of a principal, as the terms "lobbyist" and "principal" are defined in § 2.2-419 of the Commonwealth's lobbying laws, § 2.2-418 *et seq.* of the *Code of Virginia*, or (iii) accept directly or indirectly, any gift valued at over $100, from any one source, singularly or in the aggregate over the course of any given calendar year. An officer or employee may receive or may be reimbursed for any legitimate travel and related expenses incurred while engaging in an activity that serves a legitimate public purpose. The receipt of anything of value with a value of $25 or less does not count toward the $100 cumulative total set forth in this paragraph.

An officer or employee or an immediate family member of such officer or employee is not prohibited from accepting an unsolicited gift that is valued at less than $100, from one source, singularly or in the aggregate over the course of any given calendar year, unless a reasonable person, having knowledge of the relevant circumstances, would conclude that the officer or employee may unduly favor the source or be influenced by the source when performing the officer's or employee's official duties.

Part IV– Department of Human Resources Management

The Department of Human Resource Management is designated and directed to work with the Executive Branch Ethics Commission established by Part V of this Executive Order to implement this Order and, specifically, is authorized and directed:

(a) In cooperation and collaboration with the Executive Branch Ethics Commission, to develop and issue appropriate personnel guidelines implementing Part III of this Order, including, but not limited to, (i) any applicable discipline for a violation of Part III of this Executive Order and (ii) the procedures available to any officer or employee alleged to have violated Part III of this Order; and

(b) To recommend to the Governor, at least annually, such revisions to this Executive Order as may appear necessary to ensure the maintenance of high ethical standards within the state Executive Branch.

Part V –Executive Branch Ethics Commission

The Executive Branch Ethics Commission (the "Commission") is hereby established and shall be comprised of three (3) members who shall be appointed by the Governor. Members of the Commission shall serve without compensation, but shall receive reimbursement for reasonable expenses incurred in the discharge of their official duties.

The Commission shall be responsible for overseeing the execution of this Order.
The Commission shall:

(a) Upon request from an officer or employee, provide a written opinion as to whether engagement in an activity, or receipt of a gift or other thing of value violates the provisions of this Executive Order, and whether payment or reimbursement for expenses related to that activity, gift, or other thing of value would constitute legitimate travel and related expenses. Any officer or employee who is informed by the Commission that engagement in the activity or receipt of the gift or other thing of value would not violate this Order, and who in good faith relies on an interpretation by the Commission issued before the activity is undertaken or the gift or other thing of value is received and upon the full disclosure to the Commission by the officer or employee of all the relevant facts, shall not be subject to discipline under Part VI of this Order.

(b) Enforce this Order as specified in paragraph (c) of Part VI of this Order.

(c) Recommend to the Governor, at least annually, such revisions to this Executive Order as may appear necessary to ensure the maintenance of high ethical standards within the state Executive Branch.

The Commission may employ a professional staff of up to two (2) individuals to assist the Commission in the exercise of its duties and responsibilities specified in this Order. The necessary staff shall be furnished by the Office of the Governor, the Virginia Department of Human Resources Management, and such other agencies and offices as are designated by the Governor. An estimated 2000 hours of staff time per year will be required to support the Commission's work
The Commission shall remain assembled for one full calendar year following the signing of this Executive Order, unless reauthorized by further Executive Order.

Part VI -- Enforcement

(a) The head of each advisory or governmental agency of the state Executive Branch (the "agency head") shall enforce this Executive Order, receive any complaint that an officer or employee of his or her agency has violated this Executive Order, investigate such a complaint, and determine the need for and impose the appropriate discipline, using the normal, then-existing personnel policies, rules, and procedures of the officer's or employee's advisory or governmental agency, including the Virginia Personnel Act, Va. Code § 2.2-2900 *et seq.*, where the officer or employee is covered by that Act. If the officer or employee is not covered by the Virginia Personnel Act, the agency head shall use whatever normal, then-existing personnel policies, rules, and procedures that the agency normally uses for officers and employees who are not covered by the Virginia Personnel Act. Disciplinary action may include any action up to and including suspension or termination.

(b) With regard to an alleged violation by a Deputy Secretary, member of a Secretary's staff, or the head of an advisory or governmental agency of the state Executive Branch within a particular Secretariat, the Secretary shall be the "agency head" for purposes of the enforcement process set forth in paragraph (a) above.

(c) With regard to an alleged violation of this Order by the Governor or a member of the Governor's Cabinet, the Commission shall receive and investigate the complaint, and shall determine whether a violation occurred. The results along with a recommendation for appropriate discipline shall be forwarded to the Governor or his designee.

(d) Each agency head who determines whether or not a violation of this Executive Order by an officer or employee in his or her agency has occurred shall, within thirty (30) days of making that

determination, report the facts on which that determination was made, and the discipline, if any, that was imposed, to the Governor's Cabinet Secretary under whose Secretariat that advisory or governmental agency falls. The Secretary shall forward such report, or a report prepared by him or her pursuant to paragraph (b) above, to the Commission within ten (10) days of receipt or completion. The Commission shall report to the Governor, on a quarterly basis, the results of all investigations of officers and employees conducted pursuant to this Executive Order.

Part VII – General

The funding to support this Executive Order shall be provided from the budget of the Office of the Governor and of such other state agencies as are designated by the Governor. The estimated direct costs for this Commission are $100,000.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in full force and effect for one full calendar year following its signing, unless amended or rescinded, or reauthorized, by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 13th day of February, 2015.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THREE (2014)

AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF STAFF

Importance of the Initiative

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.

2. To direct, as the deputy personnel officer, the administration of the state government personnel system, except as to the responsibility 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;
   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.

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 or operational differences that may arise among or between my Secretaries and other Cabinet members.

5. To administer the direction and supervision of the Governor's Office, as well as budgetary and personnel authority for the Office.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 3 (2010) issued on January 29, 2010, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of January 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOUR (2014)

DELEGATION OF GOVERNOR'S AUTHORITY TO DECLARE A STATE OF EMERGENCY, TO CALL THE VIRGINIA NATIONAL GUARD TO ACTIVE SERVICE FOR EMERGENCIES OR DISASTERS, AND TO DECLARE THE GOVERNOR UNABLE TO DISCHARGE THE POWERS AND DUTIES OF HIS OFFICE WHEN THE GOVERNOR CANNOT BE REACHED OR IS INCAPACITATED

Importance of the Initiative

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, the State Coordinator of the Virginia Department of Emergency Management, and the Secretary of Veterans Affairs and Homeland Security, 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.

I further hereby affirm and delegate to the Chief of Staff, my authority under Article V Section 16 of the Constitution and under Section 24.2-211 of the *Code of Virginia* to transmit to the President pro tempore of the Senate and the Speaker of the House of Delegates, a declaration that I am unable to discharge the powers and duties of the Governor's office. Each of these declarations is subject to the following conditions:

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters, and in the case of a declaration that I am unable to discharge the powers and duties of my office, my ability to transmit to the Clerk of the Senate and Clerk of the House of Delegates, my written declaration that no inability continues to exist and to resume the powers and duties of my office.

2. Use of this delegation is contingent upon my being 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. Use of this delegation to declare that I am unable to discharge the powers and duties of my office is specifically contingent upon my being unable to be reached or otherwise incapacitated for over 24 hours and the unavailability of any one of the Attorney General, President pro tempore of the Senate, or the Speaker of the House of Delegates.

4. 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.

5. If the authority granted under this order is used, the Lieutenant Governor and I shall be informed of such use as soon as practicable.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 4 (2010) issued on January 29, 2010, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of January 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIVE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA IN SUPPORT OF WEST VIRGINIA

Importance of the Issue

On January 10, 2014, my predecessor, Governor Robert F. McDonnell, verbally declared a State of Emergency to exist for the Commonwealth of Virginia to support relief efforts to the state of West Virginia. Due to a chemical spill, water supplied to customers of West Virginia American Water Company cannot be used or consumed, and a State of Emergency has been declared in West Virginia. Relief efforts are necessary to facilitate trucks transporting water to these West Virginia Residents. I therefore direct that appropriate assistance be rendered by agencies of state government to respond to the needs of the state of West Virginia and the potential public safety issues in the Commonwealth presented by oversize water transport vehicles on the Commonwealth's highways.

The health and general welfare of the citizens of Virginia and West Virginia require that state action be taken to help alleviate the conditions caused by this situation. 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 subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal order issued on January 10, 2014, whereby a State of Emergency was found to exist and appropriate assistance was directed to be rendered by agencies of state government to alleviate any impediments to the transport of relief supplies.

In order to marshal public resources to meet this threat, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following measures:

A. 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 (water) or providing restoration of water utilities 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.

Such exemptions shall not be valid on posted structures for restricted weight. All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles in 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.

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 until February 10, 2014, 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.

B. Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting critical supplies (water) 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, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3. In no event shall the relief from hours of service last more than 30 days, unless a new declaration is issued. Motor carriers that have a Federal Out of Service Order in effect cannot take advantage of the relief from regulations that this declaration provides under 49 CFR 390.23.

C. The discontinuance of provisions authorized in paragraphs A and B 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.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to January 11, 2014, and shall remain in full force and effect until February 10, 2014, or whenever the emergency no longer exists, which ever time is shorter, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 17th day of January, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIX (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA IN SUPPORT OF EMERGENCY RELIEF SUPPLIES DUE TO SEVERE WINTER WEATHER

Importance of the Issue

On January 30, 2014, I verbally declared a State of Emergency to exist for the Commonwealth of Virginia due to severe winter weather and continuing cold temperatures requiring relief efforts, and the transport of emergency supplies and home heating fuel.

The health and general welfare of the citizens of Virginia requires that state action be taken to help alleviate the impacts caused by this situation. 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 subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal order issued on January 30, 2014, whereby a State of Emergency was found to exist and appropriate assistance was directed to be rendered by agencies of state government to alleviate any impediments to the transport of relief supplies.

In order to marshal public resources to meet this threat, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following measures:

A. 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 (including but not limited to deicing chemicals and roadway abrasives) and home heating fuels 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.

Such exemptions shall not be valid on posted structures for restricted weight. All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the DMV. This includes 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.

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 until March 1, 2014, 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.

B. Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting critical supplies 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, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

C. The discontinuance of provisions authorized in paragraphs A and B above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

Effective Date of this Executive Order

This Executive Order shall be effective January 30, 2014, and shall remain in full force and effect until March 1, 2014, unless sooner 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 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVEN ONE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO A MAJOR WINTER STORM EVENT

Importance of the Issue

On February 11, 2014, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting a winter storm event with potential snow accumulations of 5 to 15 inches of wet snow, with higher amounts possible across areas of Central Virginia, Northern Virginia and Western Virginia, potential ice accumulations up to a quarter-of-an-inch, and gusty winds that could create transportation issues and significant power outages beginning February 12, 2014.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this event constitute a disaster wherein human life and public and private property are 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 on February 11, 2014, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from significant storm events, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far 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 active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following protective and restoration measures:

A. Implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VERT coordinate state actions in support of affected localities, other mission assignments to agencies designated in the 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 Technologies 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 effects of the winter storm as appropriate. 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 effort, 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 VERT, 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited hours of service 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 direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

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.

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. I hereby

delegate to the Secretary of Public Safety, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $300,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, a maximum of $150,000 is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

J. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

K. 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 sitting, 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.

L. The activation of the statutory provisions in § 59.1-525 *et seq.* of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible after a natural disaster. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

M. 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 for this event 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:

   a. 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;

   b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

   c. 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*;

   d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective as of February 11, 2014, and shall remain in full force and effect until June 30, 2014 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 11th day of February, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHT (2014)

LAUNCHING "CYBER VIRGINIA" AND THE VIRGINIA CYBER SECURITY COMMISSION

Importance of the Issue

The Commonwealth of Virginia is proud of its distinguished history and exemplary record of exceptional cyber security operations in support of state agencies and operations. As is reflected in the strong presence of state, federal, military, and private cyber security businesses, assets, and activities throughout the Commonwealth, Virginia stands poised to take advantage of its unique resources. The Commonwealth is resolute in its dedication to garnering the expertise of leaders in cyber security in order to mitigate risks and safeguard the highest level of security for government infrastructure networks, foster cyber security education and awareness, incorporate innovative and best practices to protect data statewide, bolster business investment with public-private partnerships, and proactively enhance its national standing as one of the preeminent leaders in the cyber security arena.

Threats to critical systems present a growing and complex challenge. In order to guard against the risks and marshal appropriate resources to meet potential threats, it is important to incorporate optimal policies and develop enhanced standards to protect the Commonwealth's cyber security infrastructure from unforeseen incidents. While rapidly advancing technologies create substantial security risks, they also present significant opportunities for producing more efficient and protected proprietary networks, strengthening the Commonwealth's cyber security framework, and advancing vital prospects for economic development.

Virginia's cyber security businesses are at the forefront to prospectively benefit from federally appropriated funds that are among the few expected to increase in future years. Virginia's cyber security firms are seeking to export their technologies, goods and services to global markets in the public and

private sectors. Further, with military assets, related defense activities and, more generally, the critical need for secure business data, the Commonwealth must cultivate conditions to attract and retain as well as secure a competitive advantage for cyber security companies in the marketplace. Promotion of the cyber security industry will produce a synergy to ensure growth of related cyber operations businesses and facilities, sustain a wide variety of high-skilled jobs for Virginians, and strengthen a culture of excellent cyber hygiene that is critical for the Commonwealth.

Cyber security instruction, training, and programs will be requisite components to prepare those currently seeking new occupational options as well as the next generation for the rapidly developing cyber security workplace. Focusing on cutting edge education and training will be essential for Virginia's cyber security workforce and economic development as occupations in the cyber security industry are highly in demand and among the fastest growing in the economy. Virginia continues to lead the nation in the concentration of technology workers, fed by a rich network of nationally-recognized information technology and cyber advanced degree programs at our universities.

Composition of the Commission

The Commission will consist of the Secretaries of Technology, Commerce and Trade, Public Safety, Education, Health and Human Resources, and Veterans Affairs and Homeland Security, and eleven (11) citizen members whose background shall include relevant expertise to be appointed by the Governor and serve at his pleasure. The Governor shall designate a Chairman and Vice Chairman from among the appointed members. The Governor may appoint additional persons to the Commission at his discretion.

Establishment of the Virginia Cyber Security Commission

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Cyber Security Commission.

Responsibilities of the Commission

The Commission's responsibilities shall include the following:

1. Identify high risk cyber security issues facing the Commonwealth of Virginia.

2. Provide advice and recommendations related to securing Virginia's state networks, systems, and data, including interoperability, standardized plans and procedures, and evolving threats and best practices to prevent the unauthorized access, theft, alteration, and destruction of the Commonwealth's data.

3. Provide suggestions for the addition of cyber security to Virginia's Emergency Management and Disaster Response capabilities, including testing cyber security incident response scenarios, recovery and restoration plans, and coordination with the federal government – in consultation with the Virginia Information Technologies Agency.

4. Offer suggestions for promoting awareness of cyber hygiene among the Commonwealth's citizens, businesses and government entities;

5. Present recommendations for cutting edge science, technology, engineering and math (STEM) educational and training programs for all ages, including K-12, community colleges, universities, in order to foster an improved cyber security workforce pipeline and create cyber security professionals with a wide range of expertise.

6. Offer strategies to advance private sector cyber security economic development opportunities, including innovative technologies, research and development, and start-up firms, and maximize public-private partnerships throughout the Commonwealth.

7. Provide suggestions for coordinating the review of and assessing opportunities for cyber security private sector growth as it relates to military facilities and defense activities in Virginia.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its continued existence shall be furnished by the Office of the Secretary of Technology, and such other agencies and offices as designated by the Governor. An estimated 500 hours of staff time will be required to support the work of the Commission.

Necessary funding to support the Commission and its staff shall be provided from federal funds private funds, and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5000.00.

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

The Commission shall serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia* and shall meet upon the call of the chairman at least three times per year. In addition, the Commission shall issue an annual report and any other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until February 25, 2015, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of February, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINE (2014)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO MAJOR WINTER STORM

Importance of the Issue

On March 2, 2014, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on a National Weather Service forecast projecting a major winter storm bringing the potential for several inches of snow across the Commonwealth, with potential accumulations of 10 inches or more in Northern, Northwest, Central, and West Central Virginia. Snow is forecast the morning of Monday, March 3, 2014, following freezing rain and sleet overnight. This precipitation, combined with gusty

winds and potential accumulations of one-tenth to one-half an inch of ice, has the potential to impact life safety and create significant transportation issues throughout the Commonwealth.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are 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 on March 2, 2014, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far 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 active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the *Code of Virginia*, I hereby order the following protective and restoration measures:

A. Implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VERT coordinate state actions in support of affected localities, other mission assignments to agencies designated in the 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 Technologies 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 incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the winter storm as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of

ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

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.

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. I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $250,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $100,000 is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

J. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

K. 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 sitting, 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.

L. The activation of the statutory provisions in § 59.1-525 *et seq.* of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

M. 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 for this incident 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:

    a. 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;

    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

    c. 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*;

    d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to March 2, 2014, and shall remain in full force and effect until April 30, 2014, 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 3rd day of March, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TEN (2014)

IN FURTHERANCE OF THE VIRGINIA INDIAN COMMEMORATIVE COMMISSION

Importance of the Commission

Native Americans have lived in the land now known as Virginia for thousands of years, their history having been and continuing to be documented. The historical record confirms that Virginia Indians provided aid and comfort to the British colonists in 1607 and were instrumental in the establishment of the first permanent English-speaking settlement in North America at Jamestown.

The legacy of the indigenous peoples of the Commonwealth has been recorded in the names of many Virginia locations and landmarks, such as the cities of Chesapeake and Roanoke, the Counties of Accomack, Appomattox, and Powhatan, and the Chickahominy, Mattaponi, Pamunkey, Potomac, and Rappahannock Rivers, as well as many other sites. Despite hardships brought about by the loss of lands, languages, and civil rights, American Indians in Virginia have persisted and continue to contribute to the Commonwealth through agriculture, land stewardship, teaching, military and civil service, the arts, and other avenues of productive citizenship.

Continuation of the Virginia Indian Commemorative Commission

In recognition that the courage, persistence, determination, and cultural values of Virginia's Indians have significantly enhanced and contributed to society, the General Assembly approved House Joint Resolution 680 (2009), requesting the creation of a commission to recommend an appropriate monument in Capitol Square to commemorate the life, achievements, and legacy of American Indians in the Commonwealth. On October 22, 2009, Governor Tim Kaine issued Executive Order 100 that established the Virginia Indian Commemorative Commission. Since then, the Commission has met regularly and developed a plan for execution of the monument, but there is more work to be done. Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to direct such matters, I hereby issue this Executive Order to continue the work of the Virginia Indian Commemorative Commission.

Composition of the Commission

The current Virginia Indian Commemorative Commission shall consist of the Governor, the Lieutenant Governor, the Speaker of the House of Delegates, three members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates, the Clerk of the House of Delegates, the Chairman of the Senate Committee on Rules, two members of the Senate appointed by the Senate Committee on Rules, the Clerk of the Senate, the Executive Director of the Capitol Square Preservation Council, three nonlegislative citizen members who shall be representatives of Virginia Indians to be appointed by the Governor, and the Executive Director of the Virginia Capitol Foundation who shall serve ex officio with nonvoting privileges. Additional members may be appointed at the Governor's discretion. The Chairman and the Vice Chairman shall be appointed by the Governor.

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

Charge for the Commission

The Commission shall take all necessary actions to proceed to contract with an identified artist, implement the selected design and coordinate the construction, pursuant to applicable state construction policies, of an appropriate monument on Capitol Square to commemorate the life, achievements, and legacy of American Indians in the Commonwealth. The Commission shall continue to seek private funding for the operation and support of the Commission and the erection of an appropriate monument. However, the costs of implementation of the Commission, its work, and the reimbursement of members, estimated to be $5,000, shall be borne by the Commission from such private funds as it may acquire to cover the costs of its operation and work. The Commission may establish an organization with 501(c)(3) status for fundraising purposes. The Commission is vested with all the powers to carry out the intent of the General Assembly under House Joint Resolution 680 (2009). All agencies of the Commonwealth shall provide assistance to the Commission, upon request. An estimated 200 hours of staff time will be required to support the work of the Commission.

The Commission shall report annually the status of its work, including any findings and recommendations, to the General Assembly, by December 1st each year.

Effective Date of the Executive Order

This Executive Order replaces Executive Order 59 (2013) issued on February 5, 2013, by Governor Robert F. McDonnell. This Executive Order shall become effective upon its signing, and shall remain in effect for one year from its signing, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 25th day of March, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ELEVEN (2014)

CONTINUING THE COMMISSION ON MILITARY INSTALLATIONS AND DEFENSE ACTIVITIES

Importance of the Commission

The Commonwealth of Virginia is proud of its well-documented, distinguished history and unparalleled record of exceptional support for our military services, service members and their families, and the businesses that support our national security. The bond between the Commonwealth and our military services is and will continue to be strong, mutually beneficial, and inextricably linked. While the military recruits soldiers, sailors, airmen, and marines, it retains families. Virginia is and will remain the preeminent state for military installations and defense activities – and for military personnel, their families, and veterans.

Moreover, Virginia affords a multitude of extraordinary strategic advantages that are widely recognized, such as its designation as the best state for business, economic vibrancy, top-ranked institutions of higher education and medicine, renowned centers of innovative research and development, a diverse and highly educated workforce, international trade and investment, an expansive port, and a solid transportation infrastructure. Centrally located in the mid-Atlantic region, with close proximity to our nation's capital and possessing an extraordinary combination of training sites and ranges with immediate access to unrestricted air-space and maritime operating areas, Virginia also offers high quality and high intensity training areas uniquely capable of preparing both conventional and special operations forces to safeguard our vital interests anywhere in the world. The Commonwealth is resolute in its dedication to ensuring the highest level of steadfast commitment to our military installations, defense activities, and surrounding communities.

In recent years, national security and defense spending have begun a decline. However, Virginia's military and government civilian personnel, defense contractors and suppliers, supporting businesses and local communities are working together and moving forward in this new fiscal climate. The Commonwealth must vigilantly and proactively work to retain and strengthen military and federal facilities as well as continue to seek new opportunities for collaborative partnerships, innovative initiatives, and economic development and diversification for related operations and facilities that can be located in Virginia.

Continuing the Commission on Military Installations and Defense Activities

On March 1, 2013, the Commission on Military Installations and Defense Activities was established by executive order. The Commission was tasked to identify, review, and recommend actions that the Commonwealth could take in support of our military and defense installations and activities, military services, and surrounding localities. There is more work to be done by the Commission, and there are additional installations and activities requiring visitation by the Commission and retained experts.

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Commission on Military Installations and Defense Activities.

Composition of the Commission

The continued Commission will consist of the Secretaries of Veterans and Defense Affairs, Finance, Commerce and Trade, Technology, and Transportation, the co-chairs of the General Assembly Military and Veteran Caucus, and four (4) citizen members whose background shall include service as a General or Flag Officer in one of the military services, to be appointed by the Governor and serve at his pleasure. The Governor shall designate a Chairman from among the appointed members. The Governor may appoint additional persons to the Commission at his discretion.

Responsibilities of the Commission

The Commission's responsibilities shall include the following:

1. Continue the process of assessing the Commonwealth's military and defense installations and activities and make recommendations for near- and long-term actions that the Commonwealth can take to improve the support for our nation's military services;
2. Obtain data, information, and studies from subject matter experts in order to develop recommendations and plans for improving relationships with federal military and defense installations and activities located in the Commonwealth;
3. Develop and recommend strategies to improve the local support for federal military and defense installations and activities located in Virginia;
4. Develop and recommend strategies designed to identify the economic impact of federal military and defense installations and activities on the localities hosting or surrounding these installations and activities, as well as on the Commonwealth as a whole;
5. Develop and recommend strategies that support and foster collaboration among local and regional entities in identifying appropriate opportunities for the protection of existing federal facilities and the placement of additional federal facilities in the Commonwealth;
6. Determine and recommend the best and most efficient manner to promote business, technology, transportation, education, economic development, and other efforts to support, attract, and retain existing military installations, commands and defense activities in the Commonwealth;
7. Identify all federal military and defense installation and facility construction plans in the Commonwealth, and facilitate ways to assist in those plans;
8. Support the Commonwealth's role in research and development related to or arising out of military missions, contracting, and defense activities;
9. Identify and recommend strategies for expanding collaborative activities related to strategic economic interests of the Commonwealth including, but not limited to, aerospace, cyber-security, modeling and simulation, energy, and unmanned systems;
10. Recommend improvements and resources for service members, military families and their children, veterans, and businesses that bring military and defense-related jobs to the Commonwealth;
11. Cultivate strategies to facilitate the transition from military service to civilian life, and identify barriers to and opportunities for credentialing**,** licensing and employment for military veterans throughout the Commonwealth of Virginia; and
12. Advance all other prospective opportunities, proactively fostering outreach and good will, in order for the Commonwealth of Virginia to remain the most military-friendly state in the nation.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its continued existence shall be furnished by the Office of the Secretary of Veterans and Defense Affairs, and such other agencies and offices as designated by the Governor. An estimated 200 hours of staff time will be required to support the work of the Commission.

Necessary funding to support the Commission and its staff shall be provided from private contributions and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5,000.

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

The Commission shall meet upon the call of the chairman. The chairman shall meet, at least quarterly, with the Governor, or the Governor's designee, to discuss the progress of the Commission and the current impacts of federal budget actions, and shall issue such other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order replaces Executive Order No. 60 (2013) issued on March 1, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134

and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of April, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWELVE (2014)

CONTINUING THE GOVERNOR'S TASK FORCE ON IMPROVING MENTAL HEALTH SERVICES AND CRISIS RESPONSE

Importance of the Taskforce

Virginians have experienced tremendous heartache as a result of mental health tragedies. It is incumbent upon us to reevaluate how we can better serve our fellow Virginians with mental health needs and examine ways to improve the system by filling in gaps in services and making impactful investments. Collaborative groups of experts, advocates, policy-makers and others have assessed certain aspects of the system and affected critical changes over the years. In particular, following the tragedy at Virginia Tech, Virginia's leaders drew upon work done by the Virginia Tech Review Panel and the Commission on Mental Health Law Reform to study and investigate the tragedy in order to strengthen the civil commitment process through legislation so that individuals with serious mental illness could receive needed help in a timely manner. The 2008 budget included an infusion of funds to build core community services such as emergency services, case management, and outpatient treatment. Unfortunately, many of these gains were lost as a result of the economic downturn. Last year, targeted investments were made to Virginia's mental health system upon recommendations from the Governor's Taskforce on School and Campus Safety.

While bolstering our ability to respond to mental health crises when they occur, we must continue to seek ways to intervene early and prevent crises from developing. Virginia has crisis prevention services in place, such as outpatient psychiatric consultation, suicide prevention, Program of Assertive Community Treatment (PACT) services, and rehabilitation services. These services are in high demand, and are not consistently available across the Commonwealth.

Virginia's mental health system has moved away from the days of overcrowded state mental institutions toward a community-based system for individuals to receive treatment in their homes and communities. However, the mental health system remains extremely complex and difficult to navigate for families seeking assistance and for workers within the system. Though state law helps guide the process, practices and services are locally developed. This system allows flexibility to implement the policies that work best for particular regions, though the protocols have not always been in writing and variations have existed across the Commonwealth.

The mental health system for emergency services is dependent upon cooperation and communication from a variety of partners, including community services boards, law enforcement, the judicial system and private hospitals. Effective collaboration among these many parties ensures the most favorable outcomes for people in crisis. While emergency mental health services work for most people, it is critical that the mental health safety net responds effectively to all individuals and families in crisis.

Since taking office, my administration and I have been committed to finding and supporting measures to assure the care and safety of persons suffering mental health crises along with their families, neighbors, and members of the community. Lawmakers acted quickly this session to make numerous changes to Virginia's mental health laws. Among the changes is extending the emergency custody order (ECO) period from a maximum of six to a total of eight possible hours. This change will give clinicians more time to locate an available psychiatric bed during the ECO period. Our legislators also extended the temporary detention order period from 48 to 72 hours to help ensure individuals have enough treatment time to stabilize prior to the court hearing which determines involuntary admission to a psychiatric hospital.

To help Virginia improve its mental health crisis response, the Department of Behavioral Health and Developmental Services (DBHDS) has taken steps since the beginning of 2014 to outline clear and specific statewide expectations for securing a private or a state psychiatric bed when an individual qualifies for a temporary detention order. In turn, partners across Virginia's seven DBHDS Partnership Planning Regions, including community services boards and state and private hospitals, have incorporated state guidance into tightened and clarified admission procedures for the regions' private and state psychiatric beds. In addition, in a collaborative effort among DBHDS, Virginia Health Information, the Virginia Hospital and Healthcare Association and the 40 local community services boards, Virginia launched an online psychiatric bed registry to help clinicians locate available beds in an emergency situation. While the changes that have been made in recent months have been critical, more solutions are needed to improve Virginia's complicated and chronically underfunded mental health system. Because the system is multifaceted, the solutions must be as well.

Through this Executive Order, I am calling on leaders in the mental health field, law enforcement communities, the judicial system, private hospitals, and individuals receiving mental health services, to seek and recommend solutions that will improve Virginia's mental health crisis services and help prevent crises from developing.

To accomplish this, in accordance with the authority vested in me by Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Task Force on Improving Mental Health Services and Crisis Response.

Governor's Task Force on Improving Mental Health Services and Crisis Response

The Task Force's responsibilities shall include the following:

- Recommend refinements and clarifications of protocols and procedures for community services boards, state hospitals, law enforcement and receiving hospitals.

- Review for possible expansion the programs and services that assure prompt response to individuals in mental health crises and their families such as emergency services teams, law enforcement crisis intervention teams (CIT), secure assessment centers, mobile crisis teams, crisis stabilization centers and mental health first aid.

- Examine extensions or adjustments to the emergency custody order and the temporary detention order period.

- Explore technological resources and capabilities, equipment, training and procedures to maximize the use of telepsychiatry.

- Examine the cooperation that exists among the courts, law enforcement and mental health systems in communities that have incorporated crisis intervention teams and cross systems mapping.

- Identify and examine the availability of and improvements to mental health resources for Virginia's veterans, service members, and their families and children.

- Assess state and private provider capacity for psychiatric inpatient care, the assessment process hospitals use to select which patients are appropriate for such care, and explore whether psychiatric bed registries and/or census management teams improve the process for locating beds.

- Review for possible expansion those services that will provide ongoing support for individuals with mental illness and reduce the frequency and intensity of mental health crises. These services may include rapid, consistent access to outpatient treatment and psychiatric services, as well as co-located primary care and behavioral health services, critical supportive services such as wrap-around stabilizing services, peer support services, PACT services, housing, employment and case management.

- Recommend how families and friends of a loved one facing a mental health crisis can improve the environment and safety of an individual in crisis.

- Examine the mental health workforce capacity and scope of practice and recommend any improvements to ensure an adequate mental health workforce.

Task Force Membership

- The Task Force shall be chaired by the Lieutenant Governor.
- The Task Force shall be co-chaired by the Secretaries of Health and Human Resources and Public Safety and Homeland Security;

Membership shall include the following individuals or their designees:

- The Attorney General of Virginia;
- Secretary of Veterans and Defense Affairs;
- Chief Justice of the Supreme Court of Virginia;
- Commissioner of the Department of Behavioral Health and Developmental Services;
- Commissioner of the Department of Social Services;
- Director of the Department of Medical Assistance Services;
- Superintendent of the Virginia State Police;
- At least three community services board emergency services directors;
- At least three law enforcement officers, including at least one sheriff;
- At least two executive directors of community services boards;
- At least two magistrates;
- At least two private hospital emergency department physicians;
- At least two psychiatrists;
- At least one representative of a state mental health facility;
- At least two representatives from Virginia's private hospital systems;
- At least two individuals receiving mental health services;
- At least one member from a statewide veterans organization;
- At least two family members of individuals receiving services; and
- Two members of the House of Delegates and two members of the Senate of Virginia.

The Governor may appoint other members as he deems necessary.

Task Force Staffing and Funding

Necessary staff support for the Task Force's work during its existence shall be furnished by the Office of the Governor, and the Offices of the Secretary of Health and Human Resources and the Secretary of Public Safety and Homeland Security, as well as other agencies and offices designated by the Governor. An estimated 750 hours of staff time will be required to support the work of the Task Force.

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 Task Force, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5,000 per year.

The Task Force shall commence its work promptly and suggest legislative and budgetary proposals that will enable the implementation of identified recommendations. The Task Force shall make recommendations on an ongoing basis and shall provide a final report to the Governor no later than October 1, 2014. The Task Force shall issue such other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order replaces Executive Order No. 68 (2013) issued on December 10, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 8th day of April, 2014.

Terrence R. McAuliffe, Governor

Att

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTEEN (2014)

SHARING OF CRIMINAL HISTORY RECORD INFORMATION FOR DETERMINING ELIGIBILITY FOR AUTOMATIC RESTORATION OF RIGHTS PROCESS

Importance of the Initiative

On April 18, 2014, I announced extensive amendments to the process for automatic, individualized restoration of voting rights for rehabilitated felons who have paid their debt to society. This new policy, which will formally take effect on April 21, 2014, will ensure more transparency by providing Virginians with a defined list of the offenses that require a waiting period before an offender can apply for the restoration of their voting rights. More Virginians will be empowered to regain their rights earlier, particularly as a result of the removal of drug crimes from the list of offenses, and the change of the waiting period for rehabilitated violent offenders from five to three years.

Accordingly, pursuant to the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby direct that the Virginia State Police and Department of Corrections share criminal history record information with the Office of the Secretary of the Commonwealth, as required, for the limited purpose of determining eligibility for automatic restoration of rights and rehabilitation.

The information shared with the Office of the Secretary of the Commonwealth shall not be used for any other purpose. The Secretary shall ensure that the information is secured and protected from further dissemination.

Effective Date of the Executive Order

This Executive Order replaces Executive Order No. 65 (2013), issued on July 15, 2013, by Governor Robert F. McDonnell. 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 21st day of April, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOURTEEN (2014)

AUTHORITY OF COMMISSIONER OF THE DEPARTMENT OF MOTOR VEHICLES REGARDING ESCORT VEHICLE DRIVER RECIPROCITY AND CERTIFICATIONS TO THE FEDERAL HIGHWAY ADMINISTRATION

Importance of the Initiative

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 2.2-103 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 the Commissioner of the Department of Motor Vehicles the powers and duties set out below as necessary for the Commonwealth to fulfill the requirements of *Code of Virginia* Sections 46.2-106, 46.2-2901, and 46.2-2907. I also delegate to the Commissioner the powers and duties for the Commonwealth to fulfill the requirements of 23 U.S.C. § 141 and 23 C.F.R. §§ 657.13 and 669.7.

The following are the duties set out to the Commissioner of the Department of Motor Vehicles:

1. Determine whether another state's escort vehicle driver certification program is substantially similar to the Commonwealth's program for such certification;

2. Execute reciprocal agreements with states, allowing certified escort vehicle drivers to operate in Virginia as provided for in *Code of Virginia* Sections 46.2-2901 and 46.2-2907;

3. Provide a copy of such written reciprocal agreements to the Secretary of the Commonwealth and the Superintendent of State Police;

4. Issue annual certifications to the United States Department of Transportation, Federal Highway Administration, as required by 23 C.F.R. § 657.13; and,

5. Issue annual certifications to the United States Department of Transportation, Federal Highway Administration, as required by 23 C.F.R. § 669.7.

Effective Date of the Executive Order

This Executive Order shall be 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 23rd day of April, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTEEN (2014)

CONTINUING THE VIRGINIA STATEWIDE TRAFFIC INCIDENT MANAGEMENT COMMITTEE

Importance of the Initiative

Traffic incidents present a tremendous hazard for first responders. According to the National Traffic Incident Management Coalition (NTIMC), traffic crashes and "struck-by" incidents are leading causes of on-duty injuries and deaths for law enforcement, firefighters, emergency medical personnel, and towing and recovery personnel. Reducing incident clearance times will improve first responder safety. In Virginia, it is estimated that more than half of all congestion is “non-recurring” caused by crashes, disabled vehicles, adverse weather, work zones, special events, and other temporary disruptions to the transportation system. Compounding the problem is the issue of secondary crashes.

First responder incident management procedures have been focused on responder safety at the scene with limited consideration for the benefits derived through the utilization of quick clearance strategies. In response to these concerns, the Virginia Statewide Traffic Incident Management Committee (“Committee”) was established in 2013. The Committee began by reviewing the National Unified Goals (“NUG”) of responder safety, quick clearance of incidents, and improved interoperable communications between responding agencies. It unanimously agreed that these principles should be promoted and employed in any traffic incident management strategy, training, or policy the Commonwealth adopts. The Committee, working in conjunction with Traffic Incident Management groups (“TIMs”) of first responders throughout the Commonwealth, has proven to be a productive and efficient method of managing and coordinating the important issue of traffic safety.

Consequently, as Governor, in accordance with the authority vested in me by Article V of the Constitution of Virginia and by §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, I hereby issue this Executive Order to continue the work of the Virginia Statewide Traffic Incident Management Committee.

Formalization of the Committee

The Virginia Statewide Traffic Incident Management Committee shall consist of the following individuals or their designee:

Chair

Superintendent, Virginia State Police

Members

Commissioner, Virginia Department of Transportation;
State Coordinator, Virginia Department of Emergency Management;
Executive Director, Virginia Department of Fire Programs;
Director, Department of Criminal Justice Services;
Representative, Virginia Department of Health, Office of Emergency Medical Services;
Executive Director, Virginia Association of Chiefs of Police;
Executive Director, Virginia Sheriffs Association;
President, Virginia Association of Volunteer Rescue Squads;
President, Virginia Fire Chiefs Association;
President, Virginia Professional Fire Fighters Association;
President, Virginia Association of Towing and Recovery;
President, Virginia Association of Public-Safety Communications Officials;
President, Major Incident Heavy Recovery Operators Association; and
President of the Virginia Association of Governmental EMS Administrators.

The Governor may appoint any other person(s) and support staff deemed necessary and proper to carry out the assigned functions.

Roles and Responsibilities of Committee

- Serves in an advisory role for public safety leaders and transportation experts committed to the management of traffic incidents.
- Supports activities that include disseminating and promoting the comprehensive Traffic Incident Management Plan.
- Promotes and provides multidisciplinary TIMs training to all first responders and stakeholders using the Strategic Highway Research Program ("SHRP2") TIMs curriculum developed by the Federal Highway Administration.
- Supports traffic incident management by 1) promoting the National Uniform Goals for TIMs, including responder safety, safe, quick clearance, and interoperable communications; 2) encouraging the development of TIMs regional teams, promoting collaboration and communication among the Commonwealth's emergency responders; and, 3) keeping emergency responders up to date on national rules, regulations and trends regarding safe roadway incident operations.
- Solicits best practices to improve the response of Virginia agencies charged with the prevention and mitigation of traffic incidents. These guidelines should be used to create local and regional traffic incident management plans consistent with the NUG objectives of responder safety, safe, quick clearance, and prompt, reliable incident communications.

Staffing and Funding

Staff necessary for the Committee will be provided by the respective agencies participating with the Committee. The estimated direct cost of the Committee is $1,000. Funding necessary to support the Committee shall be provided from funds authorized by § 2.2-135 of the *Code of Virginia*.

Effective Date of the Executive Order

This Executive Order replaces Executive Order 58 (2013) issued on February 4, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 27th day of May, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTEEN (2014)

ESTABLISHING THE VIRGINIA ENERGY COUNCIL

Importance of the Issue

The Commonwealth of Virginia's energy industry is a source of great pride, prosperity, and potential. Historically, Virginia has ensured reliable and affordable energy, helping businesses and consumers thrive. The Commonwealth boasts tens of thousands of energy-related jobs, including miners, gas well crews, manufacturing workers, engineers, mechanics, computer programmers, accountants, and managers. Virginians can and should be proud of the energy industry, but a changing market and energy environment requires decisive action to position the Commonwealth to be a national leader in innovative energy generation and utilization. Virginia must continue to leverage its business-friendly climate, high-quality research and educational institutions, and varied energy resources to attract businesses and create jobs. This requires Virginia to develop and implement a cohesive, comprehensive, and aggressive strategy for energy policy.

The Commonwealth will update the Virginia Energy Plan ("Plan") to be submitted to the General Assembly by October 1, 2014. The Plan will address the objectives of the Commonwealth Energy Policy set forth in the *Code of Virginia*.

These objectives include:

- Accelerating the development and use of renewable energy sources – Virginia can become a hub of innovative and alternative energy research and development by focusing on expanding the use of the Commonwealth's underutilized renewable assets, such as solar and offshore wind.
- Increasing energy productivity through greater efficiency – Virginia can become a national leader in energy efficiency practices that will increase the productivity of the energy used by citizens and businesses throughout the Commonwealth, while not imposing a disproportionate adverse impact on economically disadvantaged or minority communities.
- Promoting a diverse energy mix – Virginia should continue to increase the diversity of sources used to generate energy in the Commonwealth to ensure that we are not overly-reliant on particular sources.
- Growing jobs in the energy sector – Virginia's quality higher education institutions and world-class community college system are well-positioned to educate and prepare the next generation of energy workers. A trained and skilled energy workforce will attract new businesses and help expand existing businesses.

To achieve these objectives, it is critical that the Commonwealth engage the private sector, localities, and other interested stakeholders to develop significant and meaningful energy policies.

Establishment of the Council

The Governor shall create The Virginia Energy Council ("Council"), an advisory group comprised of members representing all areas of the Commonwealth's energy industry. The Council shall work to formulate a comprehensive and innovative energy plan.

All members of the Council will be appointed by the Governor and shall serve at his pleasure.

Responsibilities and Duties of the Council

The 20-25 person Council is charged with working to update the Virginia Energy Plan. Duties of the Virginia Energy Council include:

- Receiving, reviewing, and evaluating input offered by Virginia's residents and businesses related to the Plan;
- Developing strategies to make Virginia a national leader in energy efficiency and ensure that the cost of energy for Virginia consumers remains highly competitive;
- Developing strategies to increase the diversity of energy used to power Virginia, while ensuring a commitment to the most efficient use of existing energy sources;
- Developing strategies to increase Virginia's renewable energy economy and grow the entire energy industry in Virginia by retaining, expanding, and attracting businesses in the energy sector;
- Developing strategies to increase the international export of Virginia's coal;
- Identifying opportunities to expand Virginia's needed energy infrastructure and to increase the reliability of the Commonwealth's existing energy infrastructure;
- Reviewing an analysis of any regulations proposed or promulgated by the U.S. Environmental Protection Agency to reduce carbon dioxide emissions from fossil fuel-fired electric generating units under § 111(d) of the Clean Air Act, 42 U.S.C. § 7411(d);
- Providing expertise and advice on other policy strategies deemed appropriate during the drafting of the Plan to grow the energy industry in the Commonwealth; and,
- Monitoring the implementation of the Plan, providing strategic guidance to ensure successful achievement of Plan goals, and reviewing the interim update of the Plan required to be presented by October 1, 2017.

Council Staffing and Funding

Staff support for the Council shall be furnished by the Secretary of Commerce and Trade, Secretary of Natural Resources, the Department of Mines, Minerals, and Energy, and such other agencies and offices as designated by the Governor. Necessary funding to support the Council and its staff shall be $5000. All executive branch agencies shall cooperate fully with the Council and provide any assistance necessary, upon request of the Council or its staff.

The Council shall meet at the call of the Chairman.

Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia, this 4th day of June, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTEEN (2014)

DEVELOPMENT AND REVIEW OF STATE AGENCY REGULATIONS

Importance of the Initiative

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 the review of all new regulations and changes to 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 that are authorized to promulgate regulations. Nothing in this Executive Order shall be construed to limit my authority under the *Code of Virginia*, including to require an additional 30-day public comment period, file a formal objection to a regulation, suspend the effective date of a regulation with the concurrence of the applicable body of the General Assembly, or to exercise any other rights and prerogatives existing under Virginia law.

Acronyms and Definitions

The following acronyms and definitions are set out here for ease of use and represent only a summary of terms and acronyms related to the regulatory review process. More detailed descriptions and definitions can be found throughout the Administrative Process Act (APA), Section 2.2-4000, *et seq.* of the *Code of Virginia*.

ABD – Agency Background Document. An ABD is a form completed by agencies and uploaded on the Virginia Regulatory Town Hall (Town Hall) for each regulatory stage in order to describe and explain the regulatory action. The form for each stage is available on the Town Hall.

APA – Administrative Process Act, Section 2.2-4000, *et seq.* of the *Code of Virginia*. Article 2 of the APA contains provisions on how regulations are to be promulgated in Virginia.

Day – All references to a day mean a calendar day.

DPB – Virginia Department of Planning and Budget. DPB houses the Economic and Regulatory Analysis Division (ERAD), which reviews regulatory proposals for economic and policy impact and manages the Town Hall website.

EIA – Economic Impact Analysis. An EIA is prepared by DPB and evaluates the estimated costs and benefits of a regulatory proposal.

Emergency rulemaking process – This process is invoked (1) when there is an emergency situation as determined by the agency and the Governor agrees that an emergency regulation is necessary, or (2) when a Virginia statutory law or the appropriation act or federal law or federal regulation requires that a state regulation be effective in 280 days or less from its enactment.

Executive branch review – The review of a regulatory proposal at various stages by the executive branch before it is published in the *Virginia Register of Regulations* and available for public comment. The scope of review depends on the stage type, e.g., a proposed stage is reviewed by: the Office of the Attorney General (OAG), DPB, the appropriate Cabinet Secretary, and the Governor.

Exempt rulemaking process – Agency actions that are exempt from the promulgation requirements of Article 2 of the APA can generally be adopted and filed directly with the Office of the Registrar of Regulations (Registrar) and are not subject to executive branch review.

Fast-track rulemaking process – This process may be utilized for rules that are expected to be noncontroversial.

Legislative mandate – When a law is passed by the General Assembly that requires a regulation to be promulgated, amended, or repealed in whole or part.

NOIRA – Notice of Intended Regulatory Action. A NOIRA is the first stage in the standard rulemaking process in Virginia.

OAG – Office of the Attorney General. The OAG must review regulatory proposals at the emergency stage, the fast-track stage, and the proposed stage. In addition, the OAG must review a proposal at the final stage if there have been changes with substantial impact made since the proposed stage.

Register – The *Virginia Register of Regulations* is an official legal publication that provides information about proposed and final changes to Virginia's regulations. The Registrar is responsible for publication of the *Register*.

RIS – Regulation Information System. The RIS is a web-enabled application operated by the Registrar and is used by agencies to create text for regulatory proposals. This text is then synchronized on the Town Hall website for display to all Town Hall users.

Rulemaking or regulatory process – There are four types of rulemaking processes in Virginia: (1) emergency, (2) fast-track, (3) standard, and (4) exempt.

Standard rulemaking process – This is the default rulemaking process in Virginia. If a regulatory proposal does not meet the criteria for exempt, fast-track, or emergency rulemaking, it goes through the standard rulemaking process, generally consisting of three stages: NOIRA, proposed, and final.

Town Hall – The Virginia Regulatory Town Hall website. The Town Hall is managed by DPB and used by agencies to post regulatory proposals and to facilitate the regulatory review process. The site features public comment forums, meeting information, and an email notification service.

VAC – *Virginia Administrative Code*. The VAC is the official legal publication for regulations in Virginia.

General Policy

The executive branch agencies of the Commonwealth must consider, review, and promulgate numerous 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.

General Principles

A. All regulatory activity should be undertaken with the least possible intrusion into the lives of the citizens of the Commonwealth and be necessary to protect the public health, safety, and welfare. Accordingly, agencies shall consider:

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;
3. The use of performance standards in place of mandating specific techniques or behavior; and
4. The consideration of reasonably available alternatives in lieu of regulation.

B. Where applicable, and to the extent permitted by law, it shall be the policy of the Commonwealth that only regulations necessary to interpret the law or to protect the public health, safety, or welfare shall be promulgated.

C. Regulations shall be clearly written and easily understandable.

D. Regulations shall be designed to achieve their intended objective in the most efficient, cost effective manner.

Regulatory Development

E. Regulatory development shall be based on the best reasonably available and reliable scientific, economic, and other information concerning the need for, and consequences of, the intended regulation. Agencies shall specifically cite the best reasonably available and reliable scientific, economic, and other information in support of regulatory proposals.

F. Regulatory development shall be conducted in accordance with the statutory provisions related to impact on small businesses. DPB 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.

G. During regulatory development, agencies shall consider the impact on existing and potential Virginia employers and their ability to maintain and increase the number of jobs in the Commonwealth, as well as the cost of compliance to the general public.

Public Participation

H. Agencies shall actively seek input for proposed regulations from interested parties, stakeholders, citizens, and members of the General Assembly.

I. In addition to requirements established in Article 2 of the APA, agencies shall post all rulemaking actions on the Town Hall to ensure that the public is adequately informed of rulemaking activities.

J. 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. Agencies shall inform interested persons of (1) the Town Hall's email notification service that can send information regarding the specific regulations, regulatory actions, and meetings about which they are interested, and (2) the process to submit comments in the Town Hall public comment forums. 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.

Other

K. 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 timeframes set out in this Executive Order.

L. Regulations will be subject to periodic evaluation, review, and modification, as appropriate, in accordance with the APA, policy initiatives of the Governor, and legislation.

M. 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

DPB, the appropriate Cabinet Secretary, or the Office of the Governor, in connection with this Executive Order, is provided on a timely basis. Incomplete regulatory packages may be returned to the appropriate agency by DPB.

Applicability

The review process in this Executive Order applies to rulemakings initiated by agencies of the Commonwealth of Virginia in accordance with Article 2 of the APA.

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, agencies and agency regulatory action exempt from Article 2 of the APA are not subject to the requirements of this Executive Order. Nonetheless, the Governor, a Cabinet Secretary, or the Chief of Staff 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. As of June 30, 2014, these procedures shall apply to all regulatory actions and stages that have been submitted to DPB for any stage of executive branch review.

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. All agency regulatory packages shall be submitted via the Town Hall. For each stage of the regulatory development process, agencies shall complete and post the applicable ABD on the Town Hall to describe the regulatory action and inform the public about the substance and reasons for the rulemaking. Agencies shall ensure that the correct regulatory text is synchronized with the appropriate stage information page on the Town Hall.

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 days. At that time, the agency must withdraw the package from the Town Hall and resubmit the package only after all missing elements identified by DPB have been added. Agencies shall submit regulatory packages to the Registrar for publication on the Town Hall within 14 days of being authorized to do so.

In rulemakings where there are two or more stages, the filing of each subsequent stage shall be submitted on the Town Hall as expeditiously as the subject matter allows and no later than 180 days after the conclusion of the public comment period for the prior stage. If this deadline is not met, it shall be reported to the appropriate Cabinet Secretary in an end of year report further described below.

A. Standard Rulemaking Process

1. Notice of Intended Regulatory Action (NOIRA) Stage

The NOIRA shall include the nature and scope of the regulatory changes being considered and the relevant sections of the Virginia Administrative Code. This package shall include draft regulatory text if it is available.

DPB shall review the NOIRA 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 NOIRA review package from the agency, the Director of DPB shall advise the appropriate Secretary

and the Governor of DPB's determination. 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 review the NOIRA within 14 days and forward a recommendation to the Governor. If DPB does not find issues requiring further review, the agency shall be authorized to submit the NOIRA to the Registrar for publication when the Governor approves the NOIRA for publication.

The Chief of Staff to the Governor is hereby authorized to approve or disapprove NOIRAs on behalf of the Governor.

Public comments received following publication of the NOIRA should be encouraged and carefully considered in developing the proposed stage of a regulatory proposal.

2. Proposed Stage

Following the initial public comment period required by Section 2.2-4007.01 of the *Code of Virginia*, and taking into account the comments received, the agency shall prepare a regulatory review package.

At this stage, the proposed regulation and regulatory review package shall be in as close to final form as possible, including completed review by all appropriate regulatory advisory panels or negotiated rulemaking panels. New issues that were not disclosed to the public when the NOIRA was published shall not be addressed at the proposed stage.

The order of executive branch review shall be as follows:

a. OAG. The OAG will conduct a review of the proposed regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the proposed regulation. After the OAG has completed its review, the package will be submitted to DPB.

b. DPB. DPB shall review the proposed regulatory package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. Per Section 2.2-4007.04 of the *Code of Virginia*, within 45 days of receiving a complete regulatory review package, the Director of DPB shall prepare a policy analysis and EIA before advising the appropriate Secretary and the Governor of the results of the review.

c. Cabinet Secretary. The Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor.

d. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove proposed regulations on behalf of the Governor.

Revised Proposed Stage (Optional)

Following the proposed stage public comment period, required by Section 2.2-4007.03 of the *Code of Virginia*, the agency may wish to make additional changes and/or receive additional public comment by publishing a revised proposed regulation. The order of executive branch review for the revised proposed stage shall be as follows:

a. OAG. The OAG will conduct a review of the revised proposed regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the revised proposed regulation. After the OAG has completed its review, the package will be submitted to DPB.
b. DPB. DPB shall review the revised proposed regulatory package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. Within 21 days of receiving a complete regulatory package, the

Director of DPB shall prepare a policy analysis and EIA before advising the appropriate Secretary and the Governor of the results of the review.

c. Cabinet Secretary. The Secretary shall review the revised proposed regulation package within 14 days and forward a recommendation to the Governor.

d. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove revised proposed regulations on behalf of the Governor.

3. Final Stage

Following the public comment period required by Section 2.2-4007.03 of the *Code of Virginia* and taking into account all comments received since the last stage was published, the rulemaking entity shall revise the proposed regulation.

If any change with substantial impact – as determined by DPB – has been made to the regulatory text between the proposed and final stages, the agency shall obtain a letter from the OAG certifying that the agency has authority to make the additional changes.

The order of executive branch review shall be as follows:

a. DPB. DPB shall review the final stage package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. 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 prepare a policy analysis before advising the appropriate Secretary and the Governor of the results of the review.

b. Cabinet Secretary. The Secretary shall review the final stage regulation package within 14 days and forward a recommendation to the Governor.

c. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove proposed final regulations on behalf of the Governor.

B. Fast-Track Rulemaking Process

The fast-track rulemaking process is for rules that are expected to be noncontroversial.

DPB shall review the fast-track regulation to determine whether the regulatory change is appropriately within the intended scope of fast-track regulatory authority, whether it complies with all other requirements of this Executive Order and applicable statutes, and whether the contemplated regulatory action comports with the policy of the Commonwealth. DPB shall request the Governor's office to determine if the fast-track process is appropriate when there is any question as to whether a package should be allowed to proceed in this manner. The Governor shall retain discretion to disapprove use of the fast-track rulemaking process when the Governor determines use of this process is not in the public interest, the determination of which shall be at the sole discretion of the Governor.

After a fast-track regulation has been submitted on the Town Hall, executive branch review will proceed as follows:

1. OAG. The OAG will conduct a review of the proposed fast-track regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the fast-track regulation. After the OAG has completed its review, the package will be submitted to DPB.

2. DPB. DPB shall determine within 10 days or less whether the regulatory package is appropriate for the fast-track rulemaking process and communicate this decision to the agency. After a package has been determined to be appropriate for the fast-track process,

the Director of DPB shall have 30 days to prepare a policy analysis and EIA before advising the appropriate Secretary and the Governor of the results of the review.

3. Cabinet Secretary. The Secretary shall review the fast-track regulation package within 14 days and forward a recommendation to the Governor.

4. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove fast-track regulations on behalf of the Governor.

C. **Emergency Rulemaking Process**

Emergency regulations may be promulgated by an agency if it determines there is an emergency situation, consults with the OAG, and obtains the approval of the Governor. Emergency regulations may also be promulgated in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a state regulation be effective in 280 days or less from its enactment and the regulation is not exempt from the APA.

If the agency plans to replace the emergency regulation with a permanent regulation, it should file an Emergency/NOIRA stage. The order of executive branch review shall be as follows:

1. OAG. The OAG will conduct a review of the proposed emergency regulation and produce a memorandum assessing the agency's legal authority to promulgate the regulation. The OAG may also provide any advice, recommendations, or other comments for consideration by the Governor with respect to the proposed emergency regulation. After the OAG has completed its review, the package will be submitted to DPB.

2. DPB. DPB shall review the proposed emergency regulatory package to determine whether it complies with all requirements of this Executive Order, applicable statutes, and other policies of the Commonwealth. Within 10 days of receiving a complete emergency regulation package from the agency, the Director of DPB shall prepare a policy analysis before advising the appropriate Secretary and the Governor of the results of the review.

3. Cabinet Secretary. The Secretary shall review the proposed emergency regulation package within 10 days and forward a recommendation to the Governor.

4. Governor. The Chief of Staff to the Governor is hereby authorized to approve or disapprove emergency regulations on behalf of the Governor.

An emergency regulation shall be effective for up to 18 months and may be extended for up to an additional six months if, despite the rulemaking entity's best efforts, a permanent replacement regulation cannot become effective before it expires. If an agency wishes to extend an emergency regulation beyond its initial effective period, the agency shall submit an emergency extension request to the Governor's Office via the Town Hall as soon as the need for the extension is known and no later than 30 days before the emergency regulation is set to expire. The emergency extension request must be granted prior to the expiration date of the emergency regulation, pursuant to Section 2.2-4011D of the *Code of Virginia*.

Periodic Review of Existing Regulations

Every existing state regulation shall be reviewed at least once every four years by the promulgating agency, unless specifically exempted from periodic review by the Governor. A periodic review shall include notice to the public, a public comment period (minimum of 21 days), and a result to be announced no later than 60 days after the close of the public comment period.

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 OAG to ensure statutory authority for the regulation and that the regulation does not exceed the agency's rulemaking authority. Agencies

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

The periodic review must be conducted on the Town Hall and may be accomplished either (1) during the course of a comprehensive regulatory action using the standard rulemaking process, or (2) by using the periodic review feature as follows:

A. During the course of a comprehensive rulemaking using the standard regulatory process. If the agency already plans to undertake a standard regulatory action, the agency can fulfill the periodic review requirement by including a notice of a periodic review in the NOIRA. When the proposed stage is submitted for executive branch review, the ABD shall include the result of the periodic review. 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 the regulatory action.

B. Using the periodic review feature. If, at the time of the periodic review, the agency has no plans to begin a comprehensive rulemaking using the standard rulemaking process, then the agency shall use the periodic review feature to announce and report the result of a periodic review. If the result of the periodic review is to amend the regulation, the agency shall link the periodic review with the subsequent action to amend the regulation. If the result is to retain the regulation as is, the agency shall so indicate using the appropriate Town Hall form.

In addition to the procedures described above, 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.

Petitions for Rulemaking

Agencies shall post petitions for rulemaking and decisions to grant or deny the petitions on the Town Hall, in accordance with the timeframes established in Section 2.2-4007 of the *Code of Virginia*.

Regulatory Timeframe Deadlines

If an agency fails to meet any regulatory timeframe deadlines set forth below, it shall submit a report to its Cabinet Secretary and DPB no later than December 31 of the year in which the timeframe deadline is not met. This report shall include the Town Hall action and stage number, as well as an explanation of why the timeframe deadline was not met. The report must contain the following missed regulatory timeframe deadlines:

A. For regulatory actions that have multiple stages, the period between the close of a public comment period and when the next stage is submitted on the Town Hall shall not exceed 180 days.
B. Agencies have 14 days to submit a regulatory package to the Register once they have been authorized to do so.

Electronic Availability of Meeting Agenda and Minutes

Executive branch agencies shall post the notice of, and agenda for, a public regulatory meeting on the Town Hall at least 7 days prior to the date of the meeting, except if it is necessary to hold an emergency meeting in which case the agenda shall be posted as soon as possible.

In addition, agencies that promulgate regulations and keep minutes of regulatory meetings shall post such minutes of those meetings on the Town Hall in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3707.1 of the *Code of Virginia*.

Legislative Mandates

By July 1 of each year, agencies shall post on the Town Hall all legislative mandates for rulemaking activity required by the most recent session of the General Assembly. The agency shall then link each legislative mandate with the regulatory action that implements the mandate.

Electronic Availability of Guidance Documents

Agencies shall post all guidance documents or a link to each agency guidance document, as defined by Section 2.2-4001 of the *Code of Virginia*, on the Town Hall. Any changes to a guidance document or a guidance document link shall be reflected on the Town Hall within 10 days of the change.

Effective Date of the Executive Order

This Executive Order rescinds and replaces Executive Order Number 14 (2010) issued by Governor Robert F. McDonnell. This Executive Order shall become effective on June 30, 2014, and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 30th day of June, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTEEN (2014)

CONTINUING THE GOVERNOR'S ADVISORY BOARD ON SERVICE AND VOLUNTEERISM

Importance of the Initiative

Service and volunteerism are critical components of our civic life. The Commonwealth of Virginia and federal government work in tandem to develop a focal point for these efforts.

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 § 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 affirm the Governor's Advisory Board on Service and Volunteerism. The Board is classified as a gubernatorial advisory board in accordance with § 2.2-2100 of the *Code of Virginia*.

The Board 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 the promotion and development of national service in the Commonwealth of Virginia. The Board shall have the following specific duties:

1. To advise the Governor, the Secretaries of Education, Health and Human Resources, Natural Resources, Veterans and Defense Affairs, the Commissioner 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 Education, Health and Human Resources, Natural Resources, Veterans and Defense Affairs, the Commissioner 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 importance of AmeriCorps programs in meeting Virginia's most pressing human, educational, environmental, and public safety needs.

4. To collaborate with the 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.

5. To promote volunteerism and community service within the Commonwealth.

6. To work with the Department of Social Services on promoting the involvement of faith-based organizations in community and national service efforts.

The Board shall be comprised of no more than twenty 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 Board shall elect the Chair. Board voting membership shall include representatives for the categories as outlined in federal regulations issued by the Corporation for National Service.

Staff support as necessary to support the Board's work during the term of its existence shall be furnished by the Department of Social Services, and the Governor may designate further support by any other executive branch agencies. An estimated 300 hours of staff time will be required to support the work of the Board.

Funding needed to support the Board shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes of the Board, authorized by § 2.2-135 of the *Code of Virginia*. Direct costs for this Board are estimated at no more than $15,000. Members of the Board shall serve without compensation, but may receive reimbursement for expenses incurred in the discharge of their official duties.

The Board shall meet at least quarterly upon the call of the Chair. The Board 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 replaces Executive Order No. 66, issued on July 22, 2013, by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and shall remain in force and effect for a year or until superseded or rescinded.

Effective Date of the Executive Order

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of June, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETEEN (2014)

CONVENING THE GOVERNOR'S CLIMATE CHANGE AND RESILIENCY UPDATE COMMISSION

Importance of the Issue

The National Oceanic and Atmospheric Administration has identified some Virginia coastal areas as among the most vulnerable to sea level rise in the nation, and the U.S. Navy Task Force Climate Change has identified Naval Station Norfolk as one of its most endangered installations. The Chesapeake Bay is particularly susceptible to damage caused by climate change. While Virginia has taken certain steps to mitigate the effects of climate change, it is imperative that the Commonwealth redouble its efforts in the face of this looming problem.

In 2008, Governor Kaine established the Governor's Commission on Climate Change to address these concerns. The Commission's final report outlined the impact that changing weather conditions have on Virginia's built environment, natural systems, and the health of its citizens. Among the findings was the decline or disappearance of key species of the Chesapeake Bay, increased damage from more frequent and severe storms, and the spread of vector born diseases like West Nile virus. The report also made over 150 recommendations to help Virginia adapt to the consequences of climate change, as well as reduce Virginia's contributions to the problem.

Establishment of the Commission

The Commonwealth requires an action–oriented plan with concrete measures to be addressed and executed. Accordingly, I hereby formally convene the Governor's Climate Change and Resiliency Update Commission ("Commission") to review, update, and prioritize the recommendations of the 2008 Climate Change Action Plan. Moreover, the updated report will work to identify sources of revenue to fund the implementation of these recommendations.

Composition of the Commission

The Governor's Climate Change and Resiliency Update Commission membership will be appointed by the Governor and chaired by the Secretaries of Natural Resources and Public Safety and Homeland Security.

Membership shall also include the following individuals or their designee:

Secretary of Transportation;
Secretary of Commerce and Trade;
Representative(s) of the General Assembly;
Representative(s) from the military;
Representative(s) from local governments;
Scientific experts; and,
Representative(s) from agriculture/forestry, environmental organizations, and affected industries.

The Governor may appoint any other member(s) deemed necessary to carry out the assigned functions of the Commission and the members shall serve at his pleasure.

Staff support for the Commission will be provided by the Offices of the Secretary of Natural Resources, the Secretary of Public Safety and Homeland Security, the Secretary of Transportation, the Secretary of Commerce and Trade, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Office of the Governor, and other agencies as may be designated by the Governor. The estimated direct cost of the Commission is $5,000. All executive branch agencies shall cooperate fully with the Commission and provide any assistance necessary, upon request of the Commission or its staff.

Duties of the Commission

The Commission is charged with conducting an assessment of the recommendations from the 2008 Climate Change Action Plan. Specifically, the Commission will:

- Determine which recommendations from the original report were implemented;
- Update and prioritize the recommendations; and,
- Identify sources of funding to support the implementation of the recommendations.

The Commission shall submit a report with its updated recommendations by June 30, 2015.

Effective Date of the Order

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of July, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY (2014)

ADVANCING EQUITY FOR SMALL, WOMEN, AND MINORITY OWNED BUSINESSES

Importance of the Issue

It is imperative for the Commonwealth of Virginia to maximize the participation of small businesses in state contractual work. For Virginia to remain competitive and continue to advance its small business goals, significant work still must be done for a more transparent, equitable, and inclusive process. Therefore, I am establishing a micro business designation within the small business certification and vital new state procurement initiatives.

For purposes of this Executive Order: 1) "executive branch agency" shall include all entities in the executive branch, including agencies, authorities, commissions, departments, and all institutions of higher education; 2) "small businesses" shall include, but not be limited to, small, women-owned or minority-owned businesses; and, 3) "micro businesses" shall be defined as those certified small businesses that have no more than twenty-five (25) employees and no more than $3 million in average annual revenue over the three-year period prior to their certification.

I am directing the following executive branch agencies that have statutory authority for procurement, in conjunction with the Department of Small Business and Supplier Diversity (DSBSD) as provided in *Code of Virginia* § 2.2-1605(A)(6), to implement the requirements herein within their respective areas of procurement authority: Department of General Services (DGS), Virginia Information Technologies Agency (VITA), Virginia Department of Transportation (VDOT), those institutions of higher education that have autonomy in procurement granted under the Restructured Higher Education Financial and Administrative Operations Act (*Code of Virginia* § 23-38.88, *et seq*.), and other executive branch agencies that have statutory authority for procurement.

Initiatives

With a continuing rational basis for small business enhancement, and pursuant to the authority vested in me as Governor under Article V of the Constitution of Virginia, the *Code of Virginia*, including *Code of Virginia* § 2.2-4310(C), and applicable Memoranda of Understanding and Management Agreements entered into pursuant to *Code of Virginia* § 23-38.88, *et seq*., I hereby direct my Cabinet Secretaries and all executive branch agencies to continue and advance the following on a race-neutral and gender-neutral basis:

1. Exceed a target goal of 42%, which is the highest percentage of expenditures spent since FY 2004 for executive branch agencies with small businesses certified by DSBSD. This percentage applies to discretionary spending in categories from which the Commonwealth derives procurement orders, prime contracts, and subcontracts. DSBSD, in consultation with executive branch entities and institutions with procurement responsibilities, shall advance race-neutral and gender-neutral goals via annual agency Small, Women-owned, and Minority-owned (SWaM) procurement plans. Each executive branch agency shall review and update its benchmarks, policies, and procedures to conform with this Executive Order and the implementing regulations adopted pursuant to *Code of Virginia* § 2.2-1605(A)(6) and thereby ensure that a greater percentage of purchases is made from certified small businesses, in goods and services categories from which the Commonwealth makes its purchases.

2. Create the micro business designation, which shall include those certified small businesses that have no more than twenty-five (25) employees and no more than $3 million in average annual revenue over the three-year period prior to their certification. DSBSD shall develop a best practices method for identifying those small businesses that are eligible for the micro business designation. DSBSD shall also evaluate and offer recommendations for the implementation of the micro business designation by October 1, 2014.

3. Expand the set-aside for competition among all certified small businesses to include purchases up to $100,000 for goods and nonprofessional services and up to $50,000 for professional services when the price quoted is fair and reasonable. In the procurement selection process for

these set-asides, at least one of the proposals/bids shall be obtained from a micro business unless upon due diligence no micro business in a particular category exists or was willing to submit a proposal/bid. Purchases under $10,000, however, shall be set aside for micro businesses when the price quoted is fair and reasonable. Executive branch agencies that have statutory authority for procurement shall include these set-asides in their purchasing regulations, policies, and processes by no later than September 1, 2014. Current contracts will continue in accordance with their terms. The DSBSD will prepare a progress report describing executive branch agencies' compliance with this requirement and deliver its report to the Governor's Chief of Staff no later than October 1, 2014.

4. Provide support to DSBSD in developing a uniform, statewide method for evaluating and monitoring small business (SWaM) procurement plans. Executive branch agencies shall require each prime contractor to include in its proposal(s)/bid(s) a SWaM procurement plan. Before final payment is made, the purchasing agency shall confirm that the contractor has certified compliance with the contract's SWaM procurement plan. If there are any variances between the contractor's required SWaM procurement plan and the actual participation, the contractor shall provide a written explanation. The written explanation shall be kept with the contract file and made available upon request.

Contracts and renewals may include a provision allowing final payment to be withheld until the contractor is in compliance with its SWaM procurement plan. Prior to entering into a new contract or renewing a contract with a contractor, an agency shall review a contractor's record of compliance with SWaM procurement plan requirements. A contractor's failure to satisfactorily meet designated SWaM procurement plan requirements shall be considered in the prospective award or renewal of any future contracts with the contractor.

5. Implement processes for producing SWaM subcontracting data as established by DSBSD in consultation with DGS and VITA. This subcontracting data must also include information on non-SWaM subcontractors performing on contracts over $200,000.

These initiatives will spur creativity, promote economic justice and development, and encourage procurement participation by small businesses. In support of the initiatives set out above, I further direct the following actions to be taken by Cabinet Secretaries and executive branch agencies:

1. DSBSD, in conjunction with DGS, VITA, VDOT, and higher education institutions with procurement autonomy, shall implement initiatives to enhance the development of small businesses in Virginia. Such initiatives shall include, but not be limited to:

    - Information on access to capital, including contract financing and bonding support and other opportunities for economic development;
    - Management and technical assistance programs;
    - Partnerships and outreach with local business groups, chambers of commerce, and other organizations to develop a diverse vendor base; and,
    - Statewide mentor/protégé and/or joint venture programs.

2. DSBSD, with assistance from DGS, shall conduct a vendor outreach training program for each congressional district in the Commonwealth. Training shall include instructions on how to obtain certification, register with and research through the Commonwealth's e-procurement system (eVA), respond to business opportunities with the Commonwealth, encourage SWaM participation, and overcome identified barriers.

3. Executive branch agencies shall review the efficacy of implementing other small business enhancement tools and processes, such as:

    - Unbundling contracts;
    - Relaxing the requirement for mandatory attendance at pre-bid meetings;
    - Expanding time to respond to small purchase solicitations;
    - Alerting businesses to current and future procurement as well as subcontracting opportunities; and,
    - Streamlining the paperwork required of small businesses.

4. The purchasing manuals, regulations and guidelines of all executive branch entities and institutions shall include updated SWaM purchasing regulations and/or guidelines to reflect the changes made in this Executive Order.

5. Executive branch agencies shall actively recruit small businesses to seek certification from DSBSD, to register on eVA, and to compete for state procurement contracts. DGS and VITA shall develop guidelines that promote greater representation of SWaM businesses on such contracts.

6. VDOT, for road and bridge construction, and DGS, for construction, shall develop guidelines to be used by executive branch agencies in making construction mobilization payments to businesses when reasonable and necessary to facilitate contract initiation.

7. The Virginia Economic Development Partnership (VEDP) shall send DSBSD its regular report to the Secretary of Commerce and Trade on new economic development announcements of business activity in the Commonwealth, inclusive of those announcements in which a VEDP administered economic incentive is provided. Such report will enable DSBSD to ascertain in a timely manner what opportunities the activity may bring for Virginia's small businesses.

8. Every executive branch agency shall utilize the Commonwealth's central electronic procurement system ("eVA") as its purchasing and/or posting system beginning at the point of requisitioning for all procurement actions, including but not limited to technology, transportation, and construction, for the purpose of identifying available small businesses, and for tracking purchase requisition details from those businesses. DGS, in consultation with VDOT, shall develop guidelines pertaining to the content of requisitions, in order for data to be captured in a timely, accurate, and consistent manner.

9. Each executive branch agency shall designate a SWaM equity champion to ensure equity in the solicitation of procurement proposals/bids and awarding of contracts.

10. Agency heads, senior managers with procurement responsibility, procurement personnel, and end users with purchasing charge cards shall be evaluated on small business purchasing goals as part of their employee evaluations.

11. DSBSD shall coordinate with the Virginia Association of Counties, the Virginia Municipal League, and the Virginia Association of Governmental Purchasing to identify opportunities for state and local government entities to collaborate in order to maximize procurement equity for small businesses.

Reporting Requirements

1. The Secretary of Commerce and Trade shall study the potential advantages of providing start-up incentives, including federally-funded grants, to certified small businesses. This shall include a review of the economic impact of providing the incentives and whether such incentives would promote the profitability and sustainability of such businesses. The Secretary of Commerce and Trade shall provide a report to the Governor's Chief of Staff by no later than December 1, 2014.

2. Cabinet Secretaries shall monitor their agencies' spending with all certified small businesses, and report on the results quarterly. DSBSD shall develop a standard reporting format for such purposes. The report shall include information on purchases made from all certified small businesses. In addition, the Secretary of Commerce and Trade will assess overall state performance, and report quarterly to the Governor.

Each Cabinet Secretary shall evaluate the performance of their agencies in implementing these directives. DSBSD, in cooperation with each Cabinet Secretary, shall provide quarterly reports to the Secretary of Commerce and Trade regarding the Commonwealth's progress in enhancing opportunities for SWaM businesses. The reports shall delineate the Commonwealth's spending in detail by SWaM category and agency.

3. The Secretary of Commerce and Trade shall conduct a study on a new small business designation, with prospective set-aside opportunities, that would be between twenty-five (25) and one hundred (100) employees and between $3 and $10 million. The study shall be delivered to the Governor's Chief of Staff no later than December 1, 2014.

4. Executive branch entities and institutions with procurement responsibilities shall review practices, procedures, and proposal evaluations criteria to identify and remove barriers or limitations to SWaM participation. A section on "barriers or limitations" shall be included in annual agency SWaM plans. SWaM plans shall be developed and submitted to the Secretary of Commerce and Trade on September 1 of each fiscal year.

5. The Secretary of Commerce and Trade will prepare and deliver a report to the Governor no later than October 1, 2015, detailing compliance with this Executive Order and providing spend performance metrics from the prior fiscal year.

Effective Date of this Order

This Executive Order replaces Executive Order 33 (2006), issued by Governor Timothy M. Kaine, and 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 22nd day of July, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-ONE (2014)

CHAMPIONS FOR VIRGINIA'S CHILDREN: VIRGINIA CHILDREN'S CABINET

Importance of the Issues

With a longstanding history of prioritizing our youngest generation, Virginia has a distinguished record as one of the best states for children and families. This achievement has been accomplished through a firm commitment to the highest quality of life, health care, public safety, K-12 and higher education, and a vibrant business environment that promotes job growth, employment opportunities, and career advancement.

We must ensure that youth throughout Virginia can excel, beginning in their earliest years. Addressing the challenges that face our children requires a comprehensive approach that focuses on strengthening families and stemming the tide of poverty. To build Virginia's workforce, we must continue to invest in

and foster the development of healthy and well-educated children who are prepared to be productive members of our communities as adults.

The Commonwealth of Virginia must cultivate a solid foundation for our children and their families through supportive measures that promote: 1) early childhood development programs and basic healthcare needs, 2) age-appropriate mental health services, 3) first-rate, coordinated services for at-risk youth, 4) critical educational outcomes and academic readiness to succeed, and 5) nutritional security and access to stable housing. The education, health, safety, and well-being of Virginia's children are fundamental to the Commonwealth's future.

Establishment of the Cabinet

Accordingly, 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, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby initiate Champions for Virginia's Children with the establishment of the Virginia Children's Cabinet ("Children's Cabinet").

Virginia Children's Cabinet

The Children's Cabinet shall develop and implement a comprehensive policy agenda related to the education, health, safety, and well-being of youth throughout the Commonwealth. It shall evaluate and recommend strategies to optimize and align local, state, and federal public resources, and public-private partnerships to enhance current and prospective programs and services for Virginia's children and their families, particularly those at highest risk. It shall also identify best practices and areas for improvement.

Additionally, the Children's Cabinet shall provide leadership and strategic direction, facilitate the sharing of information, and work to improve service delivery of state programs. It shall identify specific goals, outcomes, and metrics to accomplish its work during this administration. These issues are interrelated and require regular communication and collaboration across local, state, and federal agencies, secretariats, industry sectors, and other related constituencies. It will coordinate with other state entities as appropriate to remain apprised of developing issues.

Children's Cabinet Priorities

By collaborating across secretariats and working with local, state, and federal agencies, private industry, non-profit organizations, the Children's Cabinet will work to ensure that effective supports are in place to achieve the following:

1. **Beyond the barriers**. Schools in high-poverty communities face numerous systemic societal barriers (such as unstable housing, high crime rates, health, nutritional, and social challenges). The myriad of issues facing these schools and their students must be addressed. Opportunities for increased support will be identified, including, but not limited to, community and social services for Virginia's most vulnerable children and their families.

2. **Raising the foundation.** High quality early child care, increased access to pre-K, and educational programs lay the foundation for academic achievement. Child care providers must be held accountable to provide quality care so that our youngest children will thrive and obtain the necessary skills to contribute to our communities.

3. **Access to basics**. Access to healthcare, housing, and proper nutrition must be facilitated to meet basic needs and ensure the healthy growth, development, and well-being of our children and their families.

4. **Triumph over transitions**. Services for youth who are transitioning out of Virginia's juvenile justice, mental health, and foster care systems will be assessed. Best practices will be determined, and replication will be encouraged. Factors leading to youth entering the juvenile justice system will be identified to reduce the impact of incarceration. Issues related to educational and work transitions from preschool to K-12 education, and K-12 education to college and/or the workforce, will also be examined.

5. **Working parents, building families**. Policies and services that encourage workforce development efforts for parents through education, credential training, career development, and employment will be addressed.

Composition of the Children's Cabinet

The Secretaries of Education and Health and Human Resources shall serve as Co-Chairs of the Children's Cabinet.

The Children's Cabinet will be appointed by the Governor and consist of the Lieutenant Governor, the First Lady, the Secretaries of Commerce and Trade, Education, Health and Human Resources, and Public Safety and Homeland Security. The Children's Cabinet Co-Chairs may invite other Secretaries to participate as needed and appropriate.

Staffing

Staff support for the Children's Cabinet will be provided by the Secretaries of Education, Health and Human Resources, and any other agencies or offices as may be designated by the Governor. The Children's Cabinet will serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia,* and will meet upon the call of the Chairs at least four times per year. The Children's Cabinet will issue an annual report by no later than June 1, and any additional reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 9, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 11th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-TWO (2014)

ESTABLISHING THE COMMONWEALTH COUNCIL ON CHILDHOOD SUCCESS

Initiative

The optimal development of Virginia's infants, toddlers, and young children is linked to our success as a Commonwealth. Children's earliest experiences have a significant impact on their health, growth, and readiness to succeed.

We must address the basic health, education, and child care needs of young children, including the early identification of intellectual and developmental delays, access to stable housing and nutritious foods, and high quality child care and early education programs. Public and other resources need to be used efficiently and effectively by local, state, and federal agencies, nonprofit organizations, and providers of health care, child care, and education through early intervention and case management.

Establishment of the Council

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commonwealth Council on Childhood Success.

Commonwealth Council on Childhood Success ("CCCS")

The Commonwealth Council on Childhood Success shall regularly report to the Governor and the Children's Cabinet. It will conduct a comprehensive, statewide assessment of current programs, services, and local, state, and federal public resources that serve Virginia's children ages 0-8. In coordination with the Children's Cabinet and relevant state agencies, it will serve as a central coordinating entity to identify opportunities and develop recommendations for improvement including, but not limited to: 1) funding for preschool, 2) kindergarten readiness, 3) strategies to close the achievement gap in early elementary years, 4) the quality and accountability of child care programs and providers, and 5) coordination of services for at-risk families. The CCCS will also collaborate with other entities as appropriate. It will seek participation from relevant stakeholders, including the business community, private and nonprofit providers, and advocacy organizations.

Composition of the CCCS

The CCCS shall be chaired by the Lieutenant Governor and consist of representatives of the following: Department of Education; Department of Social Services; Department of Behavioral Health and Developmental Services; Department of Health; programs under part B, Section 619, and part C of the Individuals with Disabilities Education Act; Child Care Development Fund; Virginia's Head Start Collaboration; the Virginia Early Childhood Foundation; local educational agencies; institutions of higher education; local providers of education and child care; local Head Start programs; the business community; the legislature; and others with appropriate expertise, as appointed by the Governor.

Staffing

Staff support for the CCCS will be furnished by the Office of the Lieutenant Governor, and such other agencies and offices as designated by the Governor. The CCCS will serve in an advisory role to the Governor, in accordance with § 2.2-2100 of the *Code of Virginia*, and will meet upon the call of the Chair at least four times per year. The CCCS will issue an annual report by no later than June 1, and any additional reports as necessary.

Effective Date

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in full force and effect for a year from its signing or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-THREE (2014)

ESTABLISHING THE NEW VIRGINIA ECONOMY WORKFORCE INITIATIVE

Importance of the Initiative

With its favorable economic climate, quality of life, regulatory environment, and low unemployment rate, Virginia has been designated as the best state for business. Also named the Best State for STEM Jobs, Virginia has the highest concentration of high tech jobs per capita in the nation. In light of these positive factors, it is critical to prepare for changes to Virginia's employment marketplace and retiring workforce.

A new workforce agenda is required to fill jobs of today and the future. Based on current estimates, by 2022, about 500,000 new jobs will be created in Virginia. Over 930,000 workers will be needed to replace Virginia's retiring workforce. Many of these jobs will be in scientific, technical, or healthcare careers, and will require postsecondary education or workforce credentials. Careers in these fields are readily accessible for those who are trained, credentialed, and ready to work. However, we do not have enough tech-savvy frontline workers.

The Commonwealth must devise a long-term, comprehensive plan to equip our workforce with in-demand skill sets that will retain and attract businesses. It is crucial for enough students to graduate from Virginia's educational institutions to meet the demands from current and prospective employers. Employers must be engaged to determine current and future employment needs.

As Chief Executive Officer and Chief Workforce Development Officer for the Commonwealth of Virginia, and in furtherance of my commitment to workforce development and training, I am dedicated to ensuring that all Virginians are afforded access to a world class education and workforce system. Therefore, in consultation with the Secretary of Commerce and Trade, Chief Workforce Development Advisor, I am directing Virginia's Workforce Development System ("Workforce System"), including the Department for Aging and Rehabilitation Services, Department for the Blind and Vision Impaired, Virginia Community College System, Virginia Economic Development Partnership, Virginia Department of Education, Virginia Employment Commission, Department of Labor and Industry, Department of Social Services, as well as the Virginia Board of Workforce Development, local Workforce Investment Boards ("WIBs"), and other state agencies as identified below to take immediate action to marshal the Commonwealth's education and training resources.

Establishment of the Initiative

Accordingly, 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, and subject to my continuing and ultimate authority

and responsibility to act in such matters, I hereby create Establishing the New Virginia Economy Workforce Initiative.

Actions to Drive Virginia's Workforce System

This Executive Order requires Virginia's Workforce System to take the following immediate actions:

1. Establish annual goals and identify opportunities to increase statewide attainment rates of credentials that align with employer needs.

Specialized, skilled, and technical jobs at the technician level currently comprise about 45% of Virginia's labor market. The required training for these jobs is usually acquired through community college degrees, certificate programs, apprenticeships, certifications, licenses, or other career-related credentials. As the demand for new workers with specialized skills increases, the Commonwealth must act quickly to address industry needs, fill the workforce gap, and foster new opportunities.

- "Pathway to 50K" – Virginia will set a goal of attaining 50,000 STEM-H credentials, licenses, apprenticeships, and associate degrees that meet the immediate workforce needs during my administration. Many of these jobs will have high individual wages and bring a substantial return on investment to the gross state product.

- Action Item: By October 31, 2014, state agencies including the Department for Aging and Rehabilitative Services, Department of Education, Department of Labor and Industry, Department of Social Services, Virginia Community College System, and local WIBs must each produce a report for the Secretary of Commerce and Trade that will incorporate the current workforce credential attainment levels from FY2013, and regional business and industry needs. After reviewing the baseline data, each agency and WIB will establish an annual goal and strategies for the next three years to increase attainments rates and identify barriers to credential attainment to meet the Governor's goal of 50,000 credentials. The reports must also identify opportunities to take immediate action for changing state policies, funding, or applying for federal waivers to increase credential rates. In addition, local WIBs will work with local businesses and industry sectors, local chambers of commerce, and local community colleges to identify and prioritize those workforce credentials most in demand by employers in the WIBs' regions. Transparency of credential attainment will be provided by an online Commonwealth Scorecard of Economic Opportunity that will be hosted by the State Council for Higher Education of Virginia.

- Action Item: By December 31, 2014, the Secretary of Commerce and Trade will approve a plan for implementing new statewide common metrics and methods of measuring postsecondary education/workforce credential attainment, employment, wages, professional mobility, and return on investment. Currently, the only established performance metrics for most of Virginia's publicly funded workforce programs are those from various federal agencies. To better align Virginia's workforce programs with a common goal of continued economic development, the state will, for the first time, introduce common performance metrics for all publicly funded workforce programs.

2. Create seamless transitions for Virginia's veterans by providing high quality education and workforce services that accelerate career opportunities.

At present, over 840,000 veterans reside in Virginia. Since 2000, Virginia has had high growth in its veteran population, and, more specifically, those veterans under the age of 25. With a strong military presence, defense activities, and civilian contractors, Virginia is a leader of veteran employment strategies through the Department of Veteran Services' Virginia Values Veterans (V3) program. V3 educates employers to recruit, hire, and retain veterans. However, more resources and services are needed to enhance this program. In addition, actual skill sets and academic transcripts must be quickly evaluated for

transferability. Virginia must take a multifaceted approach to building a comprehensive veteran workforce services initiative.

- "Our Patriot Pledge" - Virginia will request that 10,000 businesses sign pledges of commitment for hiring our veterans. In addition, by the end of the administration, Virginia will double the number of veterans hired through the V3 program.

- Action Item: By November 30, 2014, the Secretary of Commerce and Trade, in consultation with Virginia's Workforce System, the Secretary of Education, the Secretary of Veterans and Defense Affairs, the Department of Veterans Services, and each of the education and workforce development agencies and programs within Virginia's Workforce System will present a plan to the Governor on how to recruit and retain veterans in Virginia. The plan will outline how Virginia will convert military experience and training into academic or workforce credentials, simplify and accelerate the education and workforce credentialing process toward a career, create online portals with information and services that support the transition process, and build an awareness of careers and services that Virginia offers as the preeminent state for veterans.

3. Diversify the economy by providing workers with skills to meet new private sector needs, encouraging innovation through entrepreneurship, retooling regions for economic advancement, and educating Virginia's workforce for the future.

Roughly thirty percent of Virginia's economy is tied to the federal government. Virginia needs to strengthen its economy by encouraging the growth of robust industry sectors that do not rely on government contracting or grant funding.

- "A Diversified Dominion" – Virginia will seek to diversify the economy by increasing support for small businesses, start-ups, entrepreneurial ventures, and patent production. The Commonwealth can help advance current industries, while recruiting new ones to maintain our global strength.

- Action Item: The Secretary of Commerce and Trade will work closely with the Virginia Economic Development Partnership, state and local chambers of commerce, trade associations, and Virginia's Workforce System to set a vision for Virginia's future economy. Local, state, and national business trends and forecasts will be evaluated to help shape next steps to retain Virginia's current and future competitive edge. These short-term and long- term goals, recommendations, and strategies will be submitted in a report to the Governor's Office by no later than December 1, 2014.

4. Align workforce supply to current and anticipated employer demands by constructing career pathways and training solutions for the dislocated, underemployed, and future worker.

Virginia will align its workforce supply to current and anticipated employer demands by constructing career pathways and training solutions for the dislocated, underemployed, and future worker. Currently, tens of thousands of jobs are left unfilled in Virginia due to the creation of new jobs and positions available from the recently retired. In Virginia's metropolitan areas, job vacancies for highly skilled and high tech workers average over a month to fill, while a single job in rural Virginia might garner hundreds of applications. Education attainment requirements also differ from industry to industry and can be regionally specific.

- "Real-Time Resources" – Virginia will create the Commonwealth Consortium for Advanced Research and Statistics (CCARS) for workforce and education policy. CCARS will support education and workforce entities through analysis and research to help drive economic development in the Commonwealth. This consortium will provide real-time data about human capital, regional skills gaps, local and state wage data, university research and talent, and availability of local and state workforce programs. The availability of data will increase outcomes-based decision-making which will help create effective and efficient strategies for employment development and job replacement, as well as streamline and target resources. The Secretary of Commerce and Trade will convene a CCARS conference at least once a year.

- Action Item: To better assess and take action regarding regional and state skills gaps in key occupations and industry sectors, the Virginia Employment Commission, in partnership with the Secretary of Commerce and Trade and Virginia's Workforce System, will develop an online dashboard that integrates regional and statewide information about the supply of workforce credentials, as well as information about college degrees, and other academic credentials.

Effective Date of the Executive Order

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 13th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FOUR (2014)

ESTABLISHING AN INTER-AGENCY TASK FORCE ON WORKER MISCLASSIFICATION AND PAYROLL FRAUD

Importance of the Issue

The misclassification of employees as "independent contractors" undermines businesses that follow the law, deprives the Commonwealth of millions of dollars in tax revenues, and prevents workers from receiving legal protections and benefits.

A 2012 report of the Joint Legislative Audit and Review Commission (JLARC) found that one third of audited employers in certain industries misclassify their employees. By failing to purchase workers' compensation insurance, pay unemployment insurance and payroll taxes, or comply with minimum wage and overtime laws, employers lower their costs up to 40%, placing other employers at a competitive disadvantage.

Based on state and national studies, JLARC estimated that worker misclassification lowers Virginia's state income tax collections as much as $28 million a year. Agencies with relevant enforcement responsibilities, including the Virginia Employment Commission, the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the State Corporation Commission's Bureau of Insurance, the Department of Taxation, and the Workers' Compensation Commission each address only one component of this practice and may not fully coordinate their efforts. In its study, JLARC recommended the establishment of a task force with representatives from the agencies listed above.

Establishment of the Task Force

Pursuant to the authority vested in me as Governor under Article V of the Constitution of Virginia, and the *Code of Virginia*, in order to examine the issue of worker misclassification and payroll fraud, I hereby create an Inter-Agency Taskforce on Worker Misclassification and Payroll Fraud (the "Taskforce").

Initiatives

The purpose of the Taskforce is to develop and implement a comprehensive plan with measureable goals to reduce worker misclassification and payroll fraud in Virginia. The activities of the Taskforce should include, but not be limited to:

1. Review statutes and regulations related to worker misclassification and payroll fraud;
2. Evaluate current enforcement practices of the agencies involved;
3. Develop procedures for more effective inter-agency cooperation and joint enforcement;
4. Implement a pilot project for joint enforcement;
5. Develop educational materials for and an outreach strategy to employers;
6. Advise on any technological improvements in worker misclassification and payroll fraud detection; and,
7. Recommend any appropriate changes to relevant legislation or administrative rules.

The Taskforce will be chaired by the Secretary of Commerce and Trade and will include representatives from the Virginia Employment Commission, the Department of Labor and Industry, the Department of Professional and Occupational Regulation, the State Corporation Commission's Bureau of Insurance, the Department of Taxation, and the Workers' Compensation Commission.

A workplan will be developed and a report on the progress of the Taskforce will be presented to the Governor by December 1, 2014.

Staffing

Staff necessary for the Task Force will be provided by the respective agencies participating with the Task Force. The estimated direct cost of the Task Force is $1,000. Funding necessary to support the Task Force will be provided from funds authorized by § 2.2-135 of the *Code of Virginia*.

Effective Date

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in full force and effect for a year from its signing or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FIVE (2014)

ESTABLISHING THE GOVERNOR'S TASK FORCE ON COMBATING CAMPUS SEXUAL VIOLENCE

Importance of the Taskforce

Nationwide, colleges and universities are increasingly aware of the necessity to combat sexual violence on campus. While institutions of higher education are typically safe environments for students to thrive, both academically and personally, sexual violence is an issue that colleges and universities should confront and strive to prevent.

Virginia's colleges and universities have signed a Joint Declaration pledging to work together to prevent sexual violence. Moreover, they are each committed to providing an atmosphere designed to promote the fair and equitable investigation, adjudication, and timely reporting of sexual violence. Our institutions of higher learning already offer both mandatory and voluntary programs for awareness and prevention of sexual violence. For those adversely affected by sexual violence, Virginia's campuses also furnish resources, or coordinate referral to external, community-based resources, such as counseling, medical care, and alternative living and educational environments.

Through this Executive Order, I am collaborating with the Attorney General of Virginia, who has a critical role as counsel to Virginia's public colleges and universities, and encouraging leaders from college campuses, law enforcement, mental health, and advocacy groups, to seek and recommend solutions that will bring critical awareness and identify best practices to aggressively combat sexual violence on campus.

Establishment of the Task Force

Accordingly, with the authority vested in me by Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Governor's Task Force on Combating Campus Sexual Violence.

Governor's Task Force on Combating Campus Sexual Violence

The Task Force's responsibilities shall include the following:

- Recommend best practices for protocols used by campus officials, including campus police, Title IX Coordinators, and others, to respond to sexual violence on campus.

- Recommend best practice to reinforce existing relationships and form new relationships between Virginia's institutions of higher education, campus police, local law enforcement, commonwealth's attorneys, crisis response centers, mental health counselors, and advocacy organizations, to include the development of a model memorandum of understanding that will delineate respective responsibilities for investigations, sharing of information, and training.

- Recommend best practices for policies governing sexual violence and associated procedures for the investigation and resolution of complaints, and revise such policies and procedures, if needed, to meet all legal requirements.

- Examine sexual violence prevention and awareness programs and recommend measures to maximize best practices for sexual violence training for students, faculty, and staff, as well as bystander intervention programs and mandatory training for incoming residential students, at all of Virginia's universities and colleges.

- Recommend measures to encourage reporting of sexual violence.

- Assess the degree of accessibility of campus services and programs, coordination with community resources and programs, and efforts to make students aware of these resources.

Task Force Membership

The Task Force will be chaired by the Attorney General of Virginia. The Task Force will be comprised of the Secretaries of Education, Health and Human Resources, Public Safety and Homeland Security, representatives of the higher education community, law enforcement, community advocates, health professionals, and relevant government agencies, not to exceed more than thirty members, as appointed by the Governor. The Governor may appoint any other person(s) and support staff deemed necessary and proper to carry out the assigned functions.

Task Force Staffing and Funding

Staff support for the Task Force's work during its existence shall be furnished by the Office of the Governor, and the Offices of the Secretary of Education and the Secretary of Public Safety and Homeland Security, as well as other agencies and offices designated by the Governor.

The Office of the Attorney General will provide legal staff to the Task Force, both through the OAG representatives serving on the Task Force and others, as needed.

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 Task Force, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Task Force are $5,000 per year.

The Task Force will serve in an advisory role and will provide a final report to the Governor by no later than June 1, 2015. The Task Force will issue other reports as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for one year from its signing unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of August, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SIX (2014)

ESTABLISHING THE NEW VIRGINIA ECONOMY STRATEGIC PLAN AND STEERING COMMITTEE

Importance of the Taskforce

The Commonwealth of Virginia features vast natural and human resources that serve as the foundation of our economic strength. Our unparalleled educational system, highly educated workforce, competitive business climate, central mid-Atlantic location, and premium infrastructure have afforded Virginia years of recognition as a preeminent state for business and job growth.

Virginia is well-positioned to capitalize on opportunities in various high-growth industries with high-wage employment, including healthcare, bio sciences, cyber security, and energy. According to the Information Technology and Innovation Foundation, the Commonwealth ranks among the nation's best knowledge-based, globalized, entrepreneurial, IT-driven, and innovation-based economies. Moreover, Virginia has one of the largest higher educational systems and among the most educated populations in the nation.

Virginia is an international gateway to move people and products quickly and efficiently, with fourteen commercial airports, including Dulles International. We offer the third largest state-maintained transportation network with six major interstates, an extensive railroad system, and a technologically-advanced port, capable of handling Post Panamax vessels. With agriculture as our largest industry, the Commonwealth will use these assets as we seek to increase agriculture and forestry shipments worldwide and to become the East Coast capital for agricultural exports.

While Virginia enjoys inherent advantages and assets, we are facing unique economic headwinds. Recent federal budget cuts, reductions in defense spending, and the impact of sequestration have presented pressing challenges for Virginia's economy. In this season of federal contraction, we must balance public and private sector enterprise for fiscal resilience. This vital imperative can be achieved by enhancing our fundamentals and addressing our challenges as an opportunity. By recalibrating our fiscal pathway and focusing our efforts on diversified, sustainable, and prospering industry sectors, the Commonwealth will excel in the global marketplace strengthened by a New Virginia Economy.

Establishment of the Steering Committee

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 New Virginia Economy Steering Committee (Steering Committee). The purpose of this Steering Committee is to create a four-year strategic plan for economic development, in collaboration with the business community, local and state officials, and economic development professionals.

The Commonwealth must attract new jobs and investment, and cultivate the next generation of job creators and entrepreneurs. My administration's four-year strategic plan will focus on: 1) enhancing our infrastructure, 2) diversifying and growing our strategic industry sectors, 3) solidifying and promoting our competitive business climate, 4) nurturing a sustainable entrepreneurial environment, and 5) equipping Virginia's workforce with in-demand skill sets to meet current and future business needs. The plan will also recommend specific executive and legislative actions to achieve these goals.

Composition of the Steering Committee

The Secretary of Commerce and Trade will chair the Steering Committee. The Steering Committee will be composed of the Secretaries of Agriculture and Forestry, Finance, and Veterans and Defense Affairs, as well as the Secretaries of Administration, Education, Health and Human Resources, Natural Resources, Technology, and Transportation, as specified in Section 2.2-205 B of the *Code of Virginia*. The Steering Committee will engage representatives of relevant state agencies, local and regional economic development organizations and chambers of commerce, leaders in sectors significant to Virginia's economy, and other organizations or individuals as designated by the Governor.

Strategic Plan Priorities:

The four-year strategic plan will address five economic development priorities:

1. "Project Ready" Infrastructure – Virginia must ensure that our infrastructure assets and resources, such as healthcare, energy, housing, and broadband are ready to attract small, medium, and large scale projects throughout the Commonwealth and advance our competitive position locally, regionally, and globally.

2. Diversified High-Growth Industries – Virginia must devote vital resources to strengthen thriving industries, while diversifying targeted high-growth industry sectors and expanding trading partnerships.

3. Preeminent Business Climate – Virginia must ensure that tax, regulatory, and incentive policies sustain Virginia's position as the best state to start, grow, and locate a business.

4. Innovation and Entrepreneurs – Virginia must pursue policies and public-private partnerships that attract talent, promote business and social entrepreneurship, business development and investment, and encourage the creation and commercialization of new products and services.

5. "Skills to Jobs" Workforce – Virginia must align higher education system priorities and resources to supply in-demand workers, transition veterans, and meet current and future employer needs, in the private and public sectors.

Staffing

Staff support for the Steering Committee will 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 other agencies as may be designated by the Governor. All executive branch agencies will cooperate fully with the Steering Committee and will render such assistance as may be requested by the Chair. The Secretary of Commerce and Trade will ensure coordination between the development of the New Virginia Economy Strategic Plan and the Workforce Initiative.

The Steering Committee will provide a report to the Governor by no later than December 1, 2014, setting forth the Commonwealth's proposed economic development strategic plan. The Steering Committee shall report annually to the Governor by no later than December 1 on progress toward achieving the goals established in the strategic plan.

Effective Date of the Executive Order

This Executive Order shall be 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 27th day of August 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SEVEN (2014)

FACILITATING EMPLOYEE WORKPLACE GIVING AND VOLUNTEERISM

Importance of the Issue

The Commonwealth of Virginia has a dedicated interest in assisting its employees with charitable giving through the provision of an annual single state employee campaign, the Commonwealth of Virginia Campaign (CVC). This vital campaign offers an opportunity for employees to maximize contributions to a wide range of organizations, while minimizing the disruption to the workplace. Employees of the Commonwealth have demonstrated that they share civic responsibility and generosity with other members of their communities, the Commonwealth, and the United States by contributing more than $3.6 million for the 2013 campaign and over $41 million since 1998.

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 the continuation of an annual Commonwealth of Virginia Campaign.

The Commonwealth of Virginia Campaign will provide a responsive and convenient system to facilitate charitable giving. The goals of this campaign will be to:

1. Provide assistance to non-profit organizations in serving the needs of the community;
2. Facilitate 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.
6. Encourage employees to volunteer their time and share their talents in their schools and communities.

The Commonwealth of Virginia Campaign will be conducted annually in all state agencies through the participation and leadership of two groups of state employees.

1. The CVC Advisory Council (CVCAC): the state employee committee that oversees, articulates, and reviews the general campaign's goals and procedures. This committee, whose members serve three-year terms, includes one representative from each cabinet secretariat, the legislative branch, the judicial branch, seven regional representatives, and three state employees chosen at-large.
2. Agency Coordinators: appointed by their agency head and tasked with organizing the campaign within the workplace.

The Director of Human Resources Management shall serve as the chairperson of the Advisory Council and will lead the development and implementation of operating procedures for the program's organization and administration. These procedures shall be in concert with the goals of the program as set forth in this Executive Order.

Effective Date of the Executive Order

This Executive Order replaces Executive Order Number 26 (2010), issued by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and shall remain in full force and effect until rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of September 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-EIGHT (2014)

ESTABLISHMENT OF THE GOVERNOR'S COMMISSION ON INTEGRITY AND PUBLIC CONFIDENCE IN STATE GOVERNMENT

Importance of the Initiative

The fundamental strength of Virginia's government derives from an engaged citizenry and the utmost dedication from its public servants. Ethical and effective governance requires elected and appointed officers to take every appropriate action for the proper use of public resources and transparency in public endeavors.

My administration is committed to identifying the highest standards for comprehensive governmental reform. Virginia's reputation as one of the outstanding states for business depends upon trusted institutions, public confidence in government, and principled leadership in the Commonwealth. To forge an ethos of trust, it is crucial to continually review operational procedures and systems to ensure that the Commonwealth accountability and efficiency.

Establishment of the Commission

Therefore, 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

§§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility, I hereby establish the Governor's Commission on Integrity and Public Confidence in State Government ("Commission").

Key Reform Issues

I am directing the Commission to review and make recommendations for legislation or policies that address the following reform issues:

1. Comprehensive Government Ethics
    - The benefits of a more independent Ethics Commission for oversight of conflicts of interest matters.
    - A cap or ban on gifts for legislators, including "intangible" gifts of meals and travel.

- Rules regarding personal loans, or any loans other than those from commercial financial institutions at rates available to the general public, to legislators and their family members from personal friends or business associates.
- Rules regarding grants, deliberations, or decisions by members of public boards and commissions that could provide a direct financial benefit to such members, members' family, personal friends, or close business associates.
- Rules regarding post-governmental employment and an appropriate waiting period prior to beginning such employment.
- Policies regarding lawyer-legislators representing clients before state agencies during their term in office.
- Rules related to legislators holding executive branch employment during their term in office.

2. Campaign Finance
- Rules related to the amount of contributions to campaigns by individuals, corporations, PACs, lobbyists, and others.
- Rules regarding campaign contributions during special sessions of the General Assembly.
- Policies on the personal use of candidate campaign funds.
- The disclosure of independent expenditures and advertising in support of or opposition to political candidates prior to an election.

3. Disclosure Oversight and Enforcement
- Independent investigation and audit of campaign disclosures.
- Independent administration and audit of lobbyist disclosure forms.

4. Selection and Service of Judges and Other Public Officials
- Procedures for improving the selection of judges and other candidates for public service.

5. Second Consecutive Term for Virginia's Governor
- Frequency of gubernatorial transitions and the impact on providing services to citizens as well as the daily operations of executive branch agencies.

6. Various Other Governmental Reforms
- Procedures for legislative and congressional redistricting.
- Alterations in the state budget cycle as it relates to gubernatorial terms.

The Commission may, at its discretion or the discretion of the Governor, examine other issues consistent with the purposes of this Executive Order.

Composition of the Commission

Former Congressman Rick Boucher and former Lieutenant Governor Bill Bolling will serve as Co-Chairs of the Commission. The Commission will be comprised of no more than ten (10) members appointed by the Governor and will serve at his pleasure. The Governor may appoint additional persons to the Commission at his discretion.

Staff support

Staff support as necessary to support the Commission will be furnished by the Office of the Governor, and the Governor may designate further support by any other executive branch agencies. An estimated 300 hours of staff time will be required to support the work of the Commission. The Commission may consult with any experts it deems necessary for the requisite information to provide a full and complete report.

Funding needed to support the Commission will be provided by state and other appropriate funds. Direct costs for this Commission are estimated at no more than $15,000. Members of the Commission will serve without compensation, but may receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission will meet at least once monthly upon the call of the Co-Chairs beginning in October, 2014. The Commission will present an interim report pertaining to comprehensive government ethics reform to the Governor on or before December 1, 2014. The Commission will also issue other reports and recommendations as it deems necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of September, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-NINE (2014)

ESTABLISHING THE GOVERNOR'S TASK FORCE ON PRESCRIPTION DRUG AND HEROIN ABUSE

Importance of the Issue

Nationally, prescription drug and heroin abuse has reached epidemic proportions. Since 2000, deaths from prescription drug overdoses in Virginia have more than doubled, while deaths from heroin overdoses have doubled in the past two years. Though prescription drugs are generally safe when used as prescribed, the misuse and abuse of prescription painkillers (opioids) can lead to addiction, and even death. In addition, individuals that are addicted to opioids are shifting to heroin, as prescription drugs become less available.

Prescription opioid and heroin abuse has also led to an increased burden on law enforcement and elevated health care costs from drug-related emergency department visits and treatment admissions. While the numbers of Virginians requiring treatment for addiction to drugs are substantial, resources for treating those who are addicted are limited. It is vital to the Commonwealth's interests to take immediate steps to reverse this dangerous trend of abuse. Therefore, I am directing relevant state and local agencies, health and behavioral health care professionals and organizations, law enforcement, and other stakeholders to work together toward reducing prescription opioid and heroin addiction, curtailing related criminal activity, and enhancing the health, safety, and well-being of all Virginians.

Establishment of the Task Force

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Task Force on Prescription Drug and Heroin Abuse ("Task Force").

The Task Force will serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia*, and will be responsible for recommending short-term and long-term measures that can be taken to tackle prescription drug and heroin abuse and addiction, using best practices and evidence-based strategies.

Composition of the Task Force

The Secretary of Health and Human Resources and Secretary of Public Safety and Homeland Security will serve as Co-Chairs. The Task Force will be composed of representatives from the Office of the Attorney General, legislature, and judiciary, as well as relevant state and local agencies, law enforcement, health and behavioral health care professionals, providers, community advocates, and individuals with personal experience, as appointed by the Governor. The Governor may appoint any other person(s) deemed necessary and proper to carry out the assigned functions.

Key Objectives

The Task Force will offer recommendations to meet the Commonwealth's objectives listed under the following five major areas: 1) education, 2) treatment, 3) data and monitoring, 4) drug storage and disposal, and 5) enforcement.

The Task Force will also recommend specific metrics to be used to track progress in each of these five areas, and will suggest a target for each area with a date by which the goals should be met.

Overall, the Task Force will seek measures for the reduction in deaths from prescription drug and heroin abuse within 5 years.

1. Education
- Raise public awareness about the dangers of misuse and abuse of prescription drugs
- Distribute information about appropriate use, secure storage, and disposal of prescription drugs
- Train health care providers regarding best practices for opioid prescribing, pain management, the use of the Prescription Monitoring Program (PMP), and identification and treatment of individuals at risk of substance abuse through screening, intervention, and referral tools
- Train first responders to more effectively respond to calls involving overdose, and use evidence-based interventions to reduce overdose deaths

2. Treatment
- Improve access to and availability of treatment services
- Foster best practices and adherence to standards for treatment of individuals addicted to opioids
- Strengthen and expand the capacity of Virginia's health workforce to respond to substance abuse treatment needs, including encouraging health professions schools and continuing education programs to provide more education about how to identify and treat substance abuse

3. Data and Monitoring
- Share and integrate data among relevant licensing boards, state and local agencies, law enforcement, courts, health care providers and organizations, and programs such as the PMP, in order to clarify and address public safety and public health concerns, understand emerging trends, and utilize data-driven decision-making to mitigate harm

4. Storage and Disposal
- Advance effective solutions that lead to safe storage and proper disposal of potentially dangerous prescription drugs

5. Enforcement
- Identify and promote evidence-based best practices and strategies across the criminal justice system to address public safety risks and treatment needs of individuals with opioid addiction, training in the use of life saving interventions, expanded alternatives to incarceration, including drug courts, and cross-system collaboration to improve access to and the availability of treatment

Staffing

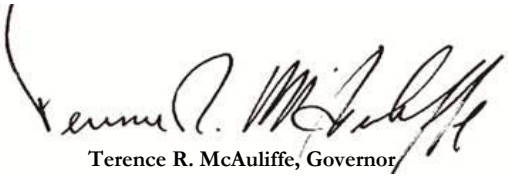
Staff support for the Task Force will be furnished by the Office of the Secretary of Health and Human Resources and the Office of the Secretary of Public Safety and Homeland Security, and such other agencies and offices as designated by the Governor. The Task Force will meet upon the call of the Chair

at least four times per year. The Task Force will provide initial recommendations to the Governor on or before December 31, 2014, a comprehensive implementation plan by June 30, 2015, and any additional reports as necessary.

Effective Date

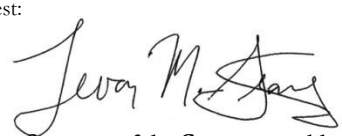
This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, shall remain in full force and effect for a year from its signing or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of September, 2014.



Terence R. McAuliffe, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY (2014)

MARRIAGE EQUALITY IN THE COMMONWEALTH OF VIRGINIA

Importance of the Issue

The highest priority of state government should be to guarantee every person's right to live, learn, work, and do business, regardless of their race, gender, creed or sexual orientation. This principle guided my first act as Governor when I signed Executive Order #1 banning discrimination in the state workplace based on sexual orientation or gender identity. This principle also guided the Virginia leaders, advocates and allies who fought for marriage equality and won when the Supreme Court declined to review the Fourth Circuit Court of Appeals' ruling in *Bostic v. Schaefer*. Same-sex marriage is now legal in Virginia. This is a historic and long overdue moment for our Commonwealth and our country.

The decision has opened new doors to my administration's guiding principle of equality. An open and welcoming environment is imperative to grow as a Commonwealth, and to build a new Virginia economy that will attract vital businesses, innovative entrepreneurs, and thriving families.

On issues ranging from recognizing same-sex marriages to extending health care benefits to same-sex spouses of state employees, state government is already well-prepared to implement this landmark decision. My administration will act quickly to continue to bring all of our policies and practices into compliance so that we can give married same-sex couples the full array of benefits they deserve.

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution and the laws of Virginia, I hereby order, effective immediately, that all entities in the executive branch, including agencies, authorities, commissions, departments, and all institutions of higher education further evaluate all policies and take all necessary and appropriate legal measures to comply with this decision.

In addition, the Director of the Department of Human Resource Management shall notify all state agencies that employees whose same-sex marriage is recognized as legal in the Commonwealth, and who are eligible, may enroll their spouse and eligible dependents in the health benefits program for state employees within sixty (60) days of marriage.

A full and complete report of all appropriate measures will be reviewed by the Counselor to the Governor and presented to the Governor on or before November 15, 2014.

Effective Date of the Executive Order

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 7th day of October, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-ONE (2014)

CONSERVING ENERGY AND REDUCING CONSUMPTION IN THE COMMONWEALTH OF VIRGINIA

Importance of the Issue

The cleanest and cheapest energy is energy that is not consumed. Strong energy efficiency measures in government, businesses, and residences can reduce energy consumption, costs, and bills, diminish the need to build new generation infrastructure, and increase Virginians' quality of life through lower carbon emissions polluting the atmosphere. Increased energy efficiency measures will serve as a stimulus to the growing energy efficiency industry in Virginia, helping create new jobs and diversifying our economy. The Commonwealth of Virginia will demonstrate the extraordinary potential and invaluable business advantages achieved with energy efficiency.

As a prudent steward of taxpayer dollars, Virginia is dedicated to finding creative solutions with increasingly limited resources. Pursuing sensible energy efficiency in state government will increase the productivity of the energy used, reduce consumption, save money, and lessen any negative environmental impact. The Commonwealth is seeking to reduce electricity consumption in state facilities by 15% by 2017, using 2009-2010 as a baseline.

While the Commonwealth embraces the challenge of reducing energy consumption, localities, businesses, and individual consumers are encouraged to use energy efficiently, and utilize available tools to conserve energy.

Energy Efficiency Initiatives

By the power vested in me by Article V of the Constitution of Virginia, and § 2.2-103 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct all executive branch agencies, authorities, departments, and all institutions of higher education, to every extent practicable, to operate in accordance with the following guidelines:

- All state agencies should proactively pursue energy efficiency measures, especially Energy Performance Contracting (EPC), to reduce energy consumption. EPC is a budget neutral, cost-effective tool that permits state agencies and publicly-owned facilities to reduce their deferred maintenance backlogs without adding any financial burden to the taxpayer. In addition, EPC is an

effective mechanism to finance capital improvements using leveraged energy savings to reduce both energy costs and consumption. For agencies that have already employed EPC, overall energy consumption should be re-evaluated to identify areas for further efficiency improvements.

- Agencies should utilize the current process, at no cost to the agency, which provides for a general audit to assess whether EPC is appropriate for the agency. This portion of the process is managed by the Department of Mines, Minerals, and Energy (DMME), and all agencies should work with DMME to have a general audit conducted with the goal of implementing an EPC by 2016.

I have appointed the Advisor for Infrastructure and Development as the Commonwealth's Chief Energy Efficiency Officer (CEEO) to oversee planning, implementation, and measurement of energy efficiency throughout state government, as follows:

- Organize a meeting with all agencies tasked with overseeing EPC in state government and state-certified Energy Service Companies (ESCOs) to establish a fully transparent, streamlined, and standardized process that agencies will use to implement EPC. This will include the development of an "EPC Roadmap" that will lay out each step of the EPC process, and ensure accountability among agencies and the ESCOs at each stage of project development and implementation.

- Coordinate with SCHEV to identify the deferred maintenance needs at each higher education institution and the opportunities to leverage energy savings to fund building infrastructure upgrades.

- Work with the Department of General Services (DGS) and DMME to identify and prioritize state facilities that offer opportunities for significant cost and consumption reduction.

- Work with DMME to establish a comprehensive system to measure, verify, and track energy consumption in state facilities.

- Re-commission electrical equipment and systems in publicly-owned facilities, when needed.

- Ensure that DMME reviews all annual project performance reports submitted by ESCOs to the agencies.

- Work with subject matter experts to identify best practices to incentivize individuals and agencies regarding energy efficiency measures. Those who show leadership in energy efficiency, regardless of agency and project size, will be recognized.

Effective Date of the Executive Order

This Executive Order shall be effective upon signing and shall remain in force and effect from its signing 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 October, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-TWO (2014)

ADVANCING VIRGINIA'S HOUSING POLICY

Importance of the Issue

The sustained economic and social vitality of communities throughout the Commonwealth of Virginia depends upon the quality, availability, and affordability of housing. Housing is, and will remain, a key policy priority with far-reaching economic and social consequences. Successfully addressing homelessness, particularly among veterans and youth, requires a continued commitment of energy and resources. Advancing progress in special needs housing is also an imperative to ensure that individuals with disabilities have the opportunity to live in appropriate, fully integrated settings within communities rather than institutional facilities. Moreover, the housing industry is a major direct and indirect contributor to the growth of the state's economy.

The Commonwealth must build upon the foundation established by public and private constituencies to address homelessness, while identifying several new priority areas in which progress is needed and attainable. The availability of affordable housing is a critical component not only for individuals with developmental and intellectual disabilities, but also for a growing workforce. It is essential to coordinate housing and economic development investments.

Accordingly, by virtue of the power vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the Secretary of Commerce and Trade, with the assistance of the Director of the Department of Housing and Community Development, the Executive Director of the Virginia Housing Development Authority, and a representative of the Secretary of Health and Human Resources to identify and implement actions to enable quality, affordable housing, which will strengthen families and communities and foster economic growth.

Policy Review Initiatives

In developing Virginia's current housing policy, prior housing policy initiatives will be reviewed in addition to the following measures:

1. Prioritize the most urgent areas of housing and homeless program needs.
2. Identify the links between housing and economic and community development.
3. Establish working groups as determined by the Secretary of Commerce and Trade and invite stakeholder participation to provide input regarding housing and related issues.
4. Conduct a review of programs and policies in coordination with the activities of state-level housing and economic development policy-setting efforts.
5. Offer advice and recommendations for policies that address:
    a. Homelessness, particularly among veterans, young adults, and children;
    b. Rapid re-housing strategies;
    c. Housing opportunities for individuals with disabilities and other categories of special needs;
    d. Appropriate housing options for an aging demographic;
    e. Economic and community development strategies integrated with housing initiatives for urban and rural revitalization, including adaptive reuse, mixed-use development and mixed-income housing, and the preservation of existing affordable housing;
    f. Cross-Secretariat and agency collaboration and identification of resources to assist individuals receiving supportive services within a community, as appropriate, rather than in institutional settings; and,
    g. Affordable housing that meets the needs of working Virginians in areas where high housing costs impede economic development, productivity, and the quality of life.

Staffing and Funding

Staffing will be furnished by the Office of the Secretary of Commerce and Trade and the Secretary of Health and Human Resources, Department of Housing and Community Development, Virginia Housing Development Authority, and other agencies and offices as needed. Stakeholder participants in the review shall serve without compensation.

Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th day of October, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-THREE (2014)

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

Important of the Issue

The State and Local Government Conflict of Interest Act reflects the Commonwealth's steadfast commitment to ensure that designated public officers and employees file financial disclosure statements in order to prevent inappropriate conflicts between 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 with respect to Executive Branch agencies, institutions, boards, commissions, councils, and authorities through the following policies and procedures:

1. A comprehensive system for specifying Executive Branch officers and employees who shall file a disclosure form, as follows:

   Office of the Governor
   - Secretaries, Deputy Secretaries, and Assistant Secretaries
   - Chief of Staff and Deputy Chief of Staff
   - Counsel and Deputy Counsel
   - Legislative Director and Deputy Legislative Director
   - Policy Director and Deputy Policy Director
   - Scheduler and Deputy Scheduler
   - Policy Analysts
   - Special Assistants

Executive Branch Agencies

- Agency Heads, Chief Deputies, and Deputies
- Legislative Liaisons and Policy Advisors
- Division/Department/Section Chiefs
- Chief Administrative Officers and Deputies
- Chief Financial Officers and Deputies
- Chief Technology Officers and Deputies
- Human Resource Management Directors
- Procurement Officers and Deputies
- Any persons with approval authority over contracts or audits

Institutions of Higher Education

- Presidents/Vice Presidents/Provosts
- Deans/Department Chairs
- Associate/Assistant Deans
- Any persons designated under Executive Branch Agencies, and those with approval authority over contracts or audits

Executive Branch Authorities

- Authorities established within the Executive Branch
- All persons within this group will file the form set forth in Section 2.2-3118, unless required by law to file the form set forth in Section 2.2-3117

Executive Branch Appointees

- 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
- Appointees to boards or commissions who are salaried, such as the Parole Board or ABC Board, shall file the form set forth in Section 2.2-3117

2. Each of the Governor's Secretaries and the head of each agency, institution, board, commission, council and authority within the Executive Branch shall annually submit to the Office of the Secretary of the Commonwealth by April 1st, a report identifying:

   (a) Each position, whether classified or non-classified, that involves substantive responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, or professions; and

   (b) Each position, whether classified or non-classified, that 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, including their position titles, 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 parties listed in Paragraph 2, shall maintain this list, review and revise it annually to reflect the creation and abolition of offices and positions, and 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 Governor's Secretaries and the heads of each agency, institution, board, commission, council and authority within the Executive Branch shall assist the Secretary of the Commonwealth in compiling the information required by this Executive Order, 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 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 obtaining 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 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 organization 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.

Effective Date of the Executive Order

This Executive Order replaces Executive Order Number 16 (2010) issued on June 29, 2010, by Governor Robert F. McDonnell.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this14th day of November 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FOUR (2014)

THE COMMONWEALTH COUNCIL ON BRIDGING THE NUTRITIONAL DIVIDE

Importance of the Initiative

The foundation for a new Virginia economy rests upon the pillars of a world-class education system, infrastructure, business climate, and workforce. In order to cultivate and sustain economic success, all Virginians, especially children and young adults, must have access to nutritious, affordable, and locally-sourced foods that will enable them to learn, grow, and thrive. We must work to bridge the nutritional divide in Virginia by pursuing these objectives with a cross-Secretariat, public-private approach, relying on the Commonwealth's vast resources and the vibrancy of our large agriculture sector.

Establishment of the Council

Accordingly, 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, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commonwealth Council on Bridging the Nutritional Divide ("Council")

Initiative

The Council will seek to achieve three major objectives through partnerships across the Governor's Cabinet, with state agencies, national, regional, and local nonprofits, local governments, schools, and private businesses, and with increased data sharing and research:

1. Eliminate childhood hunger in Virginia by increasing participation in nutrition assistance programs:

    - Increase school division and community participation in a) the Community Eligibility Provision, b) the Summer Food Service Program, c) the Child and Adult Care Food Program, d) alternative breakfast models, and e) additional pathways to expand meal access as determined by the Council.
    - Increase eligible household participation in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Supplemental Nutrition Assistance Program (SNAP)

2. Promote Virginia's leading industry – agriculture – and increase access to affordable, healthy, and local foods:

    - Improve food distribution systems to better serve a diversifying Virginia agricultural economy
    - Improve accessibility to farmers' markets
    - Increase acceptance of SNAP/Electronic Benefit Transfer (EBT) and WIC/EBT at farmers' markets
    - Encourage the development of innovative and sustainable retail models to provide access to healthy foods in areas classified as food deserts
    - Increase farm-to-school and other farm-to-institution programs

3. Facilitate efficient and effective local initiatives related to community nutrition, food access, and health strategies and programs across the Commonwealth:

    - Support the development of regional agricultural councils, nutrition education programs, and additional community and learning gardens
    - Serve as a communications hub for initiatives and convener of partners, and recognize and promote innovative local programs, that align with the council's mission

Composition of the Council

The Chair of the Council will be the First Lady of Virginia and consist of representatives of the Secretaries of Agriculture and Forestry, Commerce and Trade, Education, Health and Human Resources, Veterans and Defense Affairs, state and local agencies, the agriculture and business communities, leaders in education and health, and others with appropriate expertise, as appointed by the Governor.

Staffing

Staff support for the Council will be provided by the Office of the Governor, and any other agencies or offices as may be designated by the Governor. The Council will serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia*, and will meet upon the call of the Chair at least four times per year. **Accountability**

The Council shall develop a three-year plan to achieve its objectives and shall regularly report to the Governor and the Children's Cabinet. The plan shall include quantifiable metrics and associated goals for each objective, and progress toward achieving these goals shall be made available to the public via an online scorecard.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 12, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 20th day of November, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FIVE (2014)

CONTINUATION OF THE VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM

Importance of the Initiative

The Virginia Coastal Zone Management Program's ("Program") mission is to create more vital and sustainable coastal communities and ecosystems. The Department of Environmental Quality will serve as the lead agency for this networked program and will be responsible for allocation and assignment of all federal funds received for the Virginia Coastal Zone Management Program Implementation Grant.

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.

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 and Ocean Resource Protection

Goal 1: To protect and restore coastal and ocean resources, habitats, and species of the Commonwealth. These include, but are not limited to, wetlands, subaqueous lands and vegetation, beaches, 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 and ocean 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, relative sea level rise, and other coastal hazards in a manner that balances environmental and economic considerations.

Coastal and Ocean 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 and Ocean 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 and ocean resource use conflicts through research, planning, and a forum for coordination and facilitation among local, regional, state, and federal 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 including the use of new tools such as marine spatial planning.

IMPLEMENTATION AND ENFORCEMENT

The following agencies, in cooperation with local governments, as appropriate, 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
Nonpoint source pollution management
Coastal lands 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

The following agencies are responsible for assisting with the program:
Department of Conservation & Recreation
Department of Agriculture and Consumer Services
Department of Forestry
Department of Historic Resources
Department of Mines, Minerals & Energy

Department of Transportation
Virginia Economic Development Partnership
Virginia Institute of Marine Science
Virginia Department of Emergency Management

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*, inclusive of all tidal waters out to the three nautical mile Territorial Sea Boundary.

The Director of the Department of Environmental Quality 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 about 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 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 interagency 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 interagency 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 affect 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 interagency 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.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order No. 18 (2010), issued by Governor Robert F. McDonnell. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2018, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 2nd day of December, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SIX (2014)

CONTINUING QUALIFIED ENERGY CONSERVATION BONDS

Importance of the Issue

The Commonwealth of Virginia endeavors to facilitate the use of all available tools for projects that reduce energy consumption and encourage energy efficiency and conservation in the public and private sectors. Federal Qualified Energy Conservation Bonds ("QECBs") are significant tools that can be used by the state and local governments, as well as the private sector, to lower the cost of financing energy efficiency, conservation, and renewable generation projects. QECBs are tax credits or direct pay bonds that may be issued by states, political subdivisions, and entities empowered to issue bonds on behalf of such entities, including eligible issuers in conduit financing issues for one or more qualified conservation purpose(s).

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and Sections 2.2-103 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue allocating the Original Locality Suballocations, minus the amounts that have been previously utilized.

Initiative

The Director of the Division of Energy of the Department of Mines, Minerals and Energy will act as the QECB Allocation Director, and work in conjunction with the Executive Director of the Virginia Small Business Financing Authority. The QECB Allocation Director will establish a process to develop a green community program and to consider such programs, with other eligible QECB uses and programs, in determining the allocation and reallocation of any unallocated amounts or waived amounts as described to applicants.

The QECB Allocation Director is further directed to issue a Request for Proposal (RFP) to select a firm or firms for the administration of the green community program within 60 days of issuance of this Executive Order. No bonds issued under allocations provided by this Executive Order will be state-supported debt without prior approval of the General Assembly.

The Originally Awarded Localities will have nine months from the issuance of this Executive Order to provide the QECB Allocation Director with written notice of intent to utilize their Original Locality Suballocation and provide documentation acceptable to the QECB Allocation Director identifying a specific project or projects for which the Original Locality Suballocation will be used. Further, they will have twelve months from the issuance of this Executive Order to utilize their Original Locality Suballocation and provide documentation to the QECB Allocation Director evidencing such use. If no notice is given or no use evidenced within either of the prescribed time periods, the unused Original Locality Suballocation will be deemed waived and returned to the QECB Allocation Director for reallocation to other qualifying projects.

Originally Awarded Localities may also waive their Original Locality Suballocation at any time within the twelve month period after the issuance of this Executive Order. The QECB Allocation Director is directed to establish, within 120 days of the issuance of this Executive Order, policies and procedures for the reallocation of any waived Original Locality Suballocation or subsequent allocations to eligible QECB uses and programs.

Suballocation

The QECB Allocation from the federal government to Virginia is $80,600,000. The Original Locality Suballocations, minus the amounts used as of the issuance of this Executive Order, are as follows:

Originally Awarded Locality	Population	Percentage	Original Suballocation	Used	Remaining Suballocation

Fairfax County	1,004,151	13.04%	$10,512,656	--	$10,512,656
Virginia Beach City	435,004	5.65%	$4,554,143	--	$4,554,143
Prince William County	359,588	4.67%	$3,764,598	--	$3,764,598
Chesterfield County	299,022	3.88%	$3,130,521	--	$3,130,521
Henrico County	289,460	3.76%	$3,030,414	--	$3,030,414
Loudoun County	277,346	3.60%	$2,903,590	--	$2,903,590
Norfolk City	235,982	3.07%	$2,470,542	$2,470,542	$0
Chesapeake City	218,830	2.84%	$2,290,975	--	$2,290,975
Arlington County	203,909	2.65%	$2,134,764	--	$2,134,764
Richmond City	199,991	2.60%	$2,093,745	--	$2,093,745
Newport News City	180,810	2.35%	$1,892,936	--	$1,892,936
Hampton City	146,466	1.90%	$1,533,382	--	$1,533,382
Alexandria City	139,848	1.82%	$1,464,095	--	$1,464,095
Stafford County	120,621	1.57%	$1,262,805	--	$1,262,805
Spotsylvania County	118,887	1.54%	$1,244,652	$1,244,652	$0
Portsmouth City	101,931	1.32%	$1,067,136	--	$1,067,136
Total Locality Suballocation			**$45,350,954**	**$3,715,194**	**$41,635,760**

1. Each Locality utilizing a suballocation of QECBs shall ensure compliance with the 70% Use Requirement or the Green Community Program Use Requirement, pursuant to Section 54D(e)(4) of the Internal Revenue Code, and upon issuance of any QECBs will provide a copy of IRS form 8038 to the QECB Allocation Director.

2. The Determination of compliance with the procedures and requirements set forth in this Executive Order or in the additional guidance, including any filings to be made and the timing and substance, will be subject to the sole discretion of the Allocation Director.

   This Executive Order shall be effective upon its signing and shall remain in full force and effect until December 31, 2017, 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 December, 2014.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SEVEN (2015)

DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF MOTOR VEHICLES TO EXTEND THE VALIDITY OF EXPIRING LICENSES AND REGISTRATIONS

Importance of the Issue

On January 30, 2015, an internal power disruption temporarily interrupted the electronic services provided by the Commonwealth's data center. This disruption greatly impacted the ability of many Virginians to renew their driver's licenses and vehicle registrations. On January 31, 2015, I verbally directed the Commissioner of the Department of Motor Vehicles to extend the validity period for expiring licenses and registrations for a period of one week. This unforeseen disruption of services places citizens at risk of suffering fines and other costs resulting from their inability to timely renew their mandatory credentials.

Therefore, by virtue of the authority vested in me as Governor, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal directive issued on January 31, 2015, whereby it was determined that the Department of Motor Vehicles suffered a disruption in service that prevented the Department from processing applications for renewal of driver's licenses and vehicle registrations.

In order to prevent any further hardship to the citizens of Virginia, and in accordance with my authority contained in §§ 46.2-330, 46.2-345, 46.2-646A, and 44-146.24 of the *Code of Virginia*, I hereby order the following measures:

- I hereby direct the Commissioner of the Department of Motor Vehicles, and such other executive branch agencies as deem appropriate in their discretion, to extend the validity period of Virginia driver's licenses, special identification cards, permits, vehicle registration and other licenses or credentials issued by the Commonwealth that expire during the period from January 31, 2015 through February 6, 2015 until February 7, 2015. I request that the Department of Motor Vehicles and such other executive branch agencies as deem appropriate in their discretion, to waive any late fees associated with January registrations, licenses, permits, or credential renewals that are submitted on or before February 7, 2015. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any other pending deadlines or expirations affected by or attributable to the January 30th internal power interruption at the Commonwealth's data center.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively from January 30, 2015, and shall remain in full force and effect until February 7, 2015.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 3rd day of February, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-EIGHT (2015) (UPDATED FEBRUARY 24. 2015)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO MAJOR WINTER STORM

Importance of the Issue

On this date, February 16, 2015, I am declaring a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting major winter storms bringing the potential for significant snow across the Commonwealth.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of these storm constitute a disaster wherein human life and public and private property are 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 on this date, February 16, 2015, whereby I am proclaiming that a state of emergency exists, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of winter storms, to alleviate any conditions resulting from the storms, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-storm conditions in so far as possible. Pursuant to § 44-75.l(A)(3) and (A)(4) of the *Code of Virginia*, I am also directing that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans
B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VERT coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incidents, pursuant to§ 44-146.18 of the *Code of Virginia*.
D. The evacuation of areas threatened or stricken by effects of the winter storms as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44 146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class I 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, and propane, 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. Such exemptions shall not be valid on posted structures for restricted weight.

   All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

   Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

   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 and Homeland Security 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. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $450,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, funding is also authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

J. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

K. 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 sitting, 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.

L. The activation of the statutory provisions in § 59.1-525 et seq. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to these storms.

M. 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 for these storms 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:
   a. 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;
   b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
   c. 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*;
   d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective February 16, 2015, and shall remain in full force and effect until April 15, 2015, to deal with any winter storms or incidents during this period, 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 24th day of February, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-NINE (2015)

LAUNCHING "CYBER VIRGINIA" AND THE VIRGINIA CYBER SECURITY COMMISSION

Importance of the Issue

The Commonwealth of Virginia is proud of its distinguished history and exemplary record of exceptional cyber security operations in support of state agencies and operations. As is reflected in the strong presence of state, federal, military, and private cyber security businesses, assets, and activities throughout the Commonwealth, Virginia stands poised to take advantage of its unique resources. The Commonwealth is resolute in its dedication to garnering the expertise of leaders in cyber security in order to mitigate risks and safeguard the highest level of security for government infrastructure networks, foster cyber security education and awareness, incorporate innovative and best practices to protect data statewide, bolster business investment with public-private partnerships, and proactively enhance its national standing as one of the preeminent leaders in the cyber security arena.

Threats to critical systems present a growing and complex challenge. In order to guard against the risks and marshal appropriate resources to meet potential threats, it is important to incorporate optimal policies and develop enhanced standards to protect the Commonwealth's cyber security infrastructure from unforeseen incidents. While rapidly advancing technologies create substantial security risks, they also present significant opportunities for producing more efficient and protected proprietary networks, strengthening the Commonwealth's cyber security framework, and advancing vital prospects for economic development.

Virginia's cyber security businesses are at the forefront to prospectively benefit from federally appropriated funds that are among the few expected to increase in future years. Virginia's cyber security firms are seeking to export their technologies, goods and services to global markets in the public and private sectors. Further, with military assets, related defense activities and, more generally, the critical need for secure business data, the Commonwealth must cultivate conditions to attract and retain as well as secure a competitive advantage for cyber security companies in the marketplace. Promotion of the cyber security industry will produce a synergy to ensure growth of related cyber operations businesses and facilities, sustain a wide variety of high-skilled jobs for Virginians, and strengthen a culture of excellent cyber hygiene that is critical for the Commonwealth.

Cyber security instruction, training, and programs will be requisite components to prepare those currently seeking new occupational options as well as the next generation for the rapidly developing cyber security workplace. Focusing on cutting edge education and training will be essential for Virginia's cyber security workforce and economic development as occupations in the cyber security industry are highly in demand and among the fastest growing in the economy. Virginia continues to lead the nation in the concentration of technology workers, fed by a rich network of nationally-recognized information technology and cyber advanced degree programs at our universities.

Composition of the Commission

The Commission will consist of the Secretaries of Technology, Commerce and Trade, Public Safety, Education, Health and Human Resources, and Veterans Affairs and Homeland Security, and eleven (11) citizen members whose background shall include relevant expertise to be appointed by the Governor and serve at his pleasure. The Governor shall designate a Chairman and Vice Chairman from among the appointed members. The Governor may appoint additional persons to the Commission at his discretion.

Establishment of the Virginia Cyber Security Commission

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Cyber Security Commission.

Responsibilities of the Commission

The Commission's responsibilities shall include the following:

1. Identify high risk cyber security issues facing the Commonwealth of Virginia.
2. Provide advice and recommendations related to securing Virginia's state networks, systems, and data, including interoperability, standardized plans and procedures, and evolving threats

and best practices to prevent the unauthorized access, theft, alteration, and destruction of the Commonwealth's data.

3. Provide suggestions for the addition of cyber security to Virginia's Emergency Management and Disaster Response capabilities, including testing cyber security incident response scenarios, recovery and restoration plans, and coordination with the federal government - in consultation with the Virginia Information Technologies Agency.
4. Offer suggestions for promoting awareness of cyber hygiene among the Commonwealth's citizens, businesses and government entities;
5. Present recommendations for cutting edge science, technology, engineering and math (STEM) educational and training programs for all ages, including K-12, community colleges, universities, in order to foster an improved cyber security workforce pipeline and create cyber security professionals with a wide range of expertise.
6. Offer strategies to advance private sector cyber security economic development opportunities, including innovative technologies, research and development, and start-up firms, and maximize public-private partnerships throughout the Commonwealth.
7. Provide suggestions for coordinating the review of and assessing opportunities for cyber security private sector growth as it relates to military facilities and defense activities in Virginia.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its continued existence shall be furnished by the Office of the Secretary of Technology, and such other agencies and offices as designated by the Governor. An estimated 500 hours of staff time will be required to support the work of the Commission.

Necessary funding to support the Commission and its staff shall be provided from federal funds private funds, and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5000.00. Commission members shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission shall serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia* and shall meet upon the call of the chairman at least three times per year. In addition, the Commission shall issue an annual report and any other reports and recommendations as necessary or as requested by the Governor.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect for one year from its signing, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 25th day of February, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY (2015)

IMPROVING ABC LAW ENFORCEMENT

Importance of the Initiative

Keeping Virginia families and communities safe is the highest responsibility of the Governor and state government. In performing that duty, we also have a responsibility to ensure that agencies charged with public safety have the training; resources and oversight they need to do their jobs professionally and in a way that promotes and protects the public trust.

Recent events involving special agents of the Virginia Department of Alcoholic Beverage Control (ABC) in Charlottesville have underscored longstanding concerns about the agency's Bureau of Law Enforcement and exposed the need for more extensive training and oversight. While we must await results from the investigations by Virginia State Police and the Office of the Commonwealth's Attorney in Charlottesville before drawing conclusions about that particular incident, it is not too soon to take proactive steps to improve ABC's Bureau of Law Enforcement.

Accordingly, 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, I hereby direct the Secretary of Public Safety and Homeland Security, the Chief Operating Officer and the Commissioners of the Department of Alcoholic Beverage Control Board, in conjunction with the Department of Criminal Justice Services, to take the following immediate actions:

1. The ABC Board shall require the immediate retraining of all ABC special agents in the areas of use of force, cultural diversity, effective interaction with youth, and community policing, to be completed no later than September l, 2015. This training shall be implemented and certified by the Department of Criminal Justice Services utilizing evidence-based training curricula and education practices that meet nationally-accepted standards.
2. Effective immediately, the ABC Bureau of Law Enforcement shall report directly to the Chief Operating Officer of the ABC, who is responsible for the day-to-day management of all ABC functions.
3. The Secretary of Public Safety and Homeland Security shall convene an expert review panel of representatives of local and campus law enforcement agencies and sheriffs offices, Commonwealth's Attorneys, the Governor's Policy Advisor on Law Enforcement for ABC, the Chief Operating Office of the ABC, the Director of the Department of Criminal Justice Services and such other individuals representing relevant stakeholder groups, as he may deem appropriate in order to review the agency's mission, structure, policies and training and make recommendations regarding any identified changes needed. A report of the leadership team shall be completed and presented to me no later than November 1, 2015.
4. The ABC Bureau of Law Enforcement shall immediately review, update or enter into appropriate Mutual Aid Agreements, or other Memoranda of Understanding, with local law enforcement agencies serving communities with state institutions of higher education, with the goal of improving collaboration, communication and delineation of expectations regarding enforcement activities performed by ABC special agents in these communities.

Effective Date of the Executive Order

This Executive Order shall be 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 25th Day of March, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-ONE (2015)

IMPLEMENTATION OF "BAN THE BOX" HIRING POLICIES IN THE COMMONWEALTH

Importance of the Initiative

Virginia takes great pride in having a diverse and thriving business environment. Every year many new businesses choose to relocate or open in the Commonwealth because of its welcoming business environment and quality workforce. Unfortunately, many people with criminal histories find it difficult to gain employment in Virginia. The National Employment Law Project estimates 70 million American adults have arrests or convictions in their past that can make it difficult for them to obtain employment.

It is vitally important to Virginia's New Economy that every Virginian has a meaningful opportunity to compete for jobs in the Commonwealth. Expanding employment opportunities not only improves the Commonwealth's fiscal health, but also enhances the quality of life for all of her citizens by providing improved access to better housing, education, and other societal benefits.

Accordingly, 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, I hereby issue this Executive Order (Order) directing the Department of Human Resource Management (DHRM) to amend the state employment application and to provide guidance to all agencies, boards and commissions within the executive branch of government consistent with this Order on the appropriate use of criminal background checks.

Scope and Guidance

This Order shall apply to all agencies, boards and commissions within the executive branch of government subject to the authority of the Governor and covered by the Virginia Personnel Act as set forth in § 2.2-2900, et al., of the *Code of Virginia*. This Order also encourages similar hiring practices among private employers operating within the Commonwealth and state government contractors.

In implementing this Order, DHRM shall take the following actions:

(1) Amend the state employment application to "ban the box", removing those questions relating to convictions and criminal history;
(2) Inform all hiring authorities within the executive branch that state employment decisions will not be based on the criminal history of an individual unless demonstrably job-related and consistent with business necessity, or state or federal law prohibits hiring an individual with certain convictions for a particular position;
(3) Provide guidance to ensure that any criminal history background check is only conducted after a candidate has (a) signed the appropriate waiver authorizing release, (b) been found otherwise eligible for the position, and (c) is being considered for a specific position;
(4) Identify agency positions to be classified as sensitive in accordance with § 2.2-1201.1 of the *Code of Virginia* and this Order, where initial disclosure of criminal history information shall still be required;

Any person refusing to complete and sign the appropriate authorization for release of criminal history information prepared in accordance with this Order may have his application for that position removed from further consideration.

Nothing in this Order shall be construed to create or imply any new cause of action against the Commonwealth of Virginia or any component part thereof, or against any person acting in his official capacity.

Effective Date of the Executive Order

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

Within 90 days of the date of this Order, DHRM shall submit a report to the Governor outlining its compliance with this Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 3rd Day of April, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-TWO (2015)

ESTABLISHING THE VIRGINIA ENVIRONMENTAL LITERACY CHALLENGE

Importance of the Issue

Virginia's natural resources and its environment are among the Commonwealth's most important assets. Our fields, forests, streams, and rivers help to grow food, and ensure that we have clean air and water. The Virginia Constitution details our responsibility to conserve and protect these resources, saying in part, "To the end that the people have clean air, pure water, and the use and enjoyment for recreation of adequate public lands, waters, and other natural resources, it shall be the policy of the Commonwealth to conserve, develop, and utilize its natural resources, its public lands, and its historical sites and buildings."

An educated population who understand the value of our environment is crucial to the protection of our natural resources. Future generations should be prepared to continue the important work of conservation. Meaningful outdoor experiences and field investigations allow students to learn science and other subjects through their observations of and interactions with nature. School sustainability programs can allow students to learn about the fundamental scientific mechanisms that make it possible to reduce the impact of school facilities on the environment. The teaching and learning of environmental and sustainability concepts will ensure that today's students will have the knowledge and skills to be ready to take up the mantle tomorrow. Our ultimate goal is to develop and nurture a future environmentally literate citizenry who will make informed decisions concerning the environment, and will develop the propensity to act on those decisions to improve the well-being of other individuals, societies, and the global environment.

Today, environmental literacy is advocated and promoted by state agencies, universities and non-governmental organizations through the Virginia Resource Use Education Council. Schools across the Commonwealth are learning more about environmental challenges and students are demonstrating that they are conserving natural resources and protecting the environment in their communities in significant ways. Students are learning to address complex issues, from science, economics and policy issues to cultural and global perspectives. Through the outdoor inquiry approach, students are becoming more

engaged in learning, gaining content knowledge in all subject areas, and increasing awareness about individual actions they can take to restore the health of the natural environment.

This Executive Order is designed to complement and support the efforts of the Virginia Resource Use Education Council by establishing my long term vision for the Commonwealth that: 1) Virginia students graduate with the knowledge and skills to make informed environmental decisions; 2) educators responsible for instruction about or in the environment have access to sustained professional development opportunities, tools, and resources that support efforts to provide students with high quality environmental education; and 3) Virginia schools maintain their buildings, grounds, and operations to support positive environmental and human health outcomes.

Initiative

Accordingly, 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, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby create the Virginia Environmental Literacy Challenge. This challenge will involve schools at the classroom- and school division- levels. At the classroom level, individual teachers will be encouraged and supported as they engage their students in innovative learning and programs, which ultimately support environmental literacy. At the school division level, the challenge gives school divisions a pathway to engage and commit to taking a systemic approach to the promotion and improvement of environmental literacy.

This Executive Order requires state agencies participating in the Virginia Resource Use Education Council to take the following immediate actions:

1. Establish the Conservation Classroom Challenge. In recognition of the fact that classroom teachers are often the driving force behind environmental literacy and sustainability efforts, this classroom-level challenge highlights and will support the efforts of classroom teachers. The Conservation Classroom Challenge will provide educators with entry-level resources to introduce students to environmental concepts and actions. Teachers will be recognized for engaging their students in school-sustainability efforts and for participating in field investigations that connect to educational goals contained within the Standards of Learning.

   Implementation: State education and natural resource agencies participating in the Virginia Resource Use Education Council shall:
   i. develop classroom level challenges for various grade levels that either: 1) engage students reducing the impact of their school's facilities on their local watershed, environment, and human health, or 2) engage students in meaningful outdoor experiences that increase their environmental literacy;
   ii. develop specific challenges by working with nongovernmental partner organizations that at are engaged in the promotion of environmental literacy;
   iii. combine specific challenges from partner organizations and make them available to educators;
   iv. establish an online tool for educators to self-report completion of these challenges; and,
   v. promote the Conservation Classroom Challenge through websites, communications to school divisions, and information distributed to outside stakeholders.
2. Establish the Environmental Literacy Challenge for Systemic Sustainability (ELCSS). The best way to make a long-lasting impact on environmental literacy in the Commonwealth's schools is to take a systemic approach. Accordingly, ELCSS is designed to recognize and encourage those school divisions that want to make a significant commitment to environmental literacy.

   Implementation: State education and natural resource agencies participating in the Virginia Resource Use Education Council shall:
   i. establish criteria for meeting this voluntary challenge (in consultation with outside partner organizations), including but not limited to the following:
      1. developing a systemic plan for environmental literacy that identifies environmental literacy programs and learning opportunities at each grade level;
      2. identifying an environmental literacy lead to participate in regional environmental literacy training or conferences to be led by state agencies and nongovernmental partner organizations, to promote and support environmental literacy learning within the division, identify curricular connections, promote best practices, build partnerships, and design professional development;

3. engaging teachers in trainings and professional development opportunities designed to improve their ability to use the environment as a context for learning in and out of the classroom;
4. committing to provide significant numbers of student opportunities to participate in field-based environmental investigations and meaningful outdoor experiences designed to improve environmental literacy;
5. providing environmental leadership training to principals and administrators; and,
6. dedicating existing local and state funding or seeking outside funding partners for environmentally based activities in the public and private sectors;

ii. develop an application for school decisions to demonstrate their execution of the practices identified above;

iii. review applications on an ongoing basis and determine which divisions have completed the challenge;

iv. promote the Environmental Literacy Challenge for Systemic Sustainability through their websites, communications to school divisions, and information distributed to outside stakeholders; and,

v. coordinate with outside partners participating in the Virginia Resource Use Education Council to provide a list of potential outside funding partners to school divisions seeking to complete the Environmental Literacy Challenge for Systemic Sustainability.

Effective Date of the Executive Order

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 22nd Day of April, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-THREE (2015)

ESTABLISHMENT OF THE UNMANNED SYSTEMS COMMISSION

Importance of the Issue

The Commonwealth of Virginia is home to the eighth largest concentration of unmanned system firms in the nation at a time when the use of unmanned systems is rapidly expanding. Unmanned systems could provide Virginia with numerous practical benefits: crops could be inspected and maintained using unmanned aerial technologies; traffic jams could be ameliorated by self-driving ground vehicles; and, Virginia's waterways could be protected from contamination with advanced unmanned marine systems. As these new and exciting possibilities emerge, Virginia is in a highly competitive position to take the greatest advantage of the industry's development and reap benefits from it.

Virginia has already succeeded in winning a test-site designation from the Federal Aviation Administration to develop unmanned aerial technologies through the Mid-Atlantic Aviation Partnership. In addition, a number of Virginia's higher education institutions are focused on studying and developing the industry. The sector's development will align nicely with areas in which the Commonwealth is already a leader, such as data industries, manufacturing, and military/civilian government sectors.

Virginia stands poised to leverage its unique resources to create an innovation ecosystem that will not only underpin industry development and support the advancement of beneficial applications of unmanned

systems of today, but also to provide a foundation for the technologies, cyber security, big data, and manufacturing facilities necessary to create a highly reliable unmanned systems industry for the future. Virginia should be doing all it can to obtain the economic development benefits of this industry's growth, and the creation of this Commission will bring needed focus to how Virginia can strengthen its position in growing the unmanned systems industry.

Composition of the Commission

The Commission will consist of the Secretaries of Technology, Commerce and Trade, Education, Veterans and Defense Affairs, two Representatives from the Virginia Congressional Delegation, and (11) citizen members whose background shall include relevant expertise to be appointed by the Governor and serve at his pleasure. The Governor shall designate a Chairman and Vice Chairman from among the appointed members. The Governor may appoint additional persons to the Commission at his discretion.

Establishment of the Virginia Unmanned Systems Commission

Accordingly, 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 § 2.2-134 and § 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Virginia Unmanned Systems Commission.

Responsibilities of the Commission

The Commission shall:

1. Identify the state of all unmanned systems industries in Virginia. This review should look comprehensively at the industry, including the supply chain from pre-competitive research and development through production and operation.
2. Identify challenges and needs of the unmanned system industry that may be met with Virginia assets for each domain of unmanned systems (aerial, land, maritime) including but not limited to workforce, research and engineering expe1tise, testing facilities, manufacturing facilities, and economic development opportunities within the Commonwealth.
3. Provide recommendations that will encourage the development of the unmanned systems industry in Virginia.
4. Develop the value proposition for Virginia that will provide a basis for marketing Virginia to the current unmanned systems industry and that will position Virginia for emerging needs and applications within that industry.

The Commission shall provide an interim report to the Governor of recommendations by November 30, 2015.

The Commission shall also submit an annual report giving its findings, as well as any other reports as either the Commission or the Governor deem necessary.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its continued existence shall be furnished by the Office of the Secretary of Technology and other such agencies and offices as designated by the Governor. An estimated 300 hours of staff time will be required to support the work of the Commission.

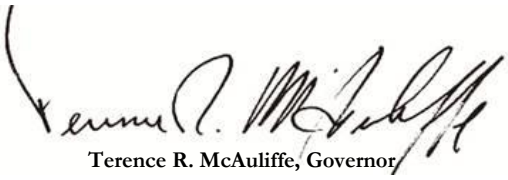
Necessary funding to support the Commission and its staff shall be provided from federal funds, private funds, and state funds appropriated for the same purposes as the Commission, as authorized by § 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5000. Commission members shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission shall serve in an advisory role, in accordance with § 2.2-2100 of the *Code of Virginia* and shall meet upon the call of the chairman at least three times per year.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until June 12, 2016, unless otherwise amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 12th day of June, 2015.



Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-FOUR (2015)

ESTABLISHING THE COMMISSION ON PAROLE REVIEW

Importance of the Commission

Twenty years ago, the Commonwealth passed legislation eliminating discretionary parole for persons convicted of felonies. Supporters argued that abolishing parole and requiring felony offenders to serve at least 85 percent of their sentences would reduce re-offenses and recidivism while strengthening public safety.

It is time to revisit this policy. Virginia has two decades of evidence by which to assess progress and public safety outcomes and determine whether abolishing parole has achieved its intended goals. Virginia must evaluate past and present crime rates, prison populations, number of facilities, costs of incarceration and recidivism rates. Virginia must carefully examine how resources are being allocated and ensure that public dollars are spent efficiently and effectively.

Virginia should also consider modifications using evidence-based and data-driven approaches that reduce costs while improving outcomes for offenders, their families and the Commonwealth. This analysis should study whether Virginia is properly rehabilitating offenders and preparing them to re-enter communities as productive citizens. Virginia must also look at sentence lengths and determine whether long sentences are appropriate for nonviolent offenders.

Establishment of the Parole Review and Update Commission

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commission on Parole Review.

Composition of the Commission

The Commission will include representatives of the Virginia General Assembly, the Office of the Attorney General, relevant state agencies, advocates, community members and other organizations or individuals as assigned by the Governor. The Governor will designate the chair or co-chairs of the Commission.

Commission Priorities

The Commission will address five significant priorities related to Parole Reform:

1. Conduct A Review of Previous Goals and Subsequent Outcomes The Commission shall review whether abolishing parole achieved the intended goals of preventing new felony offenses, reducing crime, and reducing recidivism. The Commission's analysis shall include, at a minimum, a quantitative analysis of pre and post-1995 trends in crime rates, incarceration rates, sentence lengths, and recidivism rates.
2. Examine the Cost of Parole Reform/Abolition The Commission shall conduct an analysis of the fiscal impact abolishing parole has had on the Commonwealth, as well as an analysis of the societal costs on communities and families from longer incarceration.

3. Evaluate the Best Practices of Other States The Commission shall research and evaluate what policies and practices have proven successful or unsuccessful in other states, and explore the application of the most successful approaches in the Commonwealth.
4. Recommend Other Mediation Strategies The Commission shall examine what other approaches could be used to achieve similar results in terms of preventing new felony offenses, reducing crime, and reducing recidivism? Virginia must pursue costsaving, evidence-based, and multi-faceted approaches to reducing crime while also improving outcomes for offenders, families and communities.
5. Provide Recommendations to Address Public Safety Challenges The Commission shall provide its recommendations on how Virginia may best position itself to address the public safety challenges resulting from changes to parole. These final recommendations shall include any proposed legislative or executive branch actions necessary, as well as any potential private sector engagement.

Staffing

Staff support for the Commission will be provided by the Office of the Governor, Office of the Secretary of Public Safety and Homeland Security, the various secretariats and their agencies represented on the Commission and other agencies as may be designated by the Governor. It is estimated that the staff time required to complete the Commission's work will be 500 hours. All executive branch agencies will cooperate fully with the Commission and will render such assistance as may be requested by the chair or co-chairs. Direct costs for the Commission are estimated to be $3000. Commission members shall serve without compensation and shall receive reimbursement for expenses incurred in the discharge of their official duties.

The Commission will provide an interim report to the Governor no later than November 2, 2015, with a final report due by December 4, 2015.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 24, 2016, unless otherwise amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 24 day of June 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-FIVE (2015)

EXTENSION OF THE GOVERNOR'S CLIMATE CHANGE AND RESILIENCY UPDATE COMMISSION

Importance of the Issue

The National Oceanic and Atmospheric Administration has identified some Virginia coastal areas as among the most vulnerable to sea level rise in the nation, and the U.S. Navy Task Force Climate Change has identified Naval Station Norfolk as one of its most endangered installations. The Chesapeake Bay is particularly susceptible to damage caused by climate change. While Virginia has taken certain steps to mitigate the effects of climate change, it is imperative that the Commonwealth redouble its efforts in the face of this looming problem.

In 2008, Governor Kaine established the Governor's Commission on Climate Change to address these concerns. The Commission's final report outlined the impact that changing weather conditions have on Virginia's built environment, natural systems, and the health of its citizens. Among the findings was the decline or disappearance of key species of the Chesapeake Bay, increased damage from more frequent and severe storms, and the spread of vector born diseases like West Nile virus. The report also made over 150 recommendations to help Virginia adapt to the consequences of climate change, as well as reduce Virginia's contributions to the problem.

Extension of the Commission

On July 1, 2014, I convened the Governor's Climate Change and Resiliency Update Commission ("Commission") to review, update, and prioritize the recommendations of the 2008 Climate Change Action Plan. This updated report will work to identify sources of revenue to fund the implementation of these recommendations. Pursuant to § 2.2-135(C) of the Code of Virginia, I hereby reissue Executive Order Nineteen (2014) as Executive Order Forty-Five (2015), and extend the Commission's work for an additional year.

Composition of the Commission

The Governor's Climate Change and Resiliency Update Commission membership will remain as currently constituted.

The Governor may appoint any other member(s) deemed necessary to carry out the assigned functions of the Commission and the members shall serve at his pleasure.

Staff support for the Commission will be provided by the Offices of the Secretary of Natural Resources, the Secretary of Public Safety and Homeland Security, the Secretary of Transportation, the Secretary of Commerce and Trade, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Office of the Governor, and other agencies as may be designated by the Governor. The estimated direct cost of the Commission is $5,000. All executive branch agencies shall cooperate fully with the Commission and provide any assistance necessary, upon request of the Commission or its staff.

Duties of the Commission

The Commission is charged with conducting an assessment of the recommendations from the 2008 Climate Change Action Plan. Specifically, the Commission will:

- Determine which recommendations from the original report were implemented;
- Update and prioritize the recommendations; and,
- Identify sources of funding to support the implementation of the recommendations.

The Commission shall submit a report with its updated recommendations by September 30, 2015.

Effective Date of the Order

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2- 135 of the Code of Virginia, shall remain in force and effect for a year or until superseded or rescinded.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 1st day of July, 2015

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-SIX (2015)

SUPPORTING VIRGINIANS WITH DISABILITIES IN THE NEW VIRGINIA ECONOMY

Importance of the Issue

In the New Virginia Economy there is a need for qualified workers, including those with disabilities. The Commonwealth's vocational rehabilitation programs, administered by the Department for Aging and Rehabilitative Services (DARS) and the Department of Blind and Vision Impaired (DBVI), annually assist more than 4,000 clients with securing jobs in businesses like Amazon, The Hershey Company, and Bon Secours Health System. These workers not only meet the demands placed on them by their employers, but inspire their coworkers and positively impact the corporate culture and workplace behaviors of all employees. Yet, not enough job seekers with disabilities find full-time, competitively-waged jobs and not enough young people with disabilities find career pathways through education or training that lead to full-time, competitively-waged jobs.

It is the policy of this Commonwealth, as set forth in §51.5-1 of the *Code of Virginia*, "to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment." Yet, according to the 2014 Disability Statistics Annual Report, only 35.3% of Virginians with disabilities were employed in 2013, while 77.9% of Virginians without a disability were employed during the same time period. All qualified workers in Virginia must be given the same opportunities to seek and gain employment and utilize their talents in growing our economy.

Establishment of the Initiative

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 §2.2-103 of the *Code of Virginia*, and consistent with my Executive Order 23, I hereby direct the Secretary of Commerce and Trade, serving as my Chief Workforce Development Advisor, to take the following immediate actions:

1. The Chief Workforce Development Advisor, in conjunction with the Secretary of Health and Human Resources, shall work with DARS and DBVI to offer to all executive branch agencies (including institutions of higher education, boards, and commissions) training designed to expand existing efforts to recruit, accommodate, retain and advance Virginians with disabilities in the Commonwealth's workforce. Training shall commence no later than October 1, 2015, and will address:
   - Identifying and creating career pathway opportunities for Virginians with disabilities, including mentoring opportunities, workplace learning, and paid internships that build on acquired workforce credentials;
   - Using assistive technology and supportive employment to promote employment of individuals with disabilities in the Commonwealth in integrated settings and for competitive wages; and
   - Using § 2.2-4344.A.1.b of the *Code of Virginia* to directly purchase goods and services from Virginia's Employment Service Organizations that employ Virginians with disabilities.
2. The Chief Workforce Development Advisor, in conjunction with the Secretary of Health and Human Resources, shall work with the Department of Behavioral Health and Developmental Services (DBHDS) to develop strategies to enhance the DBHDS Employment First Strategic Plan no later than December 1, 2015. DBHDS shall issue an initial progress report to the Chief Workforce Development Advisor no later than July 1, 2016, and subsequent progress reports by July 1st each year thereafter.
3. The Chief Workforce Advisor, in conjunction with the Secretary of Health and Human Resources, shall work with DARS and DBVI to develop a strategy, no later than November 1, 2015, to promote and incentivize the hiring of qualified Virginians with disabilities by new and existing Virginia businesses and companies seeking to relocate to the Commonwealth.
4. The Chief Workforce Advisor, in conjunction with the Secretary of Administration, shall work with the Department of General Services to develop a strategy, no later than November 1, 2015, to increase the use by state agencies of the purchasing exemption provided in §2.2-1118 of the *Code of Virginia* to purchase goods and non-professional services from Employment Services Organizations that employ individuals with disabilities.
5. The Chief Workforce Development Advisor shall prepare and deliver a report to the governor no later than December 31, 2015, and each December 31st thereafter, detailing compliance with this Executive Order and providing performance metrics from the prior fiscal year.

Effective Date of the Executive Order

This Executive Order shall be 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 27th day of July, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-SEVEN (2015)

ESTABLISHING THE GOVERNOR'S COUNCIL ON YOUTH ENTREPRENEURSHIP

Importance of the Initiative

Entrepreneurship and innovation are among the central pillars of Governor McAuliffe's economic development platform. The foundation for a new Virginia economy rests upon the strength of Virginia's young people. In order to stimulate future economic prosperity for all Virginians, young people must have the support and resources they need to become economically secure and successful.

In Virginia, the unemployment rate for young adults was 8.4%, double the unemployment rate for Virginians over 35. At the same time, the majority of new jobs come from startup firms (firms less than five years old), estimated at about 3 million jobs per year nationally.

Virginia is home to some of the best colleges, universities, and community colleges in the world. By investing in our young people, we can provide them the tools they need to thrive in the 21st century workforce. We can ensure that they have the foundation to become creative and innovative leaders of the new Virginia economy. In classrooms and businesses across the Commonwealth, our young people are already developing the ideas that will transform our future. We have achieved great success in supporting young entrepreneurs, but we also have an outstanding opportunity for improvement and growth. Virginia should work to strengthen the innovation infrastructure for young people by engaging with leaders in the public and private sectors, the education and business communities, and entrepreneurship ecosystems.

Establishment of the Governor's Council on Youth Entrepreneurship

Accordingly, 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 §§ 2.2-134 and 2.2-135 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Council on Youth Entrepreneurship.

Governor's Council on Youth Entrepreneurship

The Governor's Council on Youth Entrepreneurship (Council) shall be responsible for coordinating and implementing youth entrepreneurship initiatives and fostering the growth of the entrepreneurial ecosystem for young people in Virginia. Specifically, the Council is charged with:

- Conducting a comprehensive, statewide assessment of current programs, services, and local, state, and federal resources that support Virginia's young entrepreneurs and innovators;
- Developing a website that aggregates these resources to provide a one-stop location for young entrepreneurs, businesses and educators to easily access information;
- Connecting young entrepreneurs to assets in their communities through a series of roundtables, town halls or other collaborative events to bring together local business leaders and job creators with young entrepreneurs to help grow these ecosystems; and

- Providing additional recommendations to achieve the goals of this Council and reporting regularly to the Governor.

Additionally, the Council will address five significant priorities related to youth entrepreneurship:

1. Expand students' intellectual property (IP) rights – The Council shall work with Boards of Visitors, presidents, administration, and faculty at institutions of higher education to craft policies that give students more rights over their own research and IP. In considering possible alternatives, the Council shall consider model policies of institutions that have expanded student IP rights with the goal of strengthening innovation ecosystems and stimulating economic growth.
2. Promote the formation of collaborative spaces for entrepreneurs and students to meet – The Council shall work with partners in education and business to identify opportunities for expanded space for entrepreneurs and students to collaborate. Entrepreneurs consistently cite physical space as a priority in deciding where to start a business. The Council shall consider model collaborative spaces across Virginia and the nation.
3. Encourage schools to offer courses in entrepreneurship that are easily accessible to all students and to integrate innovation into curriculum – The Council shall research and evaluate strategies for integrating entrepreneurship into classroom environments and curricula in higher education. It shall explore best practices, such as entrepreneurs-in-residence and out-of-classroom curricular programs. It shall work to ensure that entrepreneurship courses are easily accessible and available to all students at institutions of higher education regardless of a student's concentration of study.
4. Identify ways for colleges and universities to award academic credit to students for starting a business – The Council shall work with Boards of Visitors, presidents, administrators, and faculty at institutions of higher education to determine criteria for awarding academic credit to students for starting a business. In the new Virginia economy, it is critical to recognize the important skills and training that students receive from launching a new business venture. Similar to awarding academic credit for an internship or co-op, awarding academic credit to students for starting a business provides crucial workforce development opportunities that allow students to remain in school on a graduation track while still pursuing business ventures.
5. Remove unnecessary costs for students starting a business in Virginia – The Council shall consider ways to remove regulations and fees that create unnecessary burdens or obstacles for individuals who are starting a new business.

Composition of the Council

The Council will be led by the Secretary of Commerce and Trade and include leaders in higher education, business, innovators and entrepreneurs, and others with appropriate expertise, as appointed by the Governor. In coordination with relevant state agencies, the Council will serve as a central coordinating entity to identify opportunities and develop recommendations for improvement, including but not limited to: 1) entrepreneurship education, 2) support from the business community for young entrepreneurs, 3) strategies for keeping the 'best and the brightest' young innovators in Virginia, 4) opportunities for strengthening institutional support for student creativity and innovation, and 5) the growth of entrepreneurial ecosystems across Virginia. The Council will also collaborate with other entities as appropriate and seek participation from relevant stakeholders, including the business and education communities, nonprofit groups, and advocacy organizations.

Staffing

Staff support for the Council will be provided by the Office of the Governor, and any other Secretariats, agencies, or offices as designated by the Governor, including staff from institutions of higher education if appropriate. The Council will serve in an advisory role to the Governor, in accordance with § 2.2-2100 of the *Code of Virginia*. The initial report of the Council's assessments and recommendations is due to the Governor no later than December 1, 2015. Subsequent annual reports from the Council are due to the Governor on December 1st each year. In coordination with the Council, each public institution of higher education will report to the Governor on its progress towards these goals annually.

Effective Date

This Executive Order shall be effective upon its signing and, pursuant to §§ 2.2-134 and 2.2- 135 of the Code of Virginia, shall remain in full force and effect from its signing until superseded or rescinded.

Given under my hand and under the seal of the Commonwealth of Virginia this 24th day of August, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-EIGHT (2015)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SEVERE WEATHER AND THE THREAT OF HURRICANE JOAQUIN IMPACTING VIRGINIA

Importance of the Issue

On this date, September 30, 2015, I am declaring a state of emergency to exist for the Commonwealth of Virginia based on the severe weather that began the morning of September 29, 2015 as well as forecasts by the National Hurricane Center and National Weather Service projecting impacts from Hurricane Joaquin and a coastal nor'easter. This severe weather pattern could produce damaging high winds, periods of heavy rainfall, massive power outages, and flooding throughout the Commonwealth with the potential to impact life safety and create significant transportation issues.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are 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 on this date, September 30, 2015, whereby I am proclaiming that a state of emergency exists, and has existed since the morning of September 29, 2015, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the Code of Virginia, I am also directing that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of 2 State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the severe weather or hurricane as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44- 146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the Code of Virginia, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth

for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

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 and Homeland Security 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. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $2,630,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $350,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of $250,000 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

L. 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 sitting, 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.

M. The activation of the statutory provisions in § 59.1-525 *et seq*. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. 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 for this incident 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 the Department 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 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 are 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 6 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 federaltype 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 following conditions apply to service by the Virginia Defense Force:
    a. 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;
    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
    c. 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*;
    d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective September 29, 2015, and continuing 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 30th day of September, 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-NINE (2015)

EXPANDING REGISTERED APPRENTICESHIPS IN VIRGINIA

Importance of the Initiative

By 2022, about 500,000 new jobs will be created in Virginia, and over 930,000 workers will be needed to replace Virginia's retiring workforce. As many as 50% to 65% of those jobs will be at the technician and trades level, and offering pathways to successful standard of living. These are jobs that require postsecondary education and training, but generally not a college degree. Registered Apprenticeship is a nationally recognized, tried and true strategy to prepare a skilled workforce for these technician level jobs. Registered Apprenticeship provides a portable credential of skills development and workplace experience to Virginians who attain a Certificate of Completion and Journeyworker Card, while also providing businesses with a pipeline of skilled workers with higher productivity and retention rates, and a return on investment for their employers. This is why my administration is committed to dramatically expanding Registered Apprenticeship in Virginia.

Administered by the Virginia Department of Labor and Industry (VDOLI), Registered Apprenticeship combines on-the-job learning and apprenticeship-related instruction, with the latter often delivered by a community college or career and technical education center. Registered Apprenticeship instills loyalty in workers and decreases employee turnover because a registered apprenticeship provides valuable, life long career benefits including: certifications and licenses that matter to business, and an opportunity to simultaneously learn and earn–with a graduated pay scale that recognizes increased skill attainment.

The US Department of Labor recognizes over 900 occupations as appropriate for setting up a Registered Apprenticeship including: skilled trades, business and professional services, information technology, and education and human services occupations. No other training program to prepare job seekers includes the balance of on the job and classroom learning as does Registered Apprenticeship.

A Registered Apprenticeship Program for State Agencies

State agencies, like private employers should reap the benefits of Registered Apprenticeship to better recruit, retain, and strengthen the skills of state workers beginning their public service careers. Currently, robust Registered Apprenticeship programs preparing skilled trade workers, office administrators, early childhood providers, groundskeepers, and other occupations are used by a number of local government entities. State governments can use Registered Apprenticeship to cultivate highly skilled workers in those occupations for which qualified applicants can be challenging to recruit.

Given these benefits to employers and employees, I therefore direct VDOLI to initiate a program that will expand enrollment of state agencies as registered apprenticeship sponsors through fiscal incentives to

support the cost of apprenticeship-related instruction. Pursuant to this Executive Order, VDOLI and other identified state agencies shall take the following actions:

1. By January 1, 2016, VDOLI will produce, in coordination with the Virginia Department of Human Resources Management (VDHRM), guidelines and an application for state agencies to register an apprenticeship program and seek a state incentive to cover the costs of apprenticeship-related instruction. During FY 2016, up to $120,000 will be available through VDOLI to state agencies to support apprenticeship-related instruction. Completed applications for incentive funds to cover the related instruction costs of registered apprentices (who are also state employees) will be accepted by VDOLI on a first-come, first-serve. VDOLI will consult with interested state agencies to identify occupations for a registered apprenticeship program. VDOLI will report monthly to the Secretary of Commerce and Trade on the status of agency enrollments as registered apprenticeship sponsors and of agency applications for funding to support apprenticeship-related instruction.

2. By January 1, 2016, to ensure that state agencies are fully apprised of the options for apprenticeship-related instruction, the Governor's Chief Workforce Advisor will convene VDOLI, the Virginia Community College System (VCCS), Virginia Department of Education (VDOE) and VDHRM to plan and prepare an information strategy, including on-line resources, to guide state agencies in selecting an apprenticeship-related instruction provider. Information will identify all financial aid resources available to support registered apprenticeships, including the new funding program for agencies to support apprenticeship-related instruction.

New Resources to Support Private Sector Registered Apprenticeships

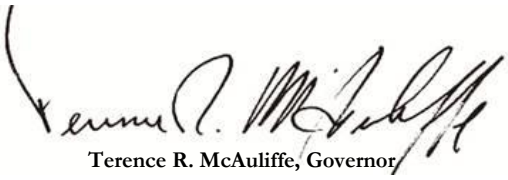
To increase the number of Registered Apprenticeship programs in key industry sectors (such as Information Technology, Cyber Security, and Professional and Business Services) that have not traditionally sponsored registered apprentices, the Commonwealth of Virginia will offer fiscal incentives to businesses who register apprentices in such key industry sectors to cover the costs of apprenticeship-related instruction. Specifically, I direct the identified agencies to take the following actions:

1. By January 1, 2016, VDOLI, in consultation with the Governor's Chief Workforce Advisor, will release guidelines and applications for fiscal support of apprenticeship-related instruction to private sector companies interested in sponsoring registered apprenticeship(s) in the targeted occupations. During FY 2016, up to $280,000 will be available through VDOLI to private sector companies to support apprentice-related instruction for registered apprentices in the targeted occupations. Completed applications for incentive funds to cover apprenticeship-related instruction will be accepted by VDOLI on a first-come, first-serve basis. In consultation with the Governor's Chief Workforce Advisor, VDOLI may include additional occupations.

2. By January 1, 2016, to further assist all private sector employers in sponsoring a Registered Apprenticeship program, VDOLI, VCCS and Virginia Employment Commission (VEC), will develop policies and procedures through which businesses who are Registered Apprenticeship sponsors can apply for available federal or state training funds, available through Virginia's Workforce System, to support apprenticeship-related instruction.

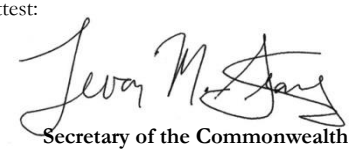
Effective Date of the Executive Order

This Executive Order shall be 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 6th Day of October, 2015.



Terence R. McAuliffe, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY (2015)

EXECUTIVE ACTION TO PREVENT GUN VIOLENCE

Importance of the Issue:

Like too many communities around the nation, cities and counties across the Commonwealth have experienced the devastating effects of gun violence. While Virginians will never forget the tragic massacre of young promise that occurred at Virginia Tech in 2007, or the most recent murders of two young journalists on air in Roanoke, gun violence has tragically impacted families and communities from Lee County to the Eastern Shore, from Loudoun to Halifax, in ways that have changed those communities forever.

Through the efforts of many Virginians within both the public and private sectors, our Commonwealth has taken great steps to limit access to guns to those who have mental health issues, previous felony convictions, or a current protective order. But, as events around our nation and Virginia's own recent history show, more must be done.

It has been estimated that nearly 40% of all guns sold in America are sold by private, unlicensed sellers either online or through gun shows. These sellers are not required by federal or state law to perform any background checks before transferring a firearm. While law enforcement can appropriately monitor compliance by Federal Firearm Licensees ("FFLs"), unlicensed sellers face little to no regulation in their selling of firearms. Without appropriate safeguards, this large gap in our firearm regulatory scheme gives criminals and other persons incapable of passing a background check easy access to firearms. In a state where "open carry" is lawful, our law enforcement personnel have no way to determine if a person openly carrying a firearm is in lawful possession or is a convicted criminal taking advantage of a gap in our regulatory system.

The ease of access to firearms by criminals and others intent on harm is even more problematic when viewed in light of the general open access to our public facilities. Every day, over 60,000 Virginians report to work in state government buildings across the Commonwealth to provide services to their fellow Virginians. Our citizens rely on open access to these facilities to address their personal and professional needs. Whether it is to incorporate a business, renew a driver's license, apply for a job, seek a permit, or just to attend a public hearing, our government facilities are essential to allowing our citizens access to their government representatives. Allowing "open carry" in these facilities by individuals who may not lawfully possess a firearm exposes our state employees and fellow citizens to unnecessary risk.

There is no magic solution to curbing gun violence. As the National Institute of Justice noted, no single approach will prevent gun violence: "To reduce gun violence, a sustained program that addresses both demand and supply is needed. A successful intervention will have elements of federal-local law enforcement collaboration, community involvement, targeted intervention tactics and continuous program evaluation."

My administration, in consultation with the Office of the Attorney General, along with federal and local law enforcement, is committed to doing everything within our power to prevent gun violence in our

communities. Accordingly, pursuant to my authority under Article V of the Constitution of Virginia and under the Code of Virginia, I am ordering the following:

I. Establish Joint Task Force to Prosecute Gun Crimes

There shall be established a Joint Task Force to Prosecute Gun Crimes (the "Task Force"), to be led by the Attorney General of Virginia and the Secretary of Public Safety and Homeland Security. The Task Force shall be comprised of representatives from state and local law enforcement and prosecutors, the Virginia State Police, and the Department of Criminal Justice Services, along with federal partners, and shall develop strategies and coordinate efforts to strictly enforce existing gun laws under state and federal law. Following from successful law enforcement efforts in the past, the Task Force will put special emphasis on enforcing two key protections under the law:

1.) that only licensed firearms dealers engage in the business of selling firearms
2.) that persons prohibited from owning firearms are prevented from obtaining them

The Task Force will rely principally on the investigatory powers of state and federal law enforcement agencies, in partnership with local agencies, in order to pursue effective enforcement actions, using both criminal and civil proceedings, to enforce the gun laws.

Additionally, I am asking the Task Force to identify those areas within our regulatory system that significantly hamper law enforcement's ability to effectively pursue illegal transfers of weapons and how our Commonwealth can be better situated to address these areas.

II. Authorize Attorney General to Coordinate and Bring Criminal Cases Against Firearms Law Offenders

In order to facilitate enforcement of the existing gun laws, I am invoking my authority under § 2.2-511 and asking the Attorney General to coordinate these prosecutorial efforts and bring such cases as he may deem most appropriate, in order to protect the citizens of the Commonwealth from illegal firearms sales. I also reserve the right to initiate any other legal proceedings that may be necessary to protect the citizens of the Commonwealth from illegal firearms sales.

III. Establish Tip Line for Illegal Gun Activity

The Virginia State Police coordinates the criminal background checks used by licensed firearm dealers to confirm that prohibited individuals are not able to purchase firearms. To aid in enforcement of the gun laws already on the books, I hereby order the Virginia State Police to establish a Tip Line that will enable citizens to report violations of the gun laws and to collect a reward for any successful prosecutions flowing from the information provided.

IV. Trace Guns Used in Crime

Gun violence occurs every day in the Commonwealth, oftentimes by individuals who should never have had a gun in the first place. In order to aid in the Task Force's work, I hereby direct the Virginia State Police to set a policy to request tracing of every gun used in the commission of a crime in the Commonwealth, working with local and federal law enforcement to accomplish this goal.

Obtaining this information will be critical to enforcing the gun laws already on the books in Virginia.

V. Encourage Judges and Prosecutors to Seek Gun Forfeiture in Felony and Other Cases

Cases of domestic violence in which there is access to firearms often end in needless tragedy. The power to prevent gun purchases, however, is not effective when the domestic abuser or felon already has access to guns.

Accordingly, in consultation with the Office of the Attorney General, we will be working, through training and advocacy, to encourage prosecutors and judges to use their broad power in both criminal sentencing and in domestic violence protective orders to require persons prohibited from obtaining guns to forfeit guns they may already possess.

VI. Banning Firearms in State Government Buildings

We must take every precaution to protect our citizens and state employees from gun violence. We cannot wait until a tragedy occurs to decide to address it. Prevention requires us to address areas of concern before they are realized. Accordingly, I hereby declare that it is the policy of the Commonwealth that open carry of firearms shall be prohibited in offices occupied by executive branch agencies, unless held by law enforcement, authorized security, or military personnel authorized to carry firearms in accordance with their duties. Within 30 days of the date of this Executive Order, the Director of the Department of General Services (DGS) shall issue guidance prohibiting carrying weapons openly in offices occupied by executive branch agencies.

I further order the Director of DGS, within 30 days of the date of this Executive Order, to propose regulations to ban the carrying of concealed weapons in offices occupied by executive branch agencies, unless held by law enforcement, authorized security, or military personnel authorized to carry firearms in accordance with their duties.

Conclusion

All Virginians have the right to feel safe and secure in going about their daily lives. The Governor of Virginia has no more sacred responsibility than to see to it that the public is safe, using all legal means to secure this right. My administration, in partnering with the Attorney General of Virginia, along with federal and local law enforcement, today renews and re-emphasizes this commitment. Working together, it is my hope that these initiatives will help reduce senseless gun violence in Virginia so that we may all feel more safe and secure living in our great Commonwealth.

Effective Date of this Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia this Fifteenth day of October 2015.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-ONE (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO A SEVERE WINTER STORM EVENT

Importance of the Issue

On this date, January 21, 2016, I am declaring a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting a severe winter storm event beginning today in parts of the Commonwealth with the potential for significant snow and ice accumulations as well as high wind speeds through the weekend, which could create transportation issues and significant power outages.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are 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 on this date, January 21, 2016, whereby I am proclaiming that a state of emergency exists, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the winter storm, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the Code of Virginia, I am also directing that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by effects of the winter storm as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the Code of Virginia, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44 146.17(1) of the Code of Virginia, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

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 and Homeland Security 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. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the Code of Virginia.

H. The authorization of a maximum of $1,800,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $500,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of $250,000 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. § 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. 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 sitting, 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.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. 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 for this incident 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:

    a. 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;

    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

    c. 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;

    d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective January 21, 2016, and continuing unless 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 January, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-TWO (2016)

DEVELOPMENT OF LONG-TERM, OFFSETTING METHODS WITHIN THE VIRGINIA NUTRIENT CREDIT EXCHANGE PROGRAM

Importance of the Initiative

The Chesapeake Bay is a national treasure and an ecological and economic asset for Virginia. In 2005, the General Assembly established a watershed general permit and nutrient credit trading program to help manage total point source discharges of nitrogen and phosphorous into the Chesapeake Bay watershed. This market-based tool was designed to assist Virginia's point source dischargers, including municipal wastewater treatment plants and private industries, with complying with nutrient waste load allocations necessary to improve the health of the Chesapeake Bay and its tributaries. New sources are able to purchase available allocations and/or credits through the Virginia Nutrient Credit Exchange Program on a year-to-year basis. It is vital that this program continues to serve as a tool to protect and improve the health of the Chesapeake Bay watershed while allowing economic growth and the development of a new Virginia economy.

Accordingly, 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, I hereby direct the Secretaries of Commerce and Trade, Natural Resources, and Agriculture and Forestry to jointly convene a work group comprised of the Virginia Economic Development Partnership, the Department of Environmental Quality, the Virginia Manufacturers Association, the Virginia Association of Municipal Wastewater Agencies, the Virginia Nutrient Credit Exchange Association, the Chesapeake Bay Foundation, the James River Association and other interested stakeholders to study and recommend methods to facilitate the acquisition of nutrient allocations and/or credits through the Virginia Nutrient Credit Exchange Program to offset discharges of nutrients by point-source dischargers in the Chesapeake Bay watershed on a long-term (20+ year) basis.

Such methods shall be in accordance with the State Water Control Board's authority to establish and assign nutrient waste load allocations, and shall not cause or contribute to an exceedance of applicable water quality standards or the aggregate point source loading caps for Virginia's tributaries to the Chesapeake Bay.

Scope and Guidance

The Work Group should consider:

(1) the protection of established nutrient allocations of existing facilities and investments that have been made pursuant to such allocations,
(2) the needs of expanding and new point sources in the watershed;
(3) the minimization of offset demands by new or expanding facilities by analysis of technologically and economically feasible alternatives;
(4) the establishment of a merit-based qualification process for nutrient credit acquisition to align offset supplies with state and local economic development goals;

(5) the cost and value of existing infrastructure, of credit generation, of credit use for offset purposes, and of other offset methods;
(6) support for innovation and voluntary incentives to promote credit generation, exchange and use to meet offset needs;
(7) priorities for continued state investment in water quality improvement, including the Nutrient Offset Fund, the Water Quality Improvement Fund and other state economic development incentives; and
(8) flexibility in achieving water quality standards under the Chesapeake Bay Total Maximum Daily Load (TMDL).

The Work Group shall complete its work, including the development of recommendations as to viable offset supply augmentation methods by November 1, 2016. The Secretaries shall provide a report on the recommendations of the Work Group to me by December 1, 2016.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect for one year after its signing 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 January, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-THREE (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SEVERE STORMS AND TORNADOES

Importance of the Issue

On February 24, 2016, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on the severe storms that generated multiple tornadoes, hail, high winds, and flooding, which caused destruction throughout the Commonwealth.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are 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 on February 24, 2016, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local

governments to prepare for potential impacts of the storms, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far 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 active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.
B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to §§ 44-146.18 of the *Code of Virginia*.
D. The evacuation of areas threatened or stricken by effects of the severe weather as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3

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 and Homeland Security 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. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $500,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $150,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of $250,000 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

L. 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 sitting, 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.

M. The activation of the statutory provisions in § 59.1-525 *et seq.* of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. 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 for this incident 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:
    a. 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;
    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

c. 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*;

d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective as of February 24, 2016, and shall remain in full effect until June 30, 2016, 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 29th day of February, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-FOUR (2016)

DIRECTING THE DEPARTMENT OF GENERAL SERVICES' DIVISION OF CONSOLIDATED LABORATORY SERVICES TO EXTEND THE STORAGE PERIOD FOR PHYSICAL EVIDENCE RECOVERY KITS RECEIVED FROM HEALTH CARE PROVIDERS

Importance of the Issue

In 2009, then-Governor Timothy M. Kaine noted that there was a lack of clarity regarding the steps to be taken following a forensic medical examination in an instance where evidence is collected from an alleged victim of sexual assault, but the victim is not prepared at the time to release personal identifying information to law enforcement. Governor Kaine noted Virginia Code § 19.2-165.1(B), which addresses these instances: *"Victims complaining of sexual assault shall not be required to participate in the criminal justice system or cooperate with law-enforcement authorities in order to be provided with such forensic medical exams."*

To assist in clarifying the steps to be taken in such situations, Governor Kaine issued Executive Order 92, directing the Department of General Services' Division of Consolidated Laboratory Services (DCLS) to accept and store for 120 days, evidence from physical evidence recovery kits (PERKs) received from health care providers from victims of sexual assault who elected to not report the

offense to law enforcement ("anonymous PERKs"). During the 120-day period, if the victim elected to report the offense to law enforcement, the kit would be transferred to the investigating agency for forensic testing. If DCLS did not receive notification from law enforcement and/or an Attorney for the Commonwealth within the 120-day period, DCLS was directed under Executive Order 92 to destroy the PERK.

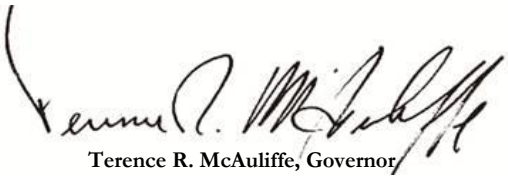
In 2015, I convened a PERK Work Group to evaluate criteria for PERK evidence testing in the Commonwealth and to make recommendations related to the handling and storage of anonymous PERKs. The Work Group was chaired by the Secretary of Public Safety and Homeland Security, and included First Lady Dorothy McAuliffe and representatives of various stakeholder groups, including law enforcement, Commonwealth's Attorneys, the criminal defense bar, victim advocates, forensic nurses, and the Department of Forensic Science. The Work Group determined 2 that 120 days was not enough time for victims of sexual assault to make the determination about whether to report the offense to law enforcement. Therefore, the Work Group recommended that the time for storing anonymous PERKs should be extended to a minimum of two years, in order to provide victims sufficient time to fully consider their options. During the 2016 General Assembly, this recommendation, and others from the Work Group, were introduced in Senate Bill 291 and House Bill 1160 as the "Comprehensive PERK Act." The Comprehensive PERK Act was passed by the General Assembly and signed by me, and will become law on July 1, 2016. When enacted, the Comprehensive PERK Act will include the requirement that DCLS store all anonymous PERKs for a minimum of two years.

Direction to the DGS Division of Consolidated Laboratory Services

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution and the laws of the Commonwealth and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the Department of General Services' Division of Consolidated Laboratory Services begin to immediately accept and store Physical Evidence Recovery Kits (PERKs) in a manner consistent with the requirements set forth in the Comprehensive PERK Act, including the requirement that the PERKs be retained for a minimum of two years. This Executive Order is in the best interest of the individual victims and the overall pursuit of justice in sexual assault cases.

This Executive Order shall be effective when signed and shall remain in full force and effect until the Comprehensive PERK Act becomes law on July 1, 2016, at which time DCLS shall comply with the Act.

Given under my hand and under the Seal of the Commonwealth of Virginia this 25th Day of April, 2016.



Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-FIVE (2016)

DIRECTING THE COMMISSIONER OF THE DEPARTMENT OF MOTOR VEHICLES TO EXTEND THE VALIDITY OF EXPIRING DRIVER'S LICENSES

Importance of the Issue

On Saturday May 21, 2016, an internal power disruption temporarily interrupted the electronic services provided by the Commonwealth's data center. This disruption greatly impacted the ability of many Virginians to renew their driver's licenses. On May 23, 2016, I verbally directed the Commissioner of the Department of Motor Vehicles to extend the validity period for expiring licenses for a period of one week. This unforeseen disruption of services places citizens at risk of suffering fines and others costs resulting from their inability to timely renew their driver's licenses.

Therefore, by virtue of the authority vested in me as Governor, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing that verbal directive issued on May 23, 2016, whereby it was determined that the Department of Motor Vehicles suffered a disruption in service that prevented the Department from processing applications for renewal of driver's licenses.

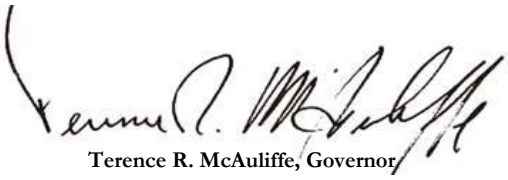
In order to prevent any further hardship to the citizens of Virginia, and in accordance with my authority contained in §§ 46.2-330(A) and 46.2-345 of the *Code of Virginia*, I hereby order the following measures:

- I hereby direct the Commissioner of the Department of Motor Vehicles, and such other executive branch agencies as deem appropriate in their discretion, to extend the validity period of Virginia driver's license, permits and commercial driver's licenses issued by the Commonwealth that expire May 21, 2016 through May 22, 2016 until May 28, 2016. 2

Effective Date of this Executive Order

This Executive Order shall be effective retroactively from May 21, 2016, and shall remain in full force and effect until May 28, 2016.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 24th day of May, 2016.



Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-SIX (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SEVERE FLOODING

Part I – Importance of the Issue

On June 23, 2016, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on record level flooding of the Jackson River watershed. The extended rain showers, flash flooding, and high winds have the potential to impact life safety and create significant transportation

issues throughout the Commonwealth. The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are 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 on June 23, 2016, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the flooding, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far 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 active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all system assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the flooding, as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

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 and Homeland Security 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. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $1,600,000 in state sum sufficient funds for state and local government mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $100,000 or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of $250,000 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERT), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

L. 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 sitting, 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.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. 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 for this incident 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:

a. 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;

b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

c. 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*;

d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Part II – Effective Date of this Executive Order

This Executive Order shall be effective as of June 23, 2016, and shall remain in full force and effect until September 30, 2016 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 24th day of June, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-SEVEN (2016)

DEVELOPMENT OF CARBON REDUCTION STRATEGIES FOR ELECTRIC POWER GENERATION FACILITIES

Part I-Importance of the Initiative

Though our coastal communities may be the first to witness the effects of climate change, the risks presented by increasingly fierce storms, severe flooding, and other extreme weather events are not

confined to a single geographic area. Neither are their causes. The economic implications are significant, and we must do all we can to protect our critical military infrastructure, our ports, our homes, and our businesses. It is only by acting together with common purpose that the Commonwealth can effectively adapt and stave off the most severe consequences of climate change.

One key step forward isto continue with a strategic goal of reducing carbon emissions. Virginia has already made meaningful strides -between 2005 and 2014, Virginia reduced its carbon emissions from power plants by 21 percent. However, the electric sector isstill responsible for approximately 30 percent of the carbon dioxide pollution in the Commonwealth. Moreover, electric companies are including carbon regulation projections in their long-term plans. The electric sector is changing rapidly through increasing reliance on low and zero carbon resources. As such, it is vital that the Commonwealth continue to facilitate and engage in a dialogue on carbon reduction methods while simultaneously creating a pathway for clean energy initiatives that will grow jobs and help diversify Virginia's economy.

Accordingly, by virtue of the authority vested in the Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, I hereby direct the Secretary of Natural Resources to convene a Work Group, chaired by the Secretary, to study and recommend methods to reduce carbon emissions from electric power generation facilities. The Secretary shall receive input from interested stakeholders.

Such methods shall align with the Virginia Air Pollution Control Board's power to promulgate regulations abating, controlling and prohibiting air pollution throughout or in any part of the Commonwealth.

Part II-Scope and Guidance

In preparing their recommendations, the Secretary and the Work Group shall consider the following:

(1) the establishment of regulations for the reduction of carbon pollution from existing electric power generation facilities pursuant to existing authority under Virginia Code § 10.1- 1300 et seq.;
(2) the carbon reduction requirements for existing electric power generation facilities established under § 11l(d) of the federal Clean Air Act, which are currently stayed pending final disposition;
(3) the interaction between electric utilities and regional markets, including PJM Interconnection;
(4) the impact any reduction requirements place on the reliability of the electric system;
(5) the impact any reduction of carbon pollution may have on electric rates and electric bills;
(6) the impact of reducing carbon pollution on low income and vulnerable communities;
(7) the cost effectiveness of pollution reduction technologies that may be deployed;
(8) the economic development opportunities associated with deployment of new carbon reduction technologies;
(9) the implementation and administration of carbon reduction regulations; and
(10) flexibility in achieving the goals of any carbon reduction regulation.

The Secretary of Natural Resources shall complete her work, including the development of recommendations as to viable carbon reduction methods for the electric power generation facilities by April 30, 2017. The Secretary of Natural Resources shall provide a report on the recommendations to the Governor by May 31, 2017.

Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect for one year after its signing unless am ended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 28th Day of June, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-EIGHT (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO HURRICANE HERMINE

Importance of the Issue

On this date, September 2, 2016, I am declaring a state of emergency to exist for the Commonwealth of Virginia based on the National Hurricane Center and National Weather Service forecasts projecting impacts from Hurricane Hermine that could produce damaging high winds, periods of heavy rainfall, power outages, and flooding across the eastern portion of the Commonwealth. These conditions have the potential to impact life safety and create significant transportation issues throughout Virginia.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life and public and private property are 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 on this date, September 2, 2016, whereby I am proclaiming that a state of emergency exists, and I am directing that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of Hurricane Hermine, alleviate any conditions resulting from the incident, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1(A)(3) and (A)(4) of the *Code of Virginia*, I am also directing that the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to be prepared to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia Department of 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 and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of Hurricane Hermine, as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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, livestock or poultry, feed or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, 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. Such exemptions shall not be valid on posted structures for restricted weight.

All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service by any carrier when transporting essential emergency relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3.

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 15 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security 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. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

H. The authorization of a maximum of $550,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $300,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of $250,000 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*. § 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. 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, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

L. 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 sitting, 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.

M. The activation of the statutory provisions in § 59.1-525 et seq. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. 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 for this incident 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 the Department 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 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 are 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 following conditions apply to service by the Virginia Defense Force:

    a. Virginia Defense Force personnel shall receive pay at a rate equivalent to a National Guard soldier of like rank, not to exceed 25 years of service.

    b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

    c. 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*;

    d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective September 2, 2016, and shall remain in full force and effect until November 30, 2016 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 2nd day of September, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-NINE (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA AS A MEASURE FOR UNINTERRUPTED GASOLINE DISTRIBUTION

Importance of the Issue

On September 9, 2016, Colonial Pipeline shut down its main lines in Shelby County, Alabama to investigate a potential system integrity issue. The investigation uncovered a pipeline breach resulting in a spill of 252,000 gallons of gasoline in a remote area of the county. This pipeline will remain shut down until repairs can be made, the system tested, and cleanup complete. The shutdown of this pipeline may result in gasoline supply disruptions to various retailers throughout the Commonwealth, since the pipeline is the only source of gasoline into Virginia for many of these retailers. While current gasoline reserves in the Commonwealth are sufficient to address any immediate supply concerns, it is necessary, in accordance with § 44- 146.17, that the Commonwealth take appropriate measures to prevent any resource shortage occasioned by this disaster.

The health and general welfare of the citizens of Virginia require that state action be taken to help prevent any potential resource shortages or fuel supply disruptions caused by this situation. The effects of this incident constitute a disaster, as defined 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 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 on this day, September 16, 2016, whereby I proclaimed that a state of emergency exists, and I directed that appropriate assistance be rendered by agencies of state government to alleviate any impediments to the transport of gasoline.

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

A. 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 gasoline in any area of the Commonwealth in order to support delivery of this

commodity, regardless of its point of origin or destination. Such exemptions shall not be valid on posted structures for restricted weight.
All over width loads, up to a maximum of 12 feet, and over height 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/over width transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes vehicles in 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.

Authorization of the State Coordinator of Emergency Management to grant limited exemption of hours of service worked by any carrier when transporting gasoline in any area of the Commonwealth in order to support delivery of this commodity, regardless of its point of origin or destination, pursuant to § 52-8.4 of the *Code of Virginia* and Title 49 Code of Federal Regulations, Section 390.23 and Section 395.3. In no event shall the relief from hours of service last more than fifteen (15) days, unless a new declaration is issued. Motor carriers that have a Federal Out of Service Order in effect cannot take advantage of the relief from regulations that this declaration provides under 49 CFR 390.23.

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 until November 1, 2016, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security in consultation with the Secretary of Transportation, whichever is earlier.

The authorization of the Department of Agriculture and Consumer Services to grant a temporary waiver of the maximum vapor pressure prescribed in emergency regulation 2 VAC 5-425 *et seq*., and to prescribe a vapor pressure limit it deems reasonable. The temporary waiver shall remain in effect until November 1, 2016, or until emergency relief is no longer necessary, as determined by the Commissioner of Agriculture and Consumer Services.

B. The discontinuance of provisions authorized in paragraph A above may be implemented and disseminated by publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet-level Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

C. The activation of the statutory provisions in § 59.1-525 *et seq*. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of gasoline. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this resource shortage.

Effective Date of this Executive Order

This Executive Order shall be effective September 16, 2016 and shall remain in full force and effect until November 1, 2016 or whenever the emergency no longer exists, which ever time is shorter, 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 16th day of September, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-NINE (2016)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO HURRICANE MATTHEW AND IN SUPPORT OF STATES AFFECTED BY HURRICANE MATTHEW

Importance of the Issue

On October 6, 2016, I declared a state of emergency to exist for the Commonwealth of Virginia to support relief efforts to all states affected by Hurricane Matthew. Today, October 17th, I have revised the state of emergency in the Commonwealth based on the impacts from Hurricane Matthew, which produced damaging winds, periods of heavy rainfall, power outages, and flooding across the Commonwealth of Virginia. I therefore direct that appropriate assistance be rendered by agencies of state government to respond to the needs of citizens, affected states, and the potential public safety issues in the Commonwealth presented by oversize and overweight vehicles on the Commonwealth's highways.

The health and general welfare of the citizens require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life, and public and private property are 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 on October 6, 2016, whereby I proclaimed that a state of emergency exists, and directed that appropriate assistance be rendered by agencies of both state and local governments to prepare for and respond to potential impacts of Hurricane Matthew, alleviate any conditions resulting from the incident, implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible, and alleviate any impediments to the transport of relief supplies or utility restoration support. Pursuant to § 44- 75.1(A)(3) and (A)(4) of the *Code of Virginia*, I also directed the Virginia National Guard and the Virginia Defense Force be called forth to state active duty to assist in providing such aid. This included Virginia National Guard assistance to the Virginia Department of 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 and Homeland Security, may find necessary.

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

A. Implementation by state agencies of the Commonwealth of Virginia Emergency Operations Plan (COVEOP), as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Support Team (VEST) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VEST coordinate state actions in support of affected localities, other mission assignments to agencies designated in the COVEOP, and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety and Homeland Security, 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 Technologies Agency, and with the consultation of the Secretary of Public Safety and Homeland Security, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the incident, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of Hurricane Matthew, as appropriate. 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 effort, 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 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. Also, in those localities that have declared a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if the local governing body determines that controlling movement of persons is deemed necessary for the preservation of life, public safety, or other emergency mitigation, response, or recovery effort, pursuant to § 44-146.17(1) of the *Code of Virginia*, I authorize the control of ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein upon such timetable as the local governing body, in coordination with the State Coordinator of Emergency Management and the VEOC, shall determine. 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, 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 relief supplies, livestock or poultry feed, or other critical supplies for livestock or poultry, heating oil, motor fuels, or propane, 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. Weight exemptions are not valid on interstate highways or on posted structures for restricted weight unless there is an associated Federal emergency declaration.

All over width loads, up to a maximum of 12 feet, and over height 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 oversize transportation privileges, carriers are also exempt from vehicle registration with the Department of Motor Vehicles. This includes 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 Emergency Declaration implements limited relief from the provisions of Title 49 Code of Federal Regulations §§ 390-399. Accordingly, the State Coordinator of Emergency Management recognizes the exemption for hours of service by any carrier when transporting essential relief supplies, passengers, property, livestock, poultry, equipment, food, feed for livestock or poultry, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing direct relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* and 49 C.F.R. Section 390.23 and Section 395.3.

The foregoing oversize 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 relief is no longer necessary, as determined by the Secretary of Public Safety and Homeland Security in consultation with the Secretary of Transportation, whichever is earlier. The discontinuance of provisions authorized in this paragraph (F) may be implemented and disseminated by the publication of administrative notice to all affected and interested parties. I hereby delegate to the Secretary of Public Safety and Homeland Security, after consultation with other affected Cabinet Secretaries, the authority to implement this order as set forth in § 2.2-104 of the *Code of Virginia*.

G. The authorization of the Marine Resources Commissioner 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 Hurricane Matthew 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 possible, no permits for encroachments on State-owned submerged lands, tidal wetlands and coastal primary sand dunes or beaches shall be required to replace previously permitted structures and for beach nourishment activities along public beaches.

1. The pre-existing structure must have been previously authorized and in a serviceable condition prior to the onset of the hurricane.
2. The replacement structure must be reconstructed in the same location and in identical or smaller dimensions as the previously permitted structure.

3. Beach nourishment activities on State-owned submerged lands must be accomplished with sand from a previously identified or permitted source of sand suitable for beach nourishment.
4. Reconstruction and beach nourishment activities must be initiated prior to December 31, 2016, and completed prior to June 30, 2017.
5. Any property owner(s) seeking to replace a previously permitted structure or nourish public beaches pursuant to this Executive Order must submit to the Virginia Marine Resources Commission a letter attesting to the foregoing and containing suitable drawings for beach nourishment activities or of the proposed replacement structure(s) for comparison purposes.
6. No person may proceed with replacement of a previously permitted structure or beach nourishment activity under the provisions of this Executive Order without written approval from the Commissioner of the Virginia Marine Resources Commission or the Local Wetlands Board Chairman for activities involving wetlands or coastal primary sand dunes in localities where the Wetlands Zoning and the Coastal Primary Sand Dune Ordinances have been adopted.

H. The authorization of a maximum of $4,425,000 in state sum sufficient funds for state and local governments mission assignments authorized and coordinated through the Virginia Department of Emergency Management that are allowable as defined by The Stafford Act. This funding is also available for state response and recovery operations and incident documentation. Out of this state disaster sum sufficient, $500,000, or more if available, is authorized for the Department of Military Affairs for the state's portion of the eligible disaster-related costs incurred for salaries, travel, and meals during mission assignments authorized and coordinated through the Virginia Department of Emergency Management.

I. The authorization of a maximum of $250,000 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. § 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

K. 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 firefighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs), Community Emergency Response Teams (CERTs), 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) and (f) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

L. 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 sitting, 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.

M. The activation of the statutory provisions in § 59.1-525 *et seq*. of the *Code of Virginia* related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more

reprehensible during a time of disaster after issuance of a state of emergency. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials. I further request that all appropriate executive branch agencies exercise their discretion to the extent allowed by law to address any pending deadlines or expirations affected by or attributable to this disaster event.

N. 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 for this incident 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 the Department 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 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 are 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 federaltype 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 following conditions apply to service by the Virginia Defense Force:

   a. Virginia Defense Force personnel shall receive pay at a rate equivalent to a National Guard soldier of like rank, not to exceed 25 years of service.

   b. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

   c. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for the 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*;

   d. 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 the paragraphs above pertaining to the Virginia National Guard and pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of this Executive Order

This Executive Order shall be effective October 6, 2016, and shall remain in full force and effect until November 6, 2016, 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 17th day of October, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVES

EXECUTIVE DIRECTIVE ONE (2014)

DIRECTING THE BOARD OF HEALTH TO CONDUCT A PERIODIC REVIEW OF REGULATIONS GOVERNING LICENSURE OF ABORTION FACILITIES, 12VAC5-412

The health of all residents of the Commonwealth is a top priority of my administration. Of great importance are the delivery of services and the provision ofsafe, medically and erivironmentally sound facilities to support Virginia's comprehensive system of care. A significant focus of our state's system of health care is on the wellbeing ofwomen in Virginia, and those health issues and conditions "unique to or more prevalent among women." *Code of Virginia* §32.1-2.

In 2013, the Board of Health promulgated regulations governing the licensure, orgaruzation and management of abortion facilities. These regulations marked an effort by the Board to comply with legislative enactments addressing the construction and maintenance of abortion facilities previously enacted by the General Assembly. Access to essential health services, including birth control, contraception and preventive care is vitally important to all residents of Virginia, particularly to the women of the Commonwealth.The regulations enacted last year placed unprecedented construction requirements on these facilities, and I am concerned that these new restrictions may negatively impact women's access to necessary health services.

As Governor, I may, at any time, request a periodic review of any regulation promulgated by an agency, and request that the agency advise me whether new regulations should be promulgated, or whether any existing regulations should be amended or repealed.

Accordingly, pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth, and pursuant to Article V of the Constitution and the laws of Virginia, I hereby direct the Board of Health, in coordination with the Secretary of Health and Human Resources and the State Health Commissioner, to take the following actions:

- Initiate a periodic review of those regulations promulgated by the Board in 12VAC5-412, *et seq*. governing abortion facilities and determine whether any new regulations, amendments, or a repeal of all or part of the regulations, is appropriate; and

- Complete the periodic review by no later than October 1, 2014.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE TWO (2014)

ASSESSING AND EVALU A TING MAJOR INFORMATION TECHNOLOGY AND SERVICE CONTRACTS

One of the primary responsibilities of the Chief Executive Officer of the Commonwealth of Virginia is to ensure that every taxpayer dollar is being spent as efficiently and transparently as possible. In the face of a revenue shortfall and potential budget cuts, the urgency to increase accountability and find cost savings in Virginia government is even greater. Virginia taxpayers spend millions of dollars annually on contractors for information technology (IT) and other services outside of our state workforce. I am concerned that state government is inappropriately dependent on expensive contract labor when traditionally-appointed state employees can perform at a higher level at a lower cost.

In an effort to ensure that procurement decisions in state government are based on sound fiscal analysis, I am directing my Secretaries of Administration, Finance and Technology to report to me by October 1, 2014 on the following:

1. **An assessment of all IT full time equivalents (FTE) in state government, both contractors and state employees.** From 2012 to 2013, Virginia state government saw an increase in more than 100 contingency IT contractors, costing the state an additional $17 million. This ITcontingency labor program is outside the scope of larger IT contracts and projects (i.e. Northrop Grumman). A thorough review of the amount of IT personnel in each agency is needed to fully understand the issue.

2. **A thorough evaluation of (1) all existing major IT projects and contracts, (2) the Master Services Agreement, and (3) other major service contracts not IT related[1]. The evaluation ofthese contracts would include:**
    a. Contract term
    b. Procurement method and history
    c. Original amount negotiated in contract versus actual amount currently being paid
    d. Number of change orders or amendments to contract
    e. Number of employees working on project (state employees and contractors)
    f. Performance standards and benchmarks

3. **A cost-benefit analysis of insourcing versus outsourcing these contracted jobs.** This analysis would consider the costs and benefits of hiring full-time state employees instead of using contractors. The cost of health insurance and other employee benefits for these individuals should be considered in this analysis.

4. **Worker classifications of all contracted employees.** Worker misclassification occurs when an employer improperly classifies a worker as an "independent contractor" instead of an employee of that organization. A 2012 report of the Joint Legislative Audit and Review Commission (JLARC) recommended that if misclassified employees are working on state contracts, the employer should be issued a stop work order and possibly be prohibited from bidding on future contracts for a specified period of time.

5. **A review of the process and protocol for approving major contracts, amendments to contracts or change orders**. Currently, there is no clear singular protocol for approving contracts or amendments ofmajor contracts. A thorough review is needed to streamline the process and to make recommendations on how to proceed more efficiently with the appropriate oversight.

6. **Recommendations for cost savings and efficiencies through this review.**

[1]Any procucmcnt for a project over $1 million is considered a major project for the purpose of this Executive Directive.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE THREE (2015)

STRENGTHENING THE IMPLEMENTATION OF SENATE BILL 1349

Importance of the Initiative

Senate Bill 1349 has been one of the most extensively debated measures approved by the 2015 General Assembly. Included in this legislation are significant policy changes in some key areas such as renewable energy, low-income energy assistance and energy efficiency, consistent with many of the recommendations laid out in the 2014 Virginia Energy Plan.

As stated in the Energy Plan, Virginia must take decisive action to become a leader in innovative energy generation and utilization. It is incumbent upon my administration to ensure that this legislation is implemented as efficiently and effectively as possible and in a manner that will grow, strengthen and diversify the Virginia economy. Therefore, I hereby direct the following actions to be taken by the following agencies:

1. The Department of Social Services shall work with investor-owned utilities affected by the provisions of Senate Bill 1349 to ensure that the utility-funded energy assistance programs required by the legislation are implemented to provide the most beneficial approach for lowincome, disabled, and elderly Virginians to afford to pay their energy bills.

2. The Department of Housing and Community Development shall work with investor-owned utilities affected by the provisions of Senate Bill 1349 to ensure that the utility-funded energy efficiency programs required by the legislation are implemented to provide the most beneficial approach for low income, disabled, and elderly Vttginians to conserve energy and lower their energy bills.

3. The Departments of General Services and Ivlines, Ivlinerals and Energy shall work with investor-owned utilities to deploy, as quickly as possible, a minimum of 400 megawatts of solar energy in Virginia by 2020. Both agencies shall work with utilities, private developers, and other stakeholders to site additional solar in the Commonwealth as soon as practicable. Additionally, The Virginia Solar Energy Development Authority, once constituted, shall work to facilitate greater deployment of solar energy generating systems in accordance with the recommendations set forth in the 2014 Virginia Energy Plan.

4. The Virginia Economic Development Partnership and the Department of Mines, Minerals and Energy shall give high priority to the development of a solar industry in Virginia, including but not limited to identifying opportunities for partnerships with state and local agencies, utilities, and other stakeholders to create solar-related jobs and develop a robust renewable energy workforce in the Commonwealth.

5. The Secretary of Commerce and Trade shall annually apprise me of the progress of this directive in fulfilling the policy changes stated in Senate Bill 1349 and provide recommendations if additional measures need to be taken to ensure that the full potenti.'ll of these policies are achieved in the most efficient and effective manner possible.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE FOUR (2015)

ESTABLISHING THE CENTER FOR BEHAVIORAL HEALTH AND JUSTICE

During the past decade, Virginia lawmakers, the Supreme Court and Executive Branch agencies have spearheaded various efforts to identify and address the needs of persons with mental illness who become involved with the criminal justice system. While many initiatives have demonstrated some success, significant challenges remain in ensuring coordination and collaboration across the behavioral health and criminal justice systems at local, regional and state levels.

On April 8, 2014, I issued Executive Order 12, reestablishing the Task Force for Improving Mental Health Services and Crisis Response. Among the most significant recommendations from the Task Force is the need to create a center of excellence to collaboratively identify and utilize public and private resources to more effectively coordinate implementation of programs, policies and resources to address behavioral health needs within the Commonwealth, particularly for those individuals involved in the criminal justice system.

In order to achieve its goals ofbetter coordination among behavioral health and justice agencies in the public, private, and not-for-profit sectors, the center shall pursue a collaborative, multi-systems approach in the following areas:

- Data collection and analytics
- Evidence-based programs and practices
- Education, outreach and training
- Technical assistance and resource development

Accordingly, I hereby direct the establishment ofthe Center for Behavioral Health and Justice (Center) and direct the Secretaries of Public Safety & Homeland Security and Health & Human Resources to oversee this process. The work will be led by an Executive Leadership Council (Council) which will develop the organizational structure and an implementation plan for the Center.

The Council shall be convened by the Deputy Secretary of Public Safety & Homeland Security and the Deputy Secretary of Health & Human Resources.

The Council shall also include the Commissioners of the Department of Behavioral Health & Developmental Services and the Department of Health, and the Directors of the Departments of Corrections, Criminal Justice Services, Juvenile Justice, and Medical Assistance Services.

The Council shall present me with an organization and implementation plan for the Center by July 1, 2015.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE FIVE (2015)

SECURING CONSUMER TRANSACTIONS

Importance of the Initiative

Ensuring the safety of citizen data is a critical responsibility of the Commonwealth of Virginia. In the face of ever-increasing cyber security attacks on consumer and business related entities, I am committed to ensuring that transactions conducted between citizens and the Commonwealth meet the highest level of transactional security standards.

In an effort to ensure that consumer transactions with the Commonwealth are embracing emerging electronic payment security technologies to provide the highest levels of security and meet or exceed existing Federal standards, I am directing the Secretaries of Technology and Finance, the State Treasurer, and State Comptroller to:

1. Provide a plan to the Governor's Office by October 1, 2015, detailing the Department of the Treasury's plans to enhance the security features of merchant and prepaid debit card programs to include:
    a. User Authentication,
    b. Confidentiality,
    c. Cardholder reporting of unauthorized withdrawals or suspected fraudulent transactions, and
    d. Data breach reporting and notification

2. Update the Commonwealth's main purchase card program to include advanced chip authentication security features by no later than December 2015. The Commonwealth has already converted purchase card programs to chip authentication technology for many political subdivisions and authorities.

3. Develop and adopt electronic identity management standards as set forth in legislation passed during the 2015 legislative session (SB 814 and HB1562).

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE SIX (2015)

EXPANDING CYBER-RELATED RISK MANAGEMENT ACTIVITIES

Importance of the Initiative

One of the primary responsibilities of the Chief Executive Officer of the Commonwealth of Virginia is to protect and safeguard citizen data. In light of ever-increasing cyber security attacks on personal information, sensitive data, and systems, I am committed to expanding our cyber-related risk management activities and strengthening our ability to protect the information entrusted to our care.

I am directing the Secretaries of Technology and Finance and the Commonwealth's Chief Information Officer to take the necessary steps to complete a review of all Commonwealth of Virginia systems and associated data in the following manner:

1. The Virginia Information Technologies Agency (VITA) shall provide an updated inventory of all data and computer systems to the Governor's Office by October 15, 2015. The inventory shall include but not be limited to:
    a. Determination of sensitivity and criticality of systems and data
    b. Risk prioritization and scope of systems and data, and
    c. Development of a risk-based approach to enhance protection of systems and data
2. The Secretary of Technology and VITA shall recommend strategies to strengthen and modernize agencies' cyber-security profiles by October 15, 2015, including:
    a. Completion of security audits,
    b. Development of risk mitigation and resilience plans, and
    c. Plans for remediation with completion dates.
3. VITA shall provide a status report on the execution of the strategies, along with associated plans and actions, to the Governor and the Secretaries of Technology and Finance by October 1, 2016.

These risk-mitigation steps to strengthen our sensitive systems and data cannot be effectively and accurately completed without the cooperation of each executive branch agency. For this reason, I am directing each executive branch agency to assist VITA by providing all requested information required to complete this inventory in a timely manner.

Terrence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE SEVEN (2016)

LEVERAGING THE USE OF SHARED DATA AND ANALYTICS

Importance of the Issue

In order to continue the Commonwealth's advancement towards a New Virginia Economy that draws on all of the Commonwealth's vast resources, it is important that state agencies have access to all information necessary to better provide services to our citizens. Increasing the use of shared data and analytics among Virginia agencies through a comprehensive and coordinated effort will improve the provision of services and outcomes, maximize the use of resources, and increase the return on investment of our citizens' tax dollars in their government;

Increasing data sharing, correlation, and analysis capacity will enable the state to achieve efficiencies in the administration of state programs and services, and allow state government to more efficiently and effectively address issues related to public health, public safety, education, and quality of life.

But just as important as improving the flow of information among government agencies is the respect that state agencies must show for individuals' privacy interests. State government shall continue to protect individual privacy, adhere to applicable state and federal regulations, and cybersecurity best practices during any activity involving the collection of sensitive information.

Commonwealth data collection and analysis activities shall focus on enhancing government transparency, streamlining business processes, increasing operational efficiency and effectiveness, and minimizing duplication and overlap of current and future systems development.

Accountability

Now therefore, I, Terence R. McAuliffe, by virtue of the power vested in me, do hereby direct the Secretaries of Technology and Finance and the Commonwealth's Chief Information Officer (CIO) to review all Commonwealth systems, practices, processes, policies, applicable laws and regulations governing the sharing of data across agencies and create an inventory of state agencies' data analytics assets, capabilities, best practices, and data sharing activities. As part of this 2 effort, the Secretaries and the CIO shall generate a common data sharing lexicon and terminology to eliminate friction and confusion among state agencies.

The Secretaries and the CIO shall provide a report of their findings to me no later than October 15, 2016. The report shall specifically include the following:

- A comprehensive review of all legal, privacy, and governance concerns as they relate to data sharing

- Recommendations on how to make data generated by state agencies more accessible and usable by state government and the public as "open" data
- Recommendations for data sharing governance, ethical use, and authority
- Recommendations of key projects providing the highest likelihood of realizing value of data and analytics in new ways that will demonstrate cost savings and support the New Virginia Economy

All executive branch agencies shall cooperate with the Secretaries and CIO to complete the review process and provide any information requested.

Effective Date of the Executive Directive

This Executive Directive shall be effective upon its signing and shall remain in 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 23rd day of May, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE EIGHT (2015)

STRENGTHENING STATE SAFETY OVERSIGHT OF THE WASHINGTON METRORAIL SYSTEM

Importance of the Issue

The Washington Metrorail system is part of the multimodal transportation network that supports the economic vitality of Northern Virginia. Recent ridership numbers indicate that Metrorail carries over 300,000 riders daily from Virginia.

Per Title 49 of the Code of Federal Regulations (CFR), Part 659 and its successor 49 CFR 674, the Commonwealth is responsible for overseeing the safety performance of the Washington Metrorail system, jointly with the District of Columbia and the State of Maryland.

Through recent investigations and inspections it has become apparent that closer attention to the overall state of good repair of the Metrorail system is necessary to ensure that appropriate repairs are sufficiently completed and our system is safe.

The new executive leadership at WMATA along with its board of directors have accepted the need for a new more comprehensive, systematic approach to rectifying the deficiencies in WMATA Metrorail, which have manifested in service disruptions and poor performance of Metrorail infrastructure, and caused casualties and serious injuries to the passengers and employees of the system.

On March 2, 2016, I signed a Memorandum of Agreement, along with the Mayor of the District of Columbia and the Governor of Maryland, to commit resources and staff, share information, and work together in a transparent fashion to develop strategies that will help to establish a new State Safety Oversight Agency that is fully compliant with enhanced federal requirements.

The Commonwealth of Virginia and its jurisdictional partners – the District of Columbia and the State of Maryland – are aggressively focused on formulating and passing legislation to establish a legally and financially independent State Safety Oversight Agency (Metro Safety Commission) scaled and resourced to match the complexity of the Washington Metrorail system.

The Metro Safety Commission will have various enforcement tools to carry out the rail safety oversight mandate of the three jurisdictions and the ability to compel WMATA Metrorail to take necessary steps to correct any perceived safety concerns.

Legislation will be introduced during the 2017 session of the Virginia General Assembly to establish the Metro Safety Commission which will be a part of an interstate compact.

In order to ensure a robust safety oversight regime is in place until the Metro Safety Commission is operational, I am directing Virginia's Secretary of Transportation and the Director of the Department of Rail and Public Transportation to implement the following steps to strengthen the safety oversight of the Washington Metrorail system:

1. The Virginia Department of Rail and Public Transportation (DRPT) shall take the following steps:
    a. Draft proposed legislation to create the Metro Safety Commission that is consistent with the legal and financial requirements of the Moving Ahead for Progress in the 21st Century legislation (MAP-21) and 49 CFR 674;
    b. Establish the necessary licenses, policies and procedures for the organizational operation of the Metro Safety Commission;
    c. Determine the organizational structure, budgets, staffing, and qualifications of the Metro Safety Commission;
    d. Review all accident investigations;
    e. Inspect all public as well as non-public areas of the Washington Metrorail system to assess the health of operations and maintenance;
    f. Assess the ongoing state of repair of its vehicles and static infrastructure to include traction power, automatic train control, tracks, structures, and all other facilities that support rail operations;
    g. Examine the implementation of the Metrorail system's documented plans, programs and procedures pertaining to rail operations safety; and
    h. Perform each of the above activities in concert and collaboration with the District of Columbia and the State of Maryland.

2. DRPT shall examine and pursue all available and appropriate remedies to ensure that the Washington Metropolitan Area Transit Authority complies with safety directives issued by the entity providing state safety oversight per 49 CFR 659 and its successor regulation, 49 CFR 674, including, but not limited to, the withholding of capital funds to the Washington Metropolitan Area Transit Authority. DRPT shall provide a report to the Governor no later than July 1, 2016, outlining the agency's proposed policies and procedures to implement and enforce this directive.

3. The Virginia Department of Rail and Public Transportation shall coordinate with the Washington Metropolitan Area Transit Authority and other providers of transit service in Northern Virginia to increase bus transit service available to transit riders to mitigate the impacts of the Washington Metropolitan Area Transit Authority's SafeTrack program.

4. The Virginia Department of Rail and Public Transportation shall provide a status report on the execution of these strategies to the Governor and the Secretary of Transportation on a monthly basis until a Metro Safety Commission is certified as a State Safety Oversight agency by the Federal Transit Administration.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE DIRECTIVE NINE (2015)

ESTABLISHING THE GOVERNOR'S EXECUTIVE LEADERSHIP TEAM ON OPIOID ABUSE AND ADDICTION

Importance of the Initiative

In September 2014, I established the Task Force on Prescription Drug and Heroin Abuse to provide advice and make recommendations in the areas of 1) education, 2) treatment, 3) data and monitoring, 4) drug storage and disposal, and 5) enforcement. Over the course of its existence, the Task Force made over 50 recommendations for action by the General Assembly, the courts, and the Executive Branch. Many of those recommendations have been implemented. However, Virginia's efforts in combatting this epidemic are far from complete. The ever changing nature of the opioids coming into the Commonwealth –e.g., heroin, fentanyl, carfentanyl, and other prescription and synthetic drugs; the shifting patterns of drug use and addiction; as well as the development of improved response approaches for law enforcement and treatment providers, all require our Commonwealth to not simply implement current recommendations but to oversee an ongoing and dynamic response to this complex issue facing our communities.

Establishment of the Executive Leadership Team on Opioid Abuse and Addiction

I am, therefore, directing the establishment of an Executive Leadership Team to coordinate Executive Branch efforts in response to this continuing problem. This Team will be led by the Secretaries of Public Safety and Homeland Security and Health and Human Resources. In addition, the team shall be comprised of designated leadership from the following state agencies:

- Department of Behavioral Health and Developmental Services
- Department of Health Professions
- Department of Medical Assistance Services
- Department of Health
- Department of Social Services
- State Council on Higher Education
- Department of Education
- Department of Criminal Justice Services
- Department of Forensic Science
- Virginia State Police
- Department of Veterans Services

Key Objectives

The Executive Leadership Team shall

1. Provide guidance and assistance in the implementation and oversight of the Task Force recommendations.
2. Identify and support implementation of new initiatives in the areas of public safety and health response to the shifting nature of Virginia's opioid and addiction epidemic.

3. Collaborate with local entities, task forces and agencies to develop a coordinated and consistent state, regional and local responses.
4. Work with Federal, state and private entities to leverage existing resources, identify grant opportunities that will support and improve Virginia's response to the complex public safety and health challenges of licit and illicit opioid and drug addiction problems in the Commonwealth.
5. Integrate and analyze data from healthcare, law enforcement, and other sources to increase understanding of and improve response to this dynamic challenge. The Executive Leadership Team shall convene as necessary to accomplish these objectives and shall host semi-annual meetings with stakeholders to present developments and gather feedback. Additionally, the Secretaries of Health and Human Resources and Public Safety and Homeland Security will actively maintain communication with the Governor regarding the work of the Executive Leadership Team.

Staffing

The Executive Leadership Team shall be staffed by existing staff in the Office of the Secretary of Health and Human Resources.

Effective Date

This Executive Directive shall be effective upon its signing and shall remain in 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 December, 2016.

Terence R. McAuliffe, Governor

Attest:

Secretary of the Commonwealth

WRITS OF SPECIAL ELECTION

COMMONWEALTH of VIRGINIA

Executive Department

August 5, 2014

TO THE SECRETARIES OF ELECTORAL BOARDS OF THE COUNTIES AND CITIES OF CHESTERFIELD, CULPEPER, GOOCHLAND, HANOVER, HENRICO, LOUISA, NEW KENT, ORANGE,SPOTSYLVANIA AND RICHMOND (CITY),VIRGINIA:

WHEREAS, a vacancy has occured in the United States House of Representatives from the Seventh District, composed of all of Culpeper, Goochland, Hanover, Louisa, New Kent and Orange Counties and part of Chesterfield, Henrico and Spotsylvania Counties; and part of the City of Richmond, occasioned by the resignation of The Honorable Eric I. Cantor.

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in this district on November 4, 2014, for a member of the U.S. House of Representatives to fill the vacancy. Pursuant to §§ 24.2-507 and 24.2-5 10 of the *Code of Virginia*, the last day for filing as a candidate for such office in said election shall be Friday, August 15, 2014 at 5:00p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 5th day of August, two thousand and fourteen and in the 239th year of the Commonwealth.

Terence R. McAuliffe

Governor, Commonwealth of Virginia

Levar Stoney

Secretary of the Commonwealth

COMMONWEALTH of VIRGINIA

Executive Department

April 12, 2016

TO THE SECRETARIES OF ELECTORAL BOARDS OF THE COUNTIES OF JAMES CITY AND YORK AND THE CITIES OF HAMPTON, NEWPORT NEWS, SUFFOLK, AND WILLIAMSBURG:

WHEREAS, a vacancy has occured in the Senate of Virginia from the First Senate District, composed of the City of Williamsburg, parts of the Counties of James City and York, and parts of the Cities of Hampton, Newport News, and Suffolk occasioned by the death of The Honorable John C. Miller.

NOW THEREFORE, in the name of the Commonwealth, pursuant to § 24.2-507 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on November 8, 2016, for a member of the Senate to fill the vacancy. Pursuant to §§ 24.2-507 and 24.2-510 of the *Code*, the last day for filing as a candidate for such office in said election shall be Tuesday, June 21, 2016 at 5:00p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 12th day of April, two thousand and sixteen and in the 240th year of the Commonwealth.

Terence R. McAuliffe

Governor, Commonwealth of Virginia

Levar Stoney

Secretary of the Commonwealth

COMMONWEALTH of VIRGINIA

Executive Department

November 29, 2016

TO THE SECRETARY OF THE ELECTORAL BOARD IN THE CITY OF VIRGINIA BEACH, VIRGINIA:

WHEREAS, a vacancy will occur in the House of Delegates of Virginia from the Eighty-Fifth House District, composed of part of the City of Virginia Beach, occasioned by receipt of notification of the resignation of The Honorable Scott W. Taylor.

NOW THEREFORE, in the name of the Commonwealth, pursuant to § 24.2-516 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on Tuesday, January 10, 2017, for a member of the House of Delegates to fill the vacancy. Pursuant to §§ 24.2-507 and 24.2-510 of the *Code*, the last day for filing as a candidate for such office in said election shall be Monday, December 5, 2016 at 5:00p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 29th day of November, two thousand and sixteen and in the 241th year of the Commonwealth.

Terence R. McAuliffe

Governor, Commonwealth of Virginia

Kelly Thomasson

Secretary of the Commonwealth

COMMONWEALTH of VIRGINIA

Executive Department

November 29, 2016

TO THE SECRETARIES OF ELECTORAL BOARDS OF THE COUNTIES OF AMHERST, APPOMATTOX, BUCKINGHAM, CUMBERLAND, FLUVANNA, GOOCHLAND, PRINCE EDWARD, AND LOUISA AND THE CITY OF LYNCHBURG, VIRGINIA:

WHEREAS, a vacancy will occur in the Senate of Virginia from the Twenty-Second Senate District, composed Amherst County, Appomattox County, Buckingham County, Cumberland County, Fluvanna County, Goochland County, Prince Edward County, part of Louisa County, and part of the City of Lynchburg, occasioned by the receipt of notification of the resignation of The Honorable Thomas A. Garrett, Jr.

NOW THEREFORE, in the name of the Commonwealth, pursuant to § 24.2-216 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on Tuesday, January 10, 2017, for a member of the Senate of Virginia to fill the vacancy. Pursuant to §§ 24.2-507 and 24.2-510 of the *Code*, the last day for filing as a candidate for such office in said election shall be Monday, December 5, 2016 at 5:00p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 29th day of November, two thousand and sixteen and in the 241th year of the Commonwealth.

Terence R. McAuliffe

Governor, Commonwealth of Virginia

Kelly Thomasson

Secretary of the Commonwealth

COMMONWEALTH of VIRGINIA

Executive Department

April 12, 2016

TO THE SECRETARIES OF ELECTORAL BOARDS OF THE COUNTIES OF CHARLES CITY, HANOVER AND HENRICO AND THE CITY OF RICHMOND, VIRGINIA:

WHEREAS, a vacancy will occur in the Senate of Virginia from the Ninth Senate District, composed Charles City County, part of Hanover County, part of Henrico County, and part of the City of Richmond, occasioned by the receipt of notification of the resignation of The Honorable A. Donald McEachin.

NOW THEREFORE, in the name of the Commonwealth, pursuant to § 24.2-216 of the *Code of Virginia*, you are hereby required to cause an election to be held in this district on Tuesday, January 10, 2017, for a member of the Senate of Virginia to fill the vacancy. Pursuant to §§ 24.2-507 and 24.2-510 of the *Code*, the last day for filing as a candidate for such office in said election shall be Monday, December 5, 2016 at 5:00p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 29th day of November, two thousand and sixteen and in the 241th year of the Commonwealth.

Terence R. McAuliffe
Governor, Commonwealth of Virginia

Kelly Thomasson
Secretary of the Commonwealth