Gubernatorial Documents

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER ONE (2010)

ESTABLISHING THE CHIEF JOB CREATION OFFICER AND THE GOVERNOR'S ECONOMIC DEVELOPMENT AND JOB CREATION COMMISSION

Importance of the Issue

Economic opportunity and free enterprise is the bedrock of a stable and prosperous Commonwealth. Virginia is home to abundant resources, fiscal responsibility and boundless human potential, and the entrepreneurial spirit is evident throughout this great Commonwealth. However, in light of the unprecedented economic difficulties facing Virginia families and business, the unacceptable high unemployment rate, and the ever increasing competiveness of the global economy, bold and innovative ideas are necessary for the Commonwealth to address this significant challenge. The following measures are the first crucial steps to promoting economic recovery and job creation in Virginia.

Chief Job Creation Officer

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, there is hereby established the position of Chief Job Creation Officer within the Office of the Governor, whose primary responsibilities will be to help coordinate all economic and workforce development and job creation initiatives across the cabinet secretariats and their respective agencies; actively assist with recruiting new industries and job creation opportunities in the Commonwealth; oversee and ensure that all agencies are working together in a coordinated, focused and efficient manner to attract new business, expand existing businesses, and create jobs across the Commonwealth; and all other duties and responsibilities as determined and assigned by the Governor.

The Chief Job Creation Officer shall serve as and be a member of the Governor's Cabinet, and shall serve at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed.

Governor's Economic Development and Job Creation Commission

In furtherance of my commitment to economic development and job creation in the Commonwealth, and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Economic Development and Job Creation Commission ("Commission") and direct it to begin work immediately.

The Lieutenant Governor, as the Chief Job Creation Officer, shall serve as Co-Chairman of the Commission along with a senior level advisor appointed by the Governor. The Commission shall include the Secretaries of Commerce and Trade, Agriculture and Forestry, Natural Resources, Transportation, Technology, Finance, Education and Administration, or their designees. The Commission shall also include up to 50 citizens of Virginia representing a cross segment of industry and business sectors, including small and rural businesses. All agencies, as deemed necessary by the Chief Job Creation Officer, shall participate and provide assistance as requested. In addition, I reserve the authority to designate any other such citizens as I deem appropriate to sit on the Commission.

The Commission shall have the following responsibilities:

1. Identify impediments to and opportunities for job creation;

2. Review how other states and foreign countries are attracting jobs and how Virginia could replicate and improve upon those initiatives;
3. Review the agencies' role in job creation and make recommendations on how those efforts can be better coordinated to ensure unparalleled efficiency and effectiveness;
4. Make recommendations on new investments and changes to the tax and regulatory environment in the Commonwealth to maintain and increase the Commonwealth's standing as the best place to do business in the United State of America; and
5. Evaluate the current programs and investments designed to develop the workforce and attract and retain businesses in Virginia, and make recommendations on their effectiveness and need for improvement.
6. Assist the Cabinet and the Virginia Economic Development Partnership to identify and target industries and businesses to recruit to Virginia.

The Commission shall be organized into the following subcommittees reflecting key economic development priorities for the Commonwealth:

1. Business recruitment and retention
2. Economically challenged regions and localities
3. Energy research, exploration and production
4. Small business
5. Tourism and film marketing
6. Real estate and construction

The Commission shall coordinate its efforts with the Office of Education, Virginia's institutions of higher education and relevant Governor's commissions and task forces addressing workforce development and training.

Staff support for the Commission shall be provided by the Office of the Governor, including staff for the Chief Job Creation Officer, the Office of the Secretary of Commerce and Trade, the various other secretaries and their agencies represented on the Commission, and such other agencies as may be designated by the Chief Job Creation Officer. All executive branch agencies shall cooperate fully with the Commission and shall render such assistance as may be requested by it.

An estimated 2,000 hours of staff time will be required to support the commission. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(B) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be $15,000, exclusive of staff support.

The Commission shall provide its first report of recommendations and action items to the Governor no later than October 16, 2010. The Commission shall thereafter provide periodic supplemental reports setting forth additional recommendations and actions items, and reporting on agency progress implementing the Commission's recommendations adopted by the Governor.

Pursuant to Section 2.2-135 of the *Code of Virginia*, the Commission shall remain in effect for a period of one year, unless extended by the issuance of a new executive order for a period not to exceed one additional year.

Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of January, 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWO (2010)

ESTABLISING THE GOVERNOR'S COMMISSION ON GOVERNMENT REFORM AND RESTRUCTURING

Importance of the Issue

The Commonwealth of Virginia, like the rest of the nation, faces unprecedented budgetary challenges and increasing demands for core public services. Citizens and businesses residing in Virginia are entitled to a limited and effective state government. Revenues collected from Virginia taxpayers must be spent in the most efficient manner possible. It is incumbent on those charged with providing government services to protect the public from harm and theft, educate our citizenry, foster economic opportunity, provide necessary infrastructure, preserve fundamental rights and perform other essential functions in a manner that avoids duplication, delay and unnecessary regulation and bureaucracy. To ensure that the Commonwealth of Virginia provides the aforementioned core services utilizing the most cost effective methods available, it is necessary to conduct a comprehensive, systematic and ongoing evaluation of the effectiveness and need for the state's existing agencies, governing bodies, programs, and services. This comprehensive review will make certain that duplicative, outdated, unnecessary and ineffective services and service delivery methods are eliminated and that state revenues are dedicated to the core functions of government.

Governor's Commission on Government Reform and Restructuring

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 Section 2.2-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Commission on Government Reform and Restructuring ("Commission").

The Commission will conduct a thorough review of Virginia state government:

- Identify opportunities for creating efficiencies in state government, including streamlining, consolidating, or eliminating redundant and unnecessary agency services, governing bodies, regulations and programs;
- Explore innovative ways to deliver state services at the lowest cost and best value to Virginia taxpayers;

- Seek out means to more effectively and efficiently perform core state functions, including potential privatization of government operations where appropriate, and restore focus on core mission oriented service; and
- Examine ways for state government to be more transparent, user friendly and accountable to the citizens of the Commonwealth.

The Commission will consist of up to 20 citizen members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chairman and a Vice-Chairman from among the citizen members. Three members of the Virginia House of Delegates and two members of the Virginia Senate shall also be invited to be members. The Governor may appoint other members to the Commission as necessary. The Secretaries of Administration and Finance, and the Vice-Chair of the Council on Virginia's Future, shall serve as ex officio, non-voting members of the Commission.

The Commission will submit reports to me of its findings and recommendations no later than August 28, 2010. The Commission shall submit a final report of its activities and recommendations by December 1, 2010. I direct all executive branch agencies and institutions to cooperate fully with the work of the Commission.

Staff support as is necessary for the conduct of the Commission's work during the term of its existence shall he furnished by the Office of the Governor, the Offices of the Governor's Cabinet Secretaries, the Department of Planning and Budget, and such other executive agencies as the Governor may designate. An estimated 2,000 hours of staff time will be required to support the commission on an annual basis. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(13) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be $15,000 annually, exclusive of staff support.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 16, 2011, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of' January, 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THREE (2010)

AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF STAFF

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

1. To direct, as the deputy planning and budget officer, the administration of the state government planning and budget process, except as to the responsibilities enumerated below, which are retained by me:

    a. Submission of the budget and accompanying documents to the General Assembly;
    b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each state department, division, office, board, commission, institution, or other agency or undertaking;
    c. Amendment of Position Levels; and
    d. Authorization of deficits.

2. To direct, as the deputy personnel officer, the administration of the state government personnel system, except as to the responsibilities enumerated below, which are retained by me:

    a. Final determination on the content of 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; and
    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 resolve, in the event of my absence or unavailability, policy or operational differences which may arise among or between my Secretaries and other Cabinet members.

5. To act, in consultation with the Senior Advisor for Policy, as a liaison to members of the General Assembly of Virginia.

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

This Executive Order rescinds Executive Order 4 (2006) issued on January 14, 2006, by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of January 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOUR (2010)

DELEGATION OF GOVERNOR'S AUTHORITY TO DECLARE AT 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 POWER OR DUTIES OF HIS OFFICE WHEN THE GOVERNOR CANNOT BE REACHED OR IS INCAPACITATED

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 Assistant to the Governor for Commonwealth Preparedness, 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.

This Executive Order rescinds Executive Order 104 (2009) issued on December 18, 2009, by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of January 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIVE (2010)

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

On January 28, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts that indicate a severe winter storm with significant snow accumulations ranging from 4 to 12 inches and temperatures below freezing that could cause transportation difficulties and power outages.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm 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 this date, wherein I proclaim that a state of emergency exists and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant 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 duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

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

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

B. The 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 potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to §44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §44-146.17(5) and §44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the Code of Virginia.

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

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

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

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

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

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

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

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

H. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

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. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. 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, in performing these missions shall be paid from state funds and/or federal funds. In

addition, up to $100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

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) and Citizen 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 siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in Section 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.

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 and in alleviating the human suffering and damage to property.

2. Pursuant to §52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by §52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by §44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or

death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to §44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

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

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

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

3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

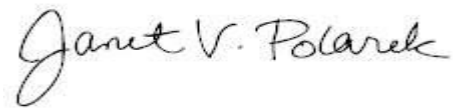
Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and the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

This Executive Order shall be effective January 29, 2010 and shall remain in full force and effect until June 30, 2011 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 January 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIX (2010)

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

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

This order is in furtherance of the stated policy enacted by the General Assembly, and specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans as contemplated by state and federal law.

State appointing authorities and other managers are hereby directed to take appropriate measures, as determined by the Director of the Department of Human Resource Management, to emphasize the recruitment and appointment of qualified minorities, veterans, women, disabled persons, and older Virginians to serve at all levels of state government. This directive does not in any way permit nor requires the lowering of any job requirements, performance standards, or qualifications so as 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 managers, or supervisor shall take retaliatory actions against persons making such allegations.

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

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

This Executive Order supersedes and rescinds Executive Order Number One (2006), Equal Opportunity, issued by Governor Timothy M. Kaine on January 14, 2006.

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 5th day of February 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVEN (2010)

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

On February 3, 2010 and again on February 8, 2010, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts indicating severe winter storms with significant snow and ice accumulations and excessive rain that could impact the Commonwealth between February 5 and 10, 2010, creating the potential for transportation difficulties and power outages.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of these storms constitute disasters 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 3, 2010 and February 8, 2010, whereby I proclaimed that states of emergency exist, and I direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant 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 duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

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

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

B. The 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 potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to §44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the storms. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §44-146.17(5) and §44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the *Code of Virginia.*

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

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

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500

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

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

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

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

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

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

H. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

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

J. 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*, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to $100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

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) and Citizen 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 siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in Section 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.

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

Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

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

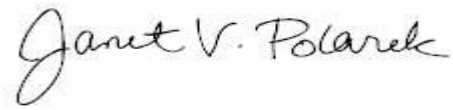
Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the *Code of Virginia*, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and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

This Executive Order shall be effective retroactively to February 3, 2010 and shall remain in full force and effect until June 30, 2011 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 tenth Day of February 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHT (2010)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO A SEVERE WINTER STORM EVENT THROUGHOUT THE WESTERN AND SOUTHWESTERN PORTION OF THE COMMONWEALTH

On February 26, 2010, I verbally declared a state of emergency to exist for the western and southwestern portion of the Commonwealth of Virginia based on a winter storm with damaging high winds, continuous snow showers and blowing snow that reduced visibility to near zero creating the

potential for transportation difficulties and power outages. National Weather Service forecasts total snowfall accumulations of 8 to 16 inches are possible in the higher elevations through Monday morning March 1, 2010.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm 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 this date, whereby I proclaim that a state of emergency exists and I direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant 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 duty to be prepared to respond to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

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

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

B. The 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 potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to §44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to

citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §44-146.17(5) and §44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the *Code of Virginia.*

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

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

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

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

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

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

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by §52-8.4(A) of the *Code of Virginia*, and implemented in §19 VAC 30-20-40(B) of the

"Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

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

H. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when Presidentially authorized), to be paid from state funds.

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

J. 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*, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to $100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

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) and Citizen 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 siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in Section 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.

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 and in alleviating the human suffering and damage to property.

2. Pursuant to §52-6 of the *Code of Virginia*, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by §52-7 of the *Code of Virginia* shall be provided for them at the expense of the Commonwealth.
3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by §44-78.1 of the *Code of Virginia* and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.
4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:
    a. Workers' Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,
    b. The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers' Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to §44-14 of the *Code of Virginia*, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.
5. The following conditions apply to service by the Virginia Defense Force:
    1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;
    2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;
    3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the *Code of Virginia*; and
    4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

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

This Executive Order shall be effective February 26, 2010 and shall remain in full force and effect until June 30, 2011 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 first Day of March 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINE (2010)

ESTABLISHING THE: "GOVERNOR'S COMMISSION ON HIGHER EDUCATION REFORM, INNOVATION AND INVESTMENT"

Importance of the Issue

The current period of economic challenge facing our Commonwealth and Nation comes during an era of rapid technological advancement and intensifying international competition, requiring an increasingly knowledgeable workforce and engaged citizenry. There is a well-documented general correlation between the degree or certificate a person gains and the income he or she earns-between a state's educational attainment and its per capita income. Higher education is among the state programs generating the highest return in terms of job creation, economic growth, and ultimately tax revenues.

With great national universities, a higher education system distinguished by both its quality and diversity, and a vibrant knowledge-based economy, Virginia has a unique opportunity to show the way to a new era of American leadership in advanced education, ground-breaking research, and economic growth. Our country's security, our state's prosperity, and our citizens' opportunity all depend on a sustained commitment to higher education excellence and access.

During the first decade of this century, Virginia's state support for public colleges and universities was cut nearly in half on a per-student, constant-dollar basis. The result was an unprecedented cost shift to students and their families and a potential threat to quality and access. Tuition has nearly doubled in the past decade. Colleges and universities must continue to find ways to reduce operating costs and focus on the disciplines that lead to the high paying jobs of the future. Greater efficiencies and more productivity in the state system must be found.

There is a pressing need for the Commonwealth to establish a long-term policy of reform, innovation and investment that will ensure instructional excellence, create affordable pathways to college degree attainment for many thousands more Virginians, prepare our citizens for employment in the high-income, high-demand fields of the new economy, foster socio-economically important research and

development, and ensure affordable access to appropriate post-secondary education, training, and re-training for all Virginians.

Governor's Commission on Higher Education Reform, Innovation and Investment

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 Section 2.2-134 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Commission on Higher Education Reform, Innovation and Investment ("Commission").

The Commission shall consist of up to 30 members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chairman and one or more Vice-Chairmen from among the members. The Commission shall include the Secretary of Education, the Secretary of Technology, the Secretary of Finance or designate, and the Vice-Chairman of the Council on Virginia's Future and other state leaders as determined by the Governor. The Lieutenant Governor, Secretary of Commerce and Trade, and Senior Economic Advisor shall serve as *ex officio* members.

The Commission shall consider the current state of public and private higher education in Virginia and the best practices in other states and countries, and shall make findings and recommendations for addressing the following priorities:

- Preserving and enhancing the instructional excellence of Virginia's leading universities and of the higher education system as a whole;
- Increasing significantly the percentage of college-age Virginians enrolling in institutions of higher education and attaining degrees;
- Attracting and preparing young people for the STEM (science, technology, engineering, and math) areas and other disciplines (e.g., healthcare and advanced manufacturing) where skill shortages now exist and/or unmet demand is anticipated;
- Forging new effective public-private partnerships and regional strategies for business recruitment, workforce preparation, and university-based research;
- Making Virginia a national leader in providing higher education opportunities to military personnel and veterans;
- Crafting a sustainable higher education funding model that will systematically move Virginia toward higher levels of educational attainment and economic competitiveness over the next decade-and-a-half;
- Developing innovative ways to deliver quality instruction, cost-saving reform strategies, and affordable new pathways to degree attainment for capable and motivated Virginians regardless of income or background;
- Evaluating strategies to reduce costs through additional college placement testing and accelerated degree completion; and
- Creating effective workforce development programs through expanded use of the Community College System in coordination with the Commission on Economic Development and Job Creation.

The Commission's report shall set forth a comprehensive strategy for increased educational attainment, skills development, and lifelong learning that will equip Virginians to succeed at the highest levels of global economic competition. The strategy shall include a renewed commitment to public-private collaboration, predictable state operational support, and managerial flexibility at the institutional level. The strategy shall simultaneously challenge, encourage, and empower the institutions to attract resources, emphasize STEM and other priority disciplines, while deemphasizing low-demand programs, and using new technology and pedagogy to replace outmoded methods of service delivery with cost-effective instructional programming. The strategy shall embrace the full array of Virginia's higher education assets-public and private, for-profit and not-for-profit, residential and non-residential, physical and virtual-for the purpose of ensuring that all Virginians have affordable access to appropriate post-secondary education, training, and re-training opportunities.

The Commission shall accomplish its work through committees appointed by the Chairman and corresponding to the following three major objectives, together with such additional committees, subcommittees and working groups as the Chairman may establish:

(1) Increased Degree Attainment, Financial Aid and Workforce Training

- Plan for achieving the goal of 100,000 cumulative additional associate and bachelor's degrees over the next 15 years;
- Concentration of increased educational attainment in the STEM areas and other high-demand and high-income fields;
- Plan to support increased enrollment of Virginia students;
- Suitable financial aid for low and middle income families;
- Alignment of policies, resources and incentives to promote study in areas where shortages of skilled workers exist or are anticipated;
- Provision of enhanced higher education opportunities to military personnel and veterans; and
- Coordination with the Job Creation Officer, Office of Commerce and Trade, and Governor's Economic Development and Job Creation Commission on workforce development initiatives and recommendations.

(2) Implement Innovation and Cost Containment

- Model for higher education funding and service delivery that embodies a long-term commitment to high-quality instruction and affordable access, and that incorporates the degree attainment goals set out in (1) above;
- Rigorous cost-benefit analysis to identify and phase out low-demand programs and reduce/prevent wasteful central office administrative spending and eliminate redundancy within and across higher educational institutions;
- Optimal development and utilization of private and federal resources;
- Increased collaboration among high schools, community colleges, four-year institutions, and private providers to reduce the time and cost of obtaining a college degree;
- Use of new technology for delivering instruction, including course re-design for online learning, use of electronic instructional materials in lieu of textbooks, etc.; and
- Analysis of the principles and objectives of the Higher Education Restructuring Act of 2005, and enhancements thereto.

(3) Regional Strategies/Partnerships for Research and Economic Development

- Plan to dramatically increase the leveraging of private and federal research funding by Virginia's colleges and universities;
- Coordination with development of a Virginia Energy Institute and other energy-related research initiatives;
- Coordination with the Office of Commerce and Trade to develop region-specific strategies and partnerships through which public and private colleges and community colleges participate actively in economic development, workforce training, development of research parks, and related activities; and
- Identification of funding streams through which financial incentives for regional collaboration and public-private partnerships may be introduced.

The Commission shall submit to the Governor its interim findings and recommendations on matters potentially impacting the development of the Executive Budget no later than September 30, 2010. The Commission shall submit to the Governor an interim report of its activities, findings and recommendations no later than November 30, 2010. The interim report shall focus primarily on increasing degree attainment, concentrating increased educational attainment in STEM areas and other high-demand and high-income fields, a model for higher education funding, and partnerships through

which public and private colleges and community colleges participate actively in economic development and workforce training. The Commission shall continue to meet and make recommendations on additional stated objectives throughout calendar year 2011.

Staff support as necessary for the conduct of the Commission's work during the term of its existence shall be provided by the Office of the Governor, the Office of the Secretary of Education, the Offices of the other Governor's Secretaries represented on the Commission, the Department of Planning and Budget, the Council on Virginia's Future, and such other agencies as the Governor may designate. All executive branch agencies shall cooperate fully with the Commission and render such assistance as may be requested by it.

An estimated 2,000 hours of staff time will be required to support the Commission. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(B) of the *Code of Virginia*. Direct expenditures for the Commission's work are estimated to be $15,000, exclusive of staff support.

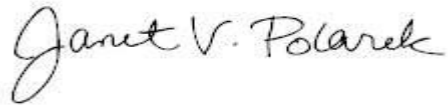
Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until March 26, 2011 unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 26th day of March, 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TEN (06)

HOUSING POLICY FRAMEWORK OF THE COMMONWEALTH OF VIRGINIA

Importance of the Issue

Housing helps define communities and is a major component in determining the quality of life for individuals, families, and the Commonwealth general prosperity. Along with a good job, affordable housing provides the building blocks for the American Dream. Housing has been a major force in the prosperity of the Commonwealth. A healthy economic environment for housing significantly contributes to the vitality of the overall economy.

Clear and consistent housing policy is an essential factor in economic development; the provision of human services; and the development of transportation systems. The location, arrangement and cost of housing also intersect with broad urban and rural policies. Because of these interactions, housing policy within the executive branch should be coordinated with and be an integral part of each of these parallel policy initiatives.

Within the legislative branch, the Virginia Housing Commission has recognized the importance of developing policy principles intended to aid the Commission in considering the effect of legislative proposals and issues brought before it. Similarly, the executive branch should develop a similar policy framework to help guide decision-making and promote coordination across programs. At a time when unprecedented budgetary issues require that the state use its resources in the most efficient and effective manner possible, the housing policy framework can serve as a means for identifying and implementing appropriate actions within the bounds of the core functions of government.

Housing Policy Framework of the Commonwealth of Virginia

By virtue of the authority vested in me under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the *Code of Virginia*, I hereby establish the following housing policy framework for the executive branch. The purpose of the housing policy framework is to establish broad goals and policy direction related to housing policy and to coordinate a comprehensive and effective housing policy with other public policy areas and initiatives across multiple secretariats within the executive branch.

The housing policy framework for the Commonwealth should be consistent with the following housing principles.

1. Recognize the role of the housing industry as a critical economic development engine within the Commonwealth by streamlining regulations, ensuring robust finance and construction sectors, promoting the development of workforce housing, reducing commute times between home and work, and increasing residential access to transportation systems, while furthering public understanding of housing finance and economic literacy.

2. Promote sustainable and vibrant communities through measures that promote mixed use development, increase energy efficiency and use of cost effective green building concepts, support the rehabilitation of substandard housing, clarify the role of community associations in common interest communities, and expand public-private cooperation in addressing affordable safe housing.

3. Ensure that a range of housing options can be provided to meet the housing needs of a dynamic and changing population, achieve proper balance between homeownership and rental options, promote a continuum of quality housing options for special needs populations, match existing subsidies with areas of housing need, and increase the emphasis on fair housing (eliminating barriers to housing).

4. Increase capacity to address the needs of homeless Virginians by focusing on the reduction of chronic homelessness, ensuring the continued viability of the safety net of shelters and services, and investing in transitional and permanent supportive housing.

The Governor's Senior Economic Advisor, the Secretary of Commerce and Trade, the Director of the Department of Housing and Community Development, and the Executive Director of the Virginia Housing Development Authority along with other Cabinet members and their agencies will be responsible for carrying out the provisions of this order.

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

Given under my hand and under the Seal of the Commonwealth of Virginia this
30th day of April 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ELEVEN (2010)

THE VIRGINIA PRISONER AND JUVENILE OFFENDER RE-ENTRY COUNCIL

Importance of the Issue

Section 2.2-221.1 of the *Code of Virginia* directs the Secretary of Public Safety to establish an integrated system for coordinating the planning and provision of offender transitional and reentry services among state, local, and non-profit agencies in order to prepare offenders for successful transition into their communities upon release from incarceration. This code section also requires the Secretary to ensure that a system is in place for improving opportunities for treatment, employment and housing while individuals are on subsequent probation, parole or post-release supervision.

Each year, approximately 13,500 adult and 500 juvenile offenders are projected to be released from incarceration. The Commonwealth of Virginia seeks to improve public safety by fostering a successful transition of these offenders into their communities; and by reducing the rates at which they returned to prison. In order to reduce recidivism, improve public safety, and reduce the number of crime victims, consistent with Virginia Code § 53.1-32.2, we must ensure that offenders released from incarceration have been adequately prepared to return to their communities. This preparation includes equipping offenders to find employment; providing educational opportunities; ensuring treatment for mental health and substance abuse issues; and assisting offenders re-integrate into a stable home environment. Successful integration of offenders requires collaboration, coordination, and partnership among state and local agencies, community supervision agencies, service providers, faith-based organizations, law enforcement agencies, courts, communities, and family members. Accordingly, I am taking the following measures:

Amending and Renaming the Virginia Prisoner Re-entry Policy Academy

By virtue of authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia, and Sections 2.2-103 and 2.2-104 of the *Code of Virginia*, I hereby direct the Office of the Secretary of Public Safety to amend and alter the Virginia Prisoner Re-entry Policy Academy, originally established pursuant to Executive Order 97(October 2009) which is set to expire December 31, 2010. The Virginia Prisoner Re-entry Policy Academy shall be renamed the **Virginia Prisoner and Juvenile Offender Re-entry Council** with the aim of promoting re-entry strategies for adult and juvenile offenders.

The Virginia Prisoner and Juvenile Offender Re-entry Council (the Council) shall be chaired by the Secretary of Public Safety or her designee and comprised of the following Executive Branch representatives or their designees:

- Secretary of Commerce and Trade
- Secretary of Education
- Secretary of Health and Human Resources
- Secretary of Transportation
- Senior Economic Advisor to the Governor
- Commonwealth's Attorneys' Services Council
- Department of Behavioral Health and Developmental Services
- Department of Corrections
- Department of Correctional Education
- Department of Criminal Justice Services
- Department of Education
- Department of Health
- Department of Housing and Community Development
- Department of Juvenile Justice
- Department of Medical Assistance Services
- Department of Planning and Budget
- Department of Professional and Occupational Regulation
- Department of Rehabilitative Services
- Department of Social Services
- Department of Veterans Services
- Virginia Employment Commission
- Virginia Indigent Defense Commission
- Virginia Parole Board

The Governor may appoint additional members as he deems appropriate. The Secretary of Public Safety shall invite additional participation by the Attorney General of Virginia, General Assembly, Supreme Court, Virginia Sheriffs Association, Virginia Association of Chiefs of Police, faith-based organizations, and Community Advocacy Groups. All Executive Branch agencies of the Commonwealth shall participate in activities of the Council upon request. Support staff will be provided by the Office of the Secretary of Public Safety, Office of the Secretary of Health and Human Resources, Office of the Secretary of Education, and other agencies as the Secretary of Public Safety may designate.

The Council shall have the following functions:

- Identify barriers that exist in each member's department or agency that may impede successful transition of offenders returning to their communities; and develop and implement procedures to overcome such barriers, to include job training, education, housing, and substance abuse treatment.

- Improve collaboration and coordination of transitional services, including providing cross-training; sharing information among state agencies; and developing policies, procedures, and programs with well-defined, performance-based outcomes that enhance re-entry management.

- Establish partnerships between community colleges and the business sector to promote employment and transitional jobs for released offenders.

- Engage local agencies, community-based social service providers, community organizations, faith-based organizations, as well as other stakeholders, in promoting successful re-entry policies and programs.

- Submit a status report of actions taken to improve offender transitional and re-entry services to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 15 of each year.

- Meet at the call of the Secretary of Public Safety or her designee and as provided in procedures adopted by the Council.

The Prisoner Re-entry Coordinator, in working with the Council, shall develop a long-term strategic plan for achieving the goal of reducing offender recidivism for those released from incarceration. The plan shall set out comprehensive strategies to be employed while offenders are incarcerated and to continue following their release. It shall have measurable objectives and establish specific outcome performance measures. The plan shall identify methods of improving communication, sharing of information, and collaborating between state and local agencies. Such a plan shall be submitted to the Governor for approval no later than December 31, 2010, and shall be updated by December 31 of each succeeding year.

The Council shall establish work groups and subcommittees to implement the provisions of the strategic plan and other re-entry reforms of the Commonwealth to assist offenders with jobs, housing, substance abuse treatment, medical care, and mental health services, with specific inclusion of women, juveniles, and veterans. Additionally, the Governor's Re-entry Council and the appropriate work group shall work collaboratively with the Juvenile Re-entry Advisory Group established by the Virginia Commission on Youth on improving the success and safety of juveniles returning to their community.

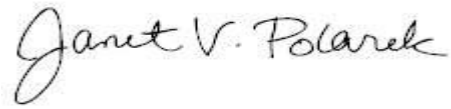
Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of May 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWELVE (2010)

REISSUANCE OF EXECUTIVE ORDER 110 (2010) REGARDING ALLOCATION OF A PORTION OF THE COMMONWEALTH'S SHARE OF THE CALENDAR YEAR 2009 NATIONAL LIMITATION FOR QUALIFIED SCHOOL CONSTRUCTION BONDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Importance of the Initiative

The American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355) was enacted on February 17, 2009 ("ARRA"). Section 1521(a), Title I, Division B of ARRA added Section 54F to the Internal Revenue Code of 1986, as amended ("IRC"), to provide for the issuance of qualified school construction bonds ("QSCBs"). QSCBs are tax credit bonds that are designed to bear no interest and may be issued to finance the construction, rehabilitation, or repair of a public school facility or for qualifying public school facility land acquisitions ("Qualified Projects").

IRC Section 54A(d)(2) requires that 100% of the sale proceeds of a QSCB and the investment earnings thereon (the "Available Project Proceeds") must be spent within three (3) years from the date of issuance of the QSCB (the "Expenditure Period") to pay the costs of Qualified Projects or issuance costs. To the extent less than 100% of the Available Project Proceeds are spent on such costs within the Expenditure Period, a pro rata portion of the QSCB is deemed to be a "nonqualified bond" under IRC Section 54A and the issuer is required to redeem the nonqualified bond within 90 days after the end of the Expenditure Period. The requirements described in this paragraph will be referred to collectively below as the "Expend-or-Redeem Requirement."

One of the conditions for the valid issuance of QSCBs is the receipt of an allocation of the national limitation under IRC Section 54F(c) sufficient to cover the QSCBs to be issued (a "Volume Cap Allocation"). IRC Section 54F(c) creates a national limitation of $11 billion for each of calendar years 2009 and 2010. IRC Section 54F(d)(1) requires the U.S. Secretary of the Treasury to make allocations to the states in proportion to the respective amounts each state is eligible to receive under Section 1124 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333) for the most recent federal fiscal year ending before the calendar year. Pursuant to Notice 2009-35 of the Internal Revenue Service (IRB 2009-17, dated April 27, 2009) (the "Notice"), the share of the calendar year 2009 national limitation allocated to the Commonwealth of Virginia (the "Commonwealth" or "Virginia") is $191,077,000 (the "2009 Commonwealth Share").

IRC Section 54F(d)(1) also provides that the national limitation amount allocated to a state for any calendar year shall be allocated by a "state agency" to issuers within the state. The Notice provides that eligible issuers of QSCBs include states, political subdivisions as defined for purposes of IRC Section 103, large local educational agencies that are state or local governmental entities, certain "on-behalf-of" issuers and certain conduit financing issuers. Neither Virginia nor federal law provides any process for making allocations of the 2009 Commonwealth Share to eligible issuers.

From the $191,077,000 2009 Commonwealth Share Executive Order 90 (2009) made a Volume Cap Allocation to the Virginia Public School Authority ("VPSA") in an amount sufficient to cover QSCBs to be issued by VPSA to finance certain qualifying projects in certain localities that were on the Literary Fund First Priority Waiting List approved by the Virginia Board of Education. On November 13, 2009, VPSA issued its $61,120,000 School Tax Credit Bonds (Qualified School Construction Bonds), Series 2009-1 (the "2009 VPSA QSCBs"), pursuant to such Volume Cap Allocation. Since that time, additional net qualifying costs for the Lylburn Downing Middle School project in the City of Lexington have been identified and the Virginia Board of Education has added additional projects to the Literary Fund First Priority Waiting List (such additional projects, together with the Lylburn Downing Middle School project, will be referred to below as the "FPWL Projects"). The City of Lexington, together with the localities in which the other FPWL Projects are located, will be referred to below as the "FPWL Localities."

On October 14, 2009, Governor Kaine announced the availability of a portion of the 2009 Commonwealth Share remaining after the issuance of the 2009 VPSA QSCBs to local school divisions of certain localities through a competitive evaluation process to finance energy efficiency

improvements and renovations, as well as renewable energy projects, for public school buildings. Working cooperatively, the Department of Education and Department of Mines, Minerals and Energy supervised an application process that concluded on November 12, 2009. Subsequently, each application and project was evaluated against criteria including annual energy savings, project payback period, shovel readiness, and composite index. The projects that were selected and the localities in which such projects are located will be referred to below respectively as the "Energy Projects" and the "Energy Project Localities" and, together with the FPWL Projects and the FPWL Localities, the "Awarded Projects" and the "Awarded Localities."

On January 13, 2010, Governor Kaine issued Executive Order 110 (2010) to allocate to VPSA pursuant to IRC Section 54F(d)(1) a portion of the 2009 Commonwealth Share sufficient for VPSA to issue a face amount of QSCBs at one time or from time to time to produce for each of the Awarded Projects listed therein an amount of net sale proceeds up to the maximum amount of the qualifying costs specified therein.

Since January 13, 2010, VPSA and this office have received a number of requests and comments from the Awarded Localities, their respective school divisions and other interested parties concerning Executive Order 110 (2010). Many of these requests have been for changes in the Awarded Projects and the allocations between Awarded Projects and many of the comments have pointed out potential problems in satisfying the Expend-or-Redeem Requirement. In response to these requests and comments and by virtue of the powers invested in me by Article V of the Constitution of Virginia and Section 2.2-103 of the Code of Virginia of 1950, as amended, as Governor of the Commonwealth of Virginia, I hereby reissue the previously-issued Executive Order 110 (2010) in the form of this order to amend and restate the Volume Cap Allocation to VPSA of a portion of the 2009 Commonwealth Share sufficient for VPSA to issue a face amount of QSCBs at one time or from time to time to produce for each of the Awarded Localities listed below an amount of net sale proceeds (the "Maximum Net Sale Proceeds") up to the maximum amount of specified for all of the Awarded Projects (in aggregate) of each Awarded Locality, which projects are the first priority use of the Maximum Net Sale Proceeds and the investment earnings thereon (the "Local Available Project Proceeds"). This order further (i) directs the Department of Education and the Department of Mines, Minerals and Energy to establish a procedure to ensure use of the Local Available Project Proceeds of each Awarded Locality on energy efficiency improvements and renovations, as well as renewable energy projects, for public school buildings within the Awarded Locality to the extent such proceeds are in excess of the amounts needed to complete all of the Awarded Projects of such Awarded Locality and (ii) establishes an expiration date for the Volume Cap Allocation made to VPSA pursuant hereto.

The FPWL Localities and FPWL Projects:

Locality	Project	Maximum Net Sale Proceeds
Virginia Beach City	Great Neck Middle School	$7,500,000
Washington County	John Battle High School Abingdon High School Patrick Henry High School Holston High School Meadowview Elementary School Wallace Middle School Glade Spring Middle School William N. Neff Center	$10,110,035
Hopewell City	Hopewell City High School	$7,500,000
Virginia Beach City	College Park Elementary School	$4,879,954
Lexington City	Lylburn Downing Middle School	$1,500,000
Montgomery County	New Price's Fork Elementary School	$7,500,000

The Energy Projects and the Energy Project

Localities:

Amelia County	Amelia County Public Schools	$1,205,379
Arlington County	Arlington Career Center	$3,331,022
Greene County	Greene County Technical Education Center Nathanael Greene Elementary School Ruckersville Elementary School William Monroe High School William Monroe Middle School	$2,425,879
Greensville County	Belfield Elementary School Greensville County High School Wyatt Middle School Greensville Elementary School	$746,104
Hampton City	Division Wide Lighting Upgrade Initiative	$2,500,000
King William County	Acquinton Elementary School Hamilton Holmes Middle School King William High School Cool Spring Primary School	$260,950
Lancaster County	Lancaster Middle School Lancaster High School	$391,129
Lunenburg County	Central High School	$1,172,948
Martinsville City	Martinsville Middle School Albert Harris Elementary School Patrick Henry Elementary School	$1,050,749
Montgomery County	MCPS Energy Performance Contract	$9,389,331
Prince William County	Hylton High School Benton Middle School Sudley Elementary School Marumsco Hills Elementary School West Gate Elementary School Vaughan Elementary School Swans Creek Elementary School Sinclair Elementary School Signal Hill Elementary School Potomac View Elementary School Parkside Middle School Occoquan Elementary School Neabsco Elementary School Minnieville Elementary School Kerrydale Elementary School Samuel L. Gravely, Jr. Elementary School Glenkirk Elementary School Gar-Field Senior High School Fannie W. Fitzgerald Elementary School Cedar Point Elementary School Brentsville District High School Bennett Elementary School Belmont Elementary School Bel Air Elementary School Ashland Elementary School Alvey Elementary school Parkside Middle School Tyler Elementary School Yorkshire Elementary School	$9,515,904

	Gainesville Middle School	
	Woodbridge Senior High School	
	Woodbridge Middle School	
	Mary Williams Elementary School	
	Victory Elementary School	
	Sudley Elementary School	
	Stonewall Jackson High School	
	Rosa Parks Elementary School	
	Rockledge Elementary School	
	Osbourn Park High School	
	Marumsco Hills Elementary School	
	Marsteller Middle School	
	Leesylvania Elementary School	
	Godwin Middle School	
	Forest Park High School	
	Ellis Elementary School	
	Coles Elementary School	
	Bull Run Middle School	
	Buckland Mills Elementary School	
	Bristow Run Elementary School	
	Beville Middle School	
	Benton Middle School	
	Battlefield Middle School	
	Potomac Middle School	
	Freedom High School	
	Hylton High School	
	Stonewall Jackson High School	
	Osbourn Park High School	
	Gar-Field High School	
Roanoke City	Preston Park Elementary School	$1,110,539
	Morningside Elementary School	
	Westside Elementary School	
	Monterey Elementary School	
Shenandoah County	North Fork Middle School	$7,302,996
	Peter Muhlenberg Middle School	
	Central High School	
	Signal Knob Middle School	
	Sandy Hook Elementary School	
	Ashby Lee Elementary School	
	W. W. Robinson Elementary School	
	Triplett Business and Technical Institute	
	Strasburg High School	
	Stonewall Jackson High School	
Spotsylvania County	Courtland Elementary School	$2,581,293
	Chancellor Elementary School	
	Lee Hill Elementary School	
	Salem Elementary School	
	Battlefield Middle School	
	Career and Technical Center	
	Courtland High School	
	Spotsylvania High School	
	Massaponax High School	
	Battlefield Elementary School	
	Brock Road Elementary School	
	Courthouse Road Elementary School	
	Robert E. Lee Elementary School	
	Smith Station Elementary School	
	Courtland Elementary School	
	Battlefield Middle School	

	Chancellor Middle and High School Thornburg Middle School	
Stafford County	Stafford County Public Schools Rockhill Elementary School	$1,280,000
Virginia Beach City	College Park Elementary School	$4,879,954
Washington County	Abingdon, Holston, Patrick Henry & John S. Battle High Schools	$400,000
Westmoreland County	Washington & Lee High School	$1,975,369
York County	Grafton-Bethel Elementary School HVAC Project	$1,100,000

The Maximum Net Sale Proceeds are listed in the aggregate and the Local Available Project Proceeds attributable thereto must be used to finance one or more of the Awarded Projects listed for such Awarded Locality and at least completing the project work described in the approved project application for each Awarded Project undertaken; provided, however, that an Awarded Locality is not obligated to undertake each of the Awarded Projects listed for such Awarded Locality. Each Awarded Locality may distribute its Local Available Project Proceeds among its Awarded Projects as the Awarded Locality deems to be in the best interest of the Awarded Locality.

The Department of Education and the Department of Mines, Minerals and Energy are to establish a procedure to ensure that the Local Available Project Proceeds are used to finance energy efficiency improvements and renovations, as well as renewable energy projects, for public school buildings within the Awarded Localities ("Additional Projects") to the extent such proceeds are in excess of the amounts needed to complete all of the Awarded Projects. Such Additional Projects (i) must be Qualified Projects, (ii) must be able to utilize the unspent Local Available Project Proceeds within the relevant Expenditure Period and (iii) should be evaluated against the following criteria: annual energy savings, project payback period, shovel readiness, and composite index.

By September 1, 2010, VPSA shall provide to the Chief of Staff the completed Internal Revenue Service reporting form or forms (then in effect for the QSCBs) for those QSCBs issued pursuant to the Volume Cap Allocation made to VPSA pursuant to this order. Any portion of such Volume Cap Allocation not used by September 1, 2010 will be deemed waived by the VPSA and the pertinent Awarded Localities, and upon such waiver, the Commonwealth shall be authorized to re-allocate the waived Volume Cap Allocation in any reasonable manner as it shall determine in good faith and in its discretion.

I hereby authorize the Chief of Staff to provide certificates of compliance with IRC Section 54F(c) as may be requested by the VPSA.

Effective Date of the Executive Order

This Executive Order shall be effective as of June 10, 2010, without any further act or filing and shall remain in force and effect so long as IRC Section 54F shall remain in effect, unless sooner rescinded or amended by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of June, 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTEEN (2010)

CONTINUING CERTAIN DECLARATIONS OF STATE OF EMERGENCY

Pursuant to the authority granted to me as Governor, including but not limited to Article V of the *Constitution of Virginia* and Section 2.2 of the *Code of Virginia*, I hereby continue the following executive orders that have previously been issued until June 30, 2012:

Executive Order Number Fifty-six, *Declaration of a State of Emergency for the Entire Commonwealth due to Hurricane Isabel*, issued on September 16, 2004, by Governor Warner, as continued in Executive Order Number Eighty-eight, issued on June 13, 2005, by Governor Warner, as continued in Executive Order Number Twenty-six, issued on June 23, 2006, by Governor Kaine; and Executive Order Number Eight-four, issued on July 1, 2009, by Governor Kaine.

Executive Order Number Fifty-four, *Declaration of a State of Emergency to Assist Rockbridge County and the Town of Goshen Due to a Critical Water Shortage*, issued on June 20, 2007, as continued in Executive Order Number Seventy-four, issued on July 3, 2008; and Executive Order Number Eight-four, issued on July 1, 2009.

Executive Order Number Sixty-four, *Declaration of State of Emergency Arising from Heavy Winds and Severe Storms Throughout Virginia*, issued on March 5, 2008, as continued in Executive Order Number Seventy-four, issued on July 3, 2008; and Executive Order Number Eight-four, issued on July 1, 2009.

Executive Order Number Seventy-five, *Declaration of a State of Emergency in Support of the Emergency Management Assistance Compact to Respond to the Impact of Hurricane Gustav in the Gulf Coast States*, issued on September 4, 2008; as continued in Executive Order Number Eight-four, issued on July 1, 2009.

Executive Order Number Seventy–six, *Declaration of a State of Emergency Due to the Threat of Significant Flooding and Wind Damage caused by Hurricane Hanna*, issued onSeptember 4, 2008.

Executive Order Number Seventy-seven, *Declaration of a State of Emergency in Support of the Emergency Management Assistance Compact To Respond to the Impact Of Hurricane Gustav and Hurricane Ike in the Gulf Coast States*, issued on September 18, 2008, as continued in Executive Order Number Eight-four, issued on July 1, 2009.

Executive Order Number Eighty, *Declaration of a State of Emergency to Support the 56th Presidential Inauguration*, issued on January 13, 2009.

Executive Order Number Eighty-One, *Declaration of a State of Emergency due to a Severe Winter Weather Event throughout the Commonwealth*, issued on March 4, 2009.

Executive Order Number One Hundred and One, *Declaration of a State of Emergency Due to a Severe Weather Event throughout the Commonwealth*, issued on November 13, 2009.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2012, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOURTEEN (06)

DEVELOPMENT AND REVIEW OF REGULATIONS PROPOSED BY STATE AGENCIES

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 2.2-4013and2.2-4017 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish policies and procedures for review of all new, revised, and existing regulations proposed by state agencies, which shall include for purposes of this executive order all agencies, boards, commissions and other entities of the Commonwealth within the executive branch that issue regulations. Nothing in this Executive Order shall be construed to limit my authority under Section 2.2-4013 to require an additional 30-day final adoption period, or to exercise any other rights and prerogatives existing under Virginia law.

General Policy

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

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

A. Agencies shall identify the nature and significance of the problem a regulation is intended to address, including, where applicable, why private markets and institutions cannot adequately address the problem.
B. Agencies shall identify and assess the least costly means including reasonably available alternatives in lieu of regulation for achieving the goals of a regulation. This shall include where feasible and consistent with public health, safety, and welfare:
    1. The use of economic incentives to encourage the desired outcomes (such as user fees or marketable permits);
    2. The use of information disclosure requirements, rather than regulatory mandates, so that the public can make more informed choices; and
    3. The use of performance standards in place of mandating specific techniques or behavior.
C. Regulatory development shall be based on the best reasonably available 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 scientific, economic, and other information in support of regulatory proposals.
D. Regulations shall be designed to achieve their intended objective in the most efficient, cost-effective manner.
E. Regulations shall be clearly written and easily understandable by the individuals and entities affected.
F. All legal requirements related to public participation and all public participation guidelines shall be strictly followed to ensure that citizens have reasonable access and opportunity to present their comments and concerns. Use of the Virginia Regulatory Town Hall Web site (Town Hall) should be specifically offered in each instance. Agencies shall establish procedures that provide for a timely written response to all comments and the inclusion of suggested changes that would improve the quality of the regulation.
G. In addition to requirements set out in the Virginia Administrative Process Act (APA) (Section 2.2-4006 et seq. of the *Code of Virginia*), agencies shall post all rulemaking actions on the Town Hall to ensure that the public is adequately informed of rulemaking activity.
H. Agencies, as well as reviewing entities, shall endeavor to perform their tasks in the regulatory process as expeditiously as the regulatory subject matter will allow and shall adhere to the time frames set out in this Executive Order.
I. Each agency head will be held accountable for ensuring that the policies and objectives specified in this Executive Order are put into effect. Agency heads shall ensure that information requested by the Department of Planning and Budget (DPB) or the Office of the Governor in connection with this Executive Order is provided on a timely basis. Incomplete packages may be returned to the appropriate agency by DPB.
J. Regulations shall not be considered perpetual and will be subject to periodic evaluation and review and modification, as appropriate, in accordance with the APA, and policy initiatives of the Governor.
K. Public comment will be encouraged for all regulations. DPB shall work with state agencies to promote use of the Town Hall to facilitate public comment.
L. Regulatory development shall be conducted in accordance with statutory provisions related to impact on small businesses. 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.
M. Agencies shall actively seek input for proposed regulations from interested parties, stakeholders, citizens and members of the General Assembly.
N. 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 by the general public.

Applicability

The review process in this Executive Order applies to rulemaking initiated by agencies of the Commonwealth of Virginia in accordance with Article 2 of the 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, the requirements of this Executive Order may not apply to regulations exempt from Article 2 of the APA. A Cabinet Secretary, the Governor, or his 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.

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

Regulatory Review Process

Regulations shall be subject to executive branch review as specified herein. For each stage of the regulatory development process, agencies shall complete the agency background document provided by DPB to describe the regulatory action and inform the public about the substance and reasons for the rulemaking. All agency regulatory packages shall be submitted via the Town Hall.

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

A. Standard Rulemaking Process

1. Notice of Intended Regulatory Action (NOIRA) Stage

DPB shall review the submission of a Notice of Intended Regulatory Action to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. The NOIRA shall include the nature of the regulatory changes being considered and the relevant sections of the *Virginia Administrative Code*. 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. The agency shall be authorized to submit the NOIRA to the Registrar for publication when at least one of the following conditions is met:

1. The Governor approves the NOIRA for publication, or
2. Fourteen days have elapsed since DPB's notice of its determination to the appropriate Secretary and Governor and neither the Governor nor the Secretary has objected to the NOIRA.

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

Public comments received following publication of the NOIRA should be encouraged and carefully considered in development of the proposed stage of a regulation.

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. Agencies should complete the proposed stage after the close of the NOIRA comment period as expeditiously as the subject matter will allow. However, the agency must submit the package to DPB within 180 days following the close of the NOIRA comment period, unless a waiver is granted.

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 important missing elements identified by DPB have been added.

A proposed regulatory action shall be in as close to final form as possible, including completed review by all appropriate regulatory advisory panels or negotiated rulemaking panels. A proposed stage shall not address new issues that were not disclosed to the public when the NOIRA was published.

In addition to the information required on the regulation background form, the agency shall also include in the regulatory package a memorandum from the Office of the Attorney General (OAG) certifying that the agency has legal authority to promulgate the regulation being proposed. The OAG may also provide any appropriate comments for consideration by the Governor with respect to the proposed regulation. This process for feedback shall be managed in a manner similar to the process that has traditionally been used for soliciting the Attorney General's advice and recommendations on enrolled legislation.

DPB shall review the proposed regulation package to determine whether it complies with all requirements of this Executive Order and applicable statutes and whether the contemplated regulatory action comports with the policy of the Commonwealth as set forth herein. Per § 2.2-4007.04 of the Code of Virginia, within 45 days of receiving a complete proposed regulation package from the agency, DPB shall prepare a policy analysis and economic impact analysis, and advise the affected Secretary of DPB's determination. The Secretary shall review the proposed regulation package within 14 days and forward a recommendation to the Governor. The Chief of Staff or the Counselor to the Governor is hereby authorized to approve proposed regulations on behalf of the Governor. Within 14 days of receiving notification that the Governor has approved the proposed regulation package, the agency shall submit the proposed regulation package to the Registrar for publication, unless an exception to this requirement is granted for good cause by the Chief of Staff or Counselor to 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 the comments received, the agency shall revise the proposed regulation as necessary. Agencies should complete the proposed stage after the close of the proposed stage comment period as expeditiously as the subject matter will allow. However, the agency must submit the package to DPB within 180 days following the close of the proposed stage comment period, unless a waiver is granted by the Chief of Staff or the Counselor to the Governor.

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 OAG may also provide any appropriate comments for consideration by the Governor with respect to the final regulation. This process for feedback shall be managed in a manner similar to the process that has traditionally been used for soliciting the Attorney General's advice and recommendations on enrolled legislation.

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

After DPB's review, the final regulation shall be forwarded to the appropriate Secretary and the Governor. The Secretary shall make a recommendation to the Governor within 14 days. The agency shall be authorized to submit the final regulation to the Registrar for publication when the Governor approves the final stage for publication.

B. Fast-Track Rulemaking Process

The fast-track rulemaking process is for rules that are expected to be noncontroversial. A package would clearly qualify as a fast-track if the proposal appears to be (1) non-controversial and the promulgating entity has no discretion over the proposal, or (2) appears to be non-controversial and the areas of board/agency discretion are minor, or (3) appears to be non-controversial and no individual or entity is adversely affected. On the other hand, a regulatory proposal would not be appropriate for the fast-track process if it is controversial and the promulgating entity has discretion over at least some of the significant details. All situations other than those described above would be presented by DPB to the Governor's office for a determination as to whether the regulatory proposal may proceed as a fast-track.

In addition to the information required on the agency background document when the proposed action has the effect of enhancing regulatory oversight, the agency shall also include in the regulatory package a memorandum from the OAG certifying that the agency has legal authority to promulgate the proposed regulation.

DPB shall review the fast-track regulation to determine whether the regulatory change is appropriately within the intended scope of fast-track regulatory authority and 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. If there is any question as to whether a package should be allowed to proceed on a fast-track basis, DPB shall request the Governor's office to make this determination. The period to determine whether a regulatory proposal is appropriate for the fast-track process shall not exceed 10 days from the time DPB receives a complete regulatory package.

After a package has been determined to be appropriate for the fast-track process, DPB shall have 30 days to prepare a policy analysis and economic impact analysis of the proposed regulation. After DPB's review, the fast-track regulation shall be forwarded to the appropriate Secretary and the Governor. The Secretary shall make a recommendation to the Governor within 14 days. The agency shall be authorized to submit the fast-track regulation to the Registrar for publication when the Governor approves the fast-track regulatory package for publication.

For purposes of repealing all or part of regulations in accordance with the fast-track rulemaking process provided by Section 2.2-4012.1, such recommendation may be initiated by the Agency Head, DPB or the Governor's Policy Director. The Chief of Staff or Counselor to the Governor has authority to approve the modification once the requirements of the Code have been met.

C. Emergency Rulemaking Process

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

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

Periodic Review of Existing Regulations

Each existing regulation in the state shall be reviewed at least once every four years by the promulgating agency unless specifically exempted from periodic review by the Governor. The review shall ensure that each regulation complies with the principles set out in this Executive Order. In addition, each periodic review shall include an examination by the OAG to ensure statutory authority for the regulation and that the regulation does not exceed the authority to regulate granted as set out in the enabling legislation. The periodic review of a regulation shall be reported to the appropriate Secretary and Counselor to the Governor on a form established by DPB.

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.

Prior to the commencement date of the periodic review for a regulation, an agency shall post on the Town Hall a notice of the periodic review. The agency shall provide for a minimum of 21 days of public comment commencing on the posted date for the review. No later than 60 days after the close of the public comment period, the agency shall post a completed periodic review report on the Town Hall.

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

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

Petitions for Rulemaking

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

Waivers from Process Deadlines

The Chief of Staff or the Counselor to the Governor may waive the deadlines an agency must meet when submitting proposed and final regulatory packages. A waiver shall only be granted when an agency has demonstrated a compelling need for extending the deadlines set out herein. An agency shall submit a waiver request as soon as possible prior to the expiration of a deadline. Such requests shall be submitted on forms prepared by DPB.

Electronic Availability of Meeting Agenda and Minutes

Executive branch agencies that promulgate regulations and keep minutes of regulatory meetings shall post such minutes of their public meetings on the Town Hall in accordance with the time frames established in Section 2.2-3707 and 2.2-3707.1 of the *Code of Virginia*. In addition, agencies shall

post the notice of, and agenda for, a public 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.

Electronic Availability of Guidance Documents

Agencies shall make all guidance documents, as defined by Section 2.2-4001 of the *Code of Virginia*, available to the public on the Town Hall. Any guidance document currently available in electronic format shall be posted on the Town Hall. Any changes to a guidance document shall be reflected on the Town Hall within 10 days of the change.

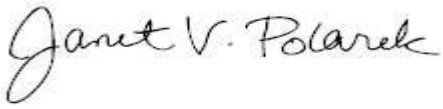
Effective Date of the Executive Order

This Executive Order rescinds Executive Order Number One Hundred and Seven (2009) issued by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until June 30, 2014, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTEEN (2010)

STATE EMPLOYEE FRAUD, WASTE, AND ABUSE HOTLINE

Importance of the Initiative

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

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the *Code of Virginia,* and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct the State Internal Auditor to continue the anonymous State Employee Fraud, Waste, and Abuse Hotline (hereinafter known as the "Hotline") to encourage state employees to report

situations where fraud, waste, or abuse may be occurring in Virginia's Executive Branch agencies and institutions, including institutions of higher education.

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

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

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

The State Internal Auditor shall undertake investigation and resolution activities in the most cost-effective manner possible. Responsibility for investigation or resolution activities shall be assigned to other investigative staffs when appropriate to avoid unnecessary duplication. Executive Branch agencies responsible for promulgating central administrative (e.g., personnel) policies will provide input on the interpretation of the policies applicable to investigations in order to ensure consistent and proper application of those policies so that appropriate conclusions are reached and recommendations made.

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

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

All executive branch agencies of the Commonwealth shall cooperate with, and assist, the State Internal Auditor and all investigators to the fullest extent. During the course of a Hotline investigation, investigators will have access to electronic and paper files, records, and documents, as well as personnel, facilities, property, and any other things necessary to conduct an investigation. This includes access to electronic and paper files maintained by the Virginia Information Technologies Agency (VITA) for other Executive Branch agencies as well as access to administrative investigative reports generated by an agency’s in-house investigative unit that are germane to the hotline investigations.

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

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

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

This Executive Order rescinds Executive Order Number Twelve (2006), State Employee Fraud, Waste, and Abuse Hotline, issued by Governor Timothy M. Kaine.

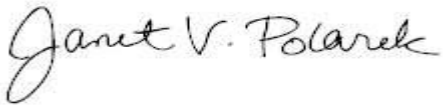
Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTEEN (2010)

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

Importance of the Initiative

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

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

1. All non-salaried citizen members of Executive Branch advisory boards, commissions, councils and authorities are hereby designated to file the financial disclosure form included in Section 2.2-3118.
2. In order that all appropriate Executive Branch officers and employees may be designated to file the statement of economic interests set out in the Act, each of the Governor's Secretaries and the head of each agency, institution, board, commission, council and authority within the Executive Branch shall submit to the Office of the Secretary of the Commonwealth by October 1st, a report identifying:
    a. Each position, whether classified or non-classified, which involves substantive responsibility for inspection, investigation, licensure, or other regulation of the activities of private firms, organizations, or professions; and
    b. Each position, whether classified or non-classified, which involves substantive responsibility for procurement, audit, investment, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of the officeholder or employee.
3. The Secretary of the Commonwealth shall prepare from the reports submitted pursuant to Paragraph 2 of this order a comprehensive list of officers and employees, 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, shall review and revise it annually to reflect the creation and abolition of offices and positions, and shall annually inform each officer and employee listed of his or her obligation to file the statement of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.
4. The Governor's Secretaries and the head 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, in ensuring that appropriate additions to and deletions from the list of those designated to file the statement of economic interests are recommended in a timely fashion, and in ensuring that designated officers and employees file their statements of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.
5. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall be responsible for acquiring a statement of economic interests from each new officer or employee so long as the officer or employee is hired for a position previously designated. Agency heads shall also be responsible for ensuring that appropriate employees receive the necessary orientation course on the State and Local Government Conflict of Interests Act in accordance with the provisions Section 2.2-3128 of the Code of Virginia.
6. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall communicate to the officers, employees, and members within his or her jurisdiction the importance and necessity of maintaining the highest standards of conduct, and avoiding even the appearance of impropriety arising out of personal economic interests and the conduct of the business of the Commonwealth.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order Number 16 (2006), issued by Governor Timothy M. Kane.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2014, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTEEN (2010)

ASSINGING RESPONSIBILITY FOR PARTICIPATION IN THE FEDERAL "SUPERFUND' PROGRAM

Importance 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 Section 2.2-104 of the *Code of Virginia*, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign responsibilities for the administration and coordination of state response actions under the Federal Comprehensive Environmental Response Compensation and Liability Act of 1980 ("Superfund") program, as amended, to the following executive branch agencies and officials:

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

5. The Secretary of Natural Resources shall act on behalf of the public as trustee for natural resources. The Secretary of Natural Resources shall assess damage to natural resources in the case of injury to, destruction of, or loss of natural resources. Funds recovered by the Secretary of Natural Resources as trustee shall be available only to restore, rehabilitate, or acquire the equivalent of such natural resources.
6. The Secretary of Natural Resources and the Secretary of Public Safety are authorized to develop memoranda of understanding which set forth the working relationships between and among state agencies with responsibilities under the Executive Order and applicable statutes.

Effective Date of the Executive Order

This Executive Order rescinds Executive Order Number 20 (2006), issued by Governor Timothy M. Kaine. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2014, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTEEN (2010)

CONTINUATION OF THE VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM

Importance 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 Sections 2.2-103 and 2.2-104 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Virginia Coastal Zone Management Program (hereinafter known as "the Program").

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

POLICY GOALS

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

Coastal Resource Protection

Goal 1: To protect and restore coastal resources, habitats, and species of the Commonwealth. These include, but are not limited to, wetlands, subaqueous lands and vegetation, 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 waters for human and ecosystem health through protection from adverse effects of excess nutrients, toxics, pathogens, and sedimentation.

Goal 3: To protect air quality.

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

Coastal Resource Sustainable Use

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

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

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

Coastal Management Coordination

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

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

Goal 10: To promote informed decision-making by maximizing the availability of up-to-date educational information, technical advice, and scientific data including the use of new tools such as marine spatial planning.

IMPLEMENTATION AND ENFORCEMENT

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

Responsible Agency and Enforceable Policies

Department of Environmental Quality (DEQ)

Point source water pollution management and nontidal wetlands management
Air pollution

Department of Conservation and Recreation (DCR)

Nonpoint source pollution management
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 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

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

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

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

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.

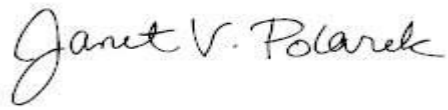
Effective Date of the Executive Order

This Executive Order rescinds Executive Order Number Twenty One (2006), issued by Governor Timothy M. Kaine. This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia on this 29th day of June 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETEEN (2010)

CONSERVATION AND EFFICIENCY IN THE OPERATION OF STATE GOVERNMENT

Importance of the Issue

Virginia is blessed with a unique and spectacular natural environment. Our natural resources are so central to our quality of life, that their conservation, preservation and protection are required by the Constitution of Virginia. That responsibility imposes on each of us, in state government, a personal responsibility to do our work always and to every extent possible in ways that minimize the impact on Virginia's natural resources and preserve them for future generations of Virginians.

Virginia's government must set the example in its use of all resources. We must be conservative and frugal whether we are using dollars provided by taxpayers, materials purchased with those dollars, or the exceptional natural resources entrusted to our care. To this end, conservation and efficiency must be a central consideration in how we conduct all of our business and operations.

It is, therefore, expected that state agencies and institutions, offices and organizations, will take the lead in adopting practices and policies that maximize efficiency and conservation, and minimize waste and the impact of operations on the environment.

The Commonwealth, in performing a multitude of critical functions and operations, like other large organizations and business enterprises, has a significant impact on the environment. It is imperative that in every aspect of state government activity, we act as conscientious stewards of our resources and operate in a manner that to every extent possible minimizes the impact of our operations on Virginia's environment, while being prudent with taxpayer dollars.

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 the Governor's Secretaries and all executive branch agencies and institutions, to every extent practicable, to operate in accordance with the following guidelines.

Guidelines for Operation

Energy Use –

In general, all appropriate measures to reduce the consumption of energy should be utilized.

All interior and exterior lights, computers, and other electrical devices and appliances should, as much as possible without compromising safety concerns, be turned off or powered down to stand by status when not in use, and when offices are closed.

Heating and cooling systems, whether in leased space or in state owned buildings, should at all times be actively managed in a manner that minimizes energy consumption.

Video or tele-conferences should be preferred to in-person meetings where meeting in person would require out of town, or even cross town, travel.

If travel is required, car pooling should be employed if possible. Agencies may adopt policies that do not provide for reimbursement for single-passenger use of personal vehicles for business travel if such use is avoidable. Agency policies should encourage the use of public transportation and other alternatives to personal vehicle use. All such policies must be reviewed and approved by the relevant Cabinet Secretary.

Citizens and businesses should be able and encouraged to engage in electronic transactions with the Commonwealth rather than having to travel to state offices.

Air and Water Use –

When practicable, landscaping at state facilities should employ drought resistant grass, plants, shrubs and trees in order to minimize the use of water necessary for irrigation by amount and frequency.

Plumbing leaks should be addressed immediately and when plumbing fixtures are replaced or installed new they should be the lowest possible flow available to meet the needs of the facility and comply with VUSBC.

To the extent that state government activity requires air or water permits from the Department of Environmental Quality, agencies must fully comply with all conditions and strive to operate at well below limits permitted.

Waste Reduction –

Follow the waste management hierarchy to reduce, reuse, or recycle whenever possible.

Every effort should be made for publications of the executive branch agencies and institutions to be published in electronic form only, unless there is a statutory or regulatory requirement to the contrary, or a substantial portion of the intended recipients of the publication cannot be reached electronically.

As much as practicable, materials and supplies purchased by the state, including paper, should be made from recycled and or renewable materials, where available and appropriate to the task for which they will be used, and be provided with a minimum of packaging.

Durable products should be used rather than disposable whenever practical, including whenever meals are served; if disposable materials must be used they should be biodegradable or recyclable.

Contact the Department of General Services office of surplus property to receive guidance on proper disposal instructions for serviceable state-owned material and equipment, and to inquire about surplus material and equipment that may be available in the state and federal surplus program rather than incurring the expense of buying new.

Use of remanufactured components should be maximized.

To the extent disposable plastics must be used, they should, when practicable, be recyclable plastics only.

Paper and other office supplies should be reused and only when beyond viable reuse, recycled. White paper, colored paper, plastic, aluminum, batteries and printer cartridges should all be recycled.

Collection containers should be provided for all recyclable materials, and employees are expected to make use of them.

Landscape maintenance waste should be composted as practicable.

Oil and antifreeze from state vehicles should be recycled.

Reduce use of toxic substances where suitable alternatives exist.

Buildings and Construction –

When leasing space, agencies and institutions should consider access to public transportation, if available. Where practical, new offices and facilities should be located within a quarter mile of public transportation access and in locations that are pedestrian and bicycle accessible.

When leasing space, agencies should also actively seek buildings that meet energy Star, LEED, or Green Globe standards.

Conferences and meetings not held in state owned offices, buildings or facilities should be held at “Virginia Green” certified facilities if such use will meet the needs for the meeting, will not increase travel distances, and is not cost-prohibitive.

Specific Directives

In addition to operating in accordance with the above guidelines, every agency, institution, office and organization of state government shall:

Continue to comply with § 2.2-2817.1 of the *Code of Virginia,* requiring each state agency to pursue a goal of not less than 20 percent of its eligible workforce telecommuting by January 1, 2010, and that all executive branch agencies and institutions shall provide a report to the Secretary of Administration no later than December 1, 2010, regarding compliance with § 2.2-2817.1, as directed by statute.

Purchase or lease only Energy Star rated appliances and equipment for all classifications for which an Energy Star designation is available

When entering the design phase for construction of a new building of more than 5,000 gross square feet, or renovating such a building where the cost of renovation exceeds 50 percent of the value of the building, shall meet Department of General Services (DGS), Division of Engineering and Buildings "Virginia Energy Conservation and Environmental Standards" for energy performance and water conservation.

All new or renovated buildings described above, should conform to LEED silver or Green Globes two-globe standards, unless special circumstances, including significant additional cost, support exemption from such standards and the Director of the DGS finds that construction to the standards would be impracticable.

The Department of General Services also shall include in its policies and procedures guidelines for the purchase of fuel-efficient, low-emission state-owned vehicles, when practicable. In addition, DGS shall include in its policies and procedures for leasing vehicles guidelines that encourage the use of compact, fuel-efficient, and low-emission vehicles.

Beginning on September 1, 2010, procure only diesel fuel, taking into consideration availability and variability in cost of biodiesel fuel with respect to unblended diesel fuel, containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, as defined in § 45.1-394 of the *Code of Virginia.* This requirement shall only apply to procurements of diesel fuel for use in on-road internal combustion engines and #2 fuel burned in a boiler, furnace, or stove for heating, and shall not apply if supply is not readily available or the cost of such procurement exceeds the cost of unblended diesel fuel by 5 percent or more.

Develop and employ efficiency tools with the goal of reducing its annual energy use by at least 5 percent for fiscal year 2012 (compared to fiscal year 2010) and report their progress towards this energy-saving goal to the Deputy Secretary of Natural Resources and Senior Advisor on Energy. Such progress shall be reported to the public on the Secretary of Natural Resources' website. In order for large agencies to be better able to manage this process, it is recommended that agencies that have energy costs exceeding one million dollars annually have a certified energy manager.

State Agency Cooperation and Support

Finally, the following agencies shall assist all agencies, offices, institutions and organizations of state government in their efforts to operate in conformance with these guidelines and requirements:

The Department of Mines, Minerals and Energy shall be responsible for providing technical assistance to state agencies and institutions for measuring, reporting and achieving energy savings, purchasing electricity, natural gas, and fuel oils, and in general provide information to assist agencies and institutions with implementation of this Executive Order;

The Department of General Services shall consider these guidelines in its review and approval of leases, purchases and plans for new construction and incorporate them into its rules and practices for

the procurement of goods and services. In addition, DGS shall establish specifications for use by state agencies and institutions subject to the Virginia Public Procurement Act in the procurement of commodities and services that make environmental and energy efficiency practices of vendors, where appropriate, relevant considerations in any solicitation.

Each agency, institution, operation, organization and office is expected to implement these guidelines and meet these requirements as part of Virginia's government's constitutional obligation to be conscientious stewards of the environment, and with the understanding that, as public officers and employees, each of us sets the example for our citizens.

A copy of the Executive Order shall be published electronically to each state employee. Each agency head shall communicate these guidelines and requirements throughout his or her agency as an operational priority, and report, as required by the appropriate Secretary, on all conservation and efficiency efforts undertaken. All Cabinet members responsible for oversight of agencies and institutions of state government shall require such reporting at least twice each year.

Effective Date of the Executive Order

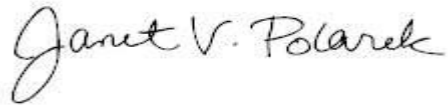
This Executive Order supersedes and rescinds Executive Order Number Eighty-two (2009), *Greening of State Government*, issued by Governor Timothy M. Kaine on June 10, 2009.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until July 1, 2014, 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 July, 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY (2010)

THE GOVERNOR'S ADVISORY BOARD ON VOLUNTEERISM AND NATIONAL SERVICE

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

Mindful of the importance of community and national service, and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the *Code of Virginia*, and subject

always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Advisory Board on National Service and Community Service.

The Board is classified as a gubernatorial advisory board in accordance with Section 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 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 Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on national and community service programs in Virginia and on fulfilling the responsibilities and duties prescribed by the federal Corporation for National Service.

2. To advise the Governor, the Secretaries of Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on the development, implementation, and evaluation of Virginia's Unified State Plan that outlines strategies for supporting and expanding national and community service throughout the Commonwealth.

3. To promote the expansion of AmeriCorps programs to meet Virginia's most pressing human, educational, environmental, and public safety needs.

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 develop a plan for sustaining and increasing the number of Virginia service programs supported by the Corporation for National Service.

6. To promote and coordinate State programs offering opportunities for community service within the Commonwealth.

7. 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 Chairman. Board voting membership shall include representatives for the categories as outlined in federal regulations issued by the Corporation for National Service.

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

Funding necessary 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 Section 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 and shall receive reimbursement for expenses incurred in the discharge of their official duties.

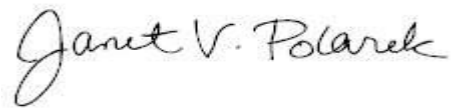
The Board shall meet at least quarterly upon the call of the Chairperson. The Board shall make an annual report to the Governor and shall issue such other reports and recommendations as it deems necessary or as requested by the Governor.

This Executive Order shall be effective upon its signing and shall remain in force and effect until June 30, 2011, unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 6th day of July 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-ONE (2010)

CUSE OF VIRGINIA'S VOLUME CAP ALLOCATIONS FOR QUALIFIED ENERGY CONSERVATION BONDS

Background

Pursuant to Section 54D(e) of the Internal Revenue Code and as described in Notice 2009-29 of the Internal Revenue Service, IRB 2009-16 ("Notice 2009-29"), the Commonwealth of Virginia (the "Commonwealth") received $80,600,000 of the Qualified Energy Conservation Bonds ("QECBs") national bond limitation (the "Commonwealth Allocation"). QECBs are tax credit bonds that may be issued by state or local governments for one or more qualified conservation purposes described in Notice 2009-29.

Notice 2009-29 further provides that the Commonwealth Allocation shall be initially suballocated among large local governments in the Commonwealth (the "Originally Awarded Localities") in an amount that bears the same ratio to the Commonwealth's Allocation as the population of each of such large local governments bears to the population of the Commonwealth (the "Original Locality Suballocations"). For purposes of Section 54D of the Code, the term "large local government" means any municipality or county that has a population of 100,000 or more. In making the Original Locality Suballocations, Notice 2009-29 requires the Commonwealth to use population figures for its large local governments based on available data from the United States Census Bureau for the period that is closest in time to that used for the Commonwealth and released by the Census before 2009. After such suballocation, any amount remaining shall belong to the Commonwealth (the "Original Commonwealth Suballocation"). Originally Awarded Localities may reallocate all or any portion of their respective Original Locality Suballocations to the Commonwealth.

Section 54D(e)(3) of the Internal Revenue Code further provides that not more than 30 percent of the Commonwealth Allocation of QECBs be private activity bonds as determined under Section 141 of the Code (the "70% Use Requirement").

QECBs provide a cost-effective option for financing state and local energy conservation projects. It is important that the Commonwealth and its localities have this financing mechanism available to facilitate projects that reduce energy consumption and energy costs and promote energy conservation. Therefore, to the extent any Originally Awarded Locality determines not to use its Original Locality Suballocation, it is imperative to provide an orderly process for the re-allocation of any such unused amounts (the "Returned Locality Suballocations") for other qualifying projects. Moreover, it is critical that the Commonwealth establish a procedure to reallocate any Returned Locality Suballocations. Lastly, the Commonwealth must establish a procedure to ensure compliance with the 70% Use Requirement.

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and Sections 2.2-103 and 2.2-435.7 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the following Original Locality Suballocations and Original Commonwealth Suballocation, and further direct Chief of Staff Martin Kent to serve as the Commonwealth's QECB allocation director (the "Allocation Director") to establish a procedure for the reallocation of any Returned Locality Suballocations.

Suballocation

1. The Original Commonwealth Allocation is $80,600,000.
2. The Original Locality Suballocations are set forth below:

Locality	Population	Percentage	Suballocation
Fairfax County	1,004,151	13.04%	$ 10,512,656
Virginia Beach City	435,004	5.65%	$4,554,143
Prince William County	359,588	4.67%	$3,764,598
Chesterfield County	299,022	3.88%	$3,130,521
Henrico County	289,460	3.76%	$3,030,414
Loudoun County	277,346	3.60%	$2,903,590
Norfolk City	235,982	3.07%	$2,470,542
Chesapeake City	218,830	2.84%	$2,290,975
Arlington County	203,909	2.65%	$2,134,764
Richmond City	199,991	2.60%	$2,093,745
Newport News City	180,810	2.35%	$1,892,936
Hampton City	146,466	1.90%	$1,533,382
Alexandria City	139,848	1.82%	$1,464,096
Stafford County	120,621	1.57%	$1,262,805
Spotsylvania County	118,887	1.54%	$1,244,652

Portsmouth City	101,931	1.32%	$1,067,136
Total Locality Suballocation			$45,350,954

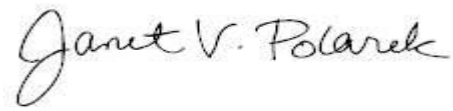
3. The Original Commonwealth Suballocation is $ 35,249,046
4. Any Originally Awarded Localities that do not plan to use any portion of their Original Locality Suballocations should notify the Allocation Director so that their Returned Locality Suballocations may be reallocated to another locality or project within the Commonwealth.
5. The Allocation Director shall develop a process for the application, evaluation and re-allocation of any Returned Locality Suballocations to maximize the use of this financing mechanism to promote energy conservation within the Commonwealth.
6. Each Originally Awarded Locality shall ensure compliance with the 70% Use Requirement and upon issuance of any QECBs using such Originally Awarded Locality's Original Locality Suballocation shall provide a copy of the IRS Form 8038 to the Allocation Director.
7. The Allocation Director is hereby authorized to delegate to any official or agency or department of the Commonwealth any matter or task described herein, to take any action that he, as the Allocation Director, deems necessary or desirable to affect the purposes hereof, and to create an advisory committee consistent with, and in furtherance of, this Executive Order.
8. Determination of compliance with the procedures and requirements set forth herein or in the additional guidance, including any filings to be made and the timing and substance thereof, shall 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, 2013, 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 July, 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-TWO (2010)

COMMISION ON MILITARY AND NATIOINAL SECURITY FACILITIES

Importance of the Initiative

For more than one hundred years the Commonwealth of Virginia has served the United States of America and its citizens by providing an unparalleled array of military and non-military national security facilities, including the Pentagon in Arlington, the world's largest naval base in Norfolk, both the field training facility for the Central Intelligence Agency at Camp Perry and the headquarters of the Central Intelligence Agency in Langley, the National Ground Intelligence Center and many other facilities throughout the Commonwealth. Collectively these military and national security facilities have become an integral part of the Commonwealth, including our security, our economic stability and our civic life.

The people of Virginia are acutely aware of the integral role military and national security facilities play in the economic vitality of the Commonwealth. The estimated $56 billion the Department of Defense alone is projected to spend in the Commonwealth in 2010 translates to business for Virginia and high-quality jobs for our citizens. Virginia will be vigilant in protecting the military and national security assets located in the Commonwealth, and will continuously seek new opportunities for growth. To this end, the Commonwealth will be proactive in identifying the appropriate strategies to retain the military and national security facilities located in the Commonwealth and to identify operations and facilities that can be located within Virginia.

To accomplish this, in accordance with the authority vested in me by Article V of the *Constitution of Virginia* and by Section 2.2-134 of the *Code of Virginia,* I hereby create Virginia's Commission on Military and National Security Facilities.

The Commission

The Commission will consist of the Secretary of Commerce and Trade and the Assistant to the Governor for Commonwealth Preparedness, as well as members appointed by the Governor and serving at his pleasure. Initial appointments of members to the Commission by the Governor will include 25 members. The Governor may appoint additional persons to the Commission at his discretion.

The Commission is to consist of two (2) working groups – one working group on military installations under the coordination of the Assistant to the Governor for Commonwealth Preparedness and one working group on non-military national security facilities under the coordination of the Secretary of Commerce and Trade.

The Commission's responsibilities shall include the following:

1. Identify appropriate opportunities for relocating additional military commands and missions to the Commonwealth.
2. Identify appropriate opportunities for relocating additional national security facilities to the Commonwealth.
3. Recommend, as appropriate, the best business practices for the Commonwealth to retain its existing military installations and commands.
4. Recommend, as appropriate, the best business practices for the Commonwealth to retain its existing non-military national security facilities.
5. Support and foster collaboration among local and regional entities in identifying appropriate opportunities for placement of additional national security facilities in the Commonwealth.
6. Determine the best and most efficient manner to foster and promote business, technology, transportation, education, economic development and other efforts to support, attract and retain existing military installations and commands in the Commonwealth.

7. Determine the best and most efficient manner to foster and promote business, technology, transportation, education, economic development and other efforts to support and retain existing non-military national security facilities in the Commonwealth.
8. Identify and track all national security facilities located in the Commonwealth and their building needs.
9. Determine the best industrial and economic development for the localities included in or adjacent to military installations and commands in the Commonwealth.
10. Determine the best industrial and economic development for the localities included in or adjacent to non-military national security facilities in the Commonwealth.
11. Inform the Governor on a regular basis on all pertinent findings and recommendations.

Commission Staffing and Funding

Necessary staff support for the Commission's work during its existence shall be furnished by the Office of Commonwealth Preparedness and the Office of the Secretary of Commerce and Trade, and such other agencies and offices as designated by the Governor. An estimated 100 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 contributions, and state funds appropriated for the same purposes as the Commission, as authorized by Section 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 $5,000.00.

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

The Commission shall report quarterly to the Governor and shall issue such other reports and recommendations as necessary or as requested by the Governor.

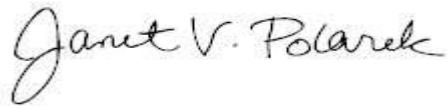
Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 15, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this the 9th day of August 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-THREE (2010)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE THREAT OF SIGNIFICANT FLOODING AND WIND DAMAGED CAUSED BY HURRICANE EARL

Importance of the Initiative

On September 1, 2010, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Hurricane Center and National Weather Service forecasts projecting impacts from Hurricane Earl that could cause damaging high winds, coastal and lowland flooding throughout the eastern portion of the Commonwealth.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm 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 September 1, 2010, 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 storm, to 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 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 potential threat and recover from its effects, and in accordance with my authority contained in §44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

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

B. The 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 potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

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

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

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

G. All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles 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.

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

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

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

I. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the *Code of Virginia*. Section 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the *Code of Virginia*, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to $100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

L. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs) and Citizen 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.

M. 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.

N. 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.

O. 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*; and

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 the Virginia Defense Force, in performing these missions shall be paid from state funds.

Effective Date of the Executive Order

This Executive Order shall be effective September 1, 2010, and shall remain in full force and effect until June 30, 2011, 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.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FOUR (2010)

CONTINUING THE PUBLIC SAFETY MEMORIAL COMMISSION

Importance of the Initiative

Every day, throughout our Commonwealth, the courageous men and women of our public safety community dedicate their lives to protecting their neighbors and communities. These brave men and women work tirelessly to make our streets and communities safer.

Unfortunately, every year we mourn the loss of members of Virginia's public safety community. We must forever honor the selfless dedication of these valiant Virginians and their willingness to serve without hesitation. It is essential that we forever remember the incalculable human cost to maintain public safety.

Virginia is one of only six states that does not have a statewide Public Safety Memorial to serve as an enduring acknowledgement of the ultimate sacrifice made by the brave men and women who serve their community and Commonwealth. A Public Safety Memorial will serve as a hallowed ground to forever honor and respect Virginia's fallen heroes.

The Public Safety Memorial Commission

Recognizing the importance of commemorating the courage and integrity of our public safety officers, the Public Safety Memorial Commission was established to design an appropriate memorial to forever remember the courage and sacrifice of Virginia's fallen heroes. Since 2007, the Public Safety Memorial Commission has made tremendous strides, but much work remains to be done.

Virginia's Public Safety Memorial will recognize all public safety officials who have lost their lives in the line of duty. Public safety officers, for the purpose of this Memorial, include law enforcement officers, firefighters, jail and correctional officers, members of the Virginia National Guard and Virginia Defense Force, emergency management and hazardous materials personnel, ABC enforcement agents, volunteer rescue squad members, emergency medical services personnel, conservation police, marine resource officers, state park rangers, and forest wardens.

The location determined best for the Public Safety Memorial, as approved by Governor Timothy M. Kaine through Executive Order 89 (July 2009), is the existing raised planter located in the Darden Memorial Garden outside of the Virginia General Assembly Building.

Accordingly, so that it may complete this Memorial and ensure its future, I hereby continue the Public Safety Memorial Commission to honor these men and women who have died while serving Virginia.

Composition of the Commission

The Public Safety Memorial Commission shall be chaired by the Secretary of Public Safety or her designee. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Commission shall consist of the Secretary of Administration or her designee, the Assistant to the Governor for Commonwealth Preparedness or her designee, as well as representatives from state agencies, the General Assembly, and members of the public safety community, appointed by the Governor and serving at my pleasure. Additional members may be appointed at the Governor's discretion.

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

Charge for the Commission

I hereby direct the Commission to continue its efforts, in partnership with the Virginia Public Safety Foundation, to construct an appropriate Memorial to properly honor and respect those who have made the ultimate sacrifice serving the citizens of the Commonwealth. The Public Safety Memorial Commission's responsibilities shall include:

- Provide leadership and support to the Public Safety Foundation as it solicits funds for the construction and maintenance of the Public Safety Memorial;
- Identify and resolve any engineering or logistical challenges posed by the selected site in the Darden Garden location on Capitol Square;
- Approve any design modifications for engineering, financial, or other reasons;
- Develop criteria for those individuals to be honored by the Public Safety Memorial;
- Take other steps as may be deemed necessary and appropriate to facilitate the establishment of this Memorial; and
- Make recommendations to the Governor to ensure the future of the lasting memorial.

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

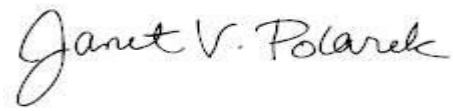
An estimated 200 hours of staff time will be required to support the work of the Commission. Necessary funding to support the Commission and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Commission, as authorized by Section 2.2-135 of the *Code of Virginia*, as well as any other private sources of funding that may be identified. Estimated direct costs for this Commission are $5,000.00.

This Executive Order shall become effective upon its signing and shall remain in full force and effect for one year from the date of its signing.

Given under my hand and under the seal of the Commonwealth of Virginia this 11th day of September 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FIVE (2010)

ESTABLISHING THE DOMESTIC VIOLENCE PREVENTION AND RESPONSE ADVISORY BOARD

Importance of the Issue

The preservation of peace in our communities and the protection of all citizens of the Commonwealth from violence are fundamental priorities of government. Unfortunately, every year thousands of Virginians suffer the indignity of domestic violence and experience emotional, physical, psychological and financial harm as a result of such crimes. Victimization strikes people of all ages and abilities, as well as all economic, racial, and social backgrounds. Furthermore, the physical and emotional trauma suffered by victims of domestic and sexual violence, often compounded by silence and stigma surrounding the crime, calls for special attention in our prevention and response efforts.

According to the Virginia Department of State Police, 4,487 forcible sex offenses, including rape, sodomy, and assault with an object, were reported in 2009 in jurisdictions throughout the Commonwealth. These acts of violence resulted in 4,779 victims. Tragically, over 61 percent of these victims were under the age of 17.

Unfortunately, these numbers do not reflect the complete picture relating to acts of sexual and domestic violence in Virginia because many victims do not report the incident to law enforcement.

Domestic and sexual violence impacts all segments of our society and is on the rise in certain areas.

In April 2010, the U.S. Department of Education, the Federal Bureau of Investigation, and the U.S. Secret Service released a report indicating that the incidents of college campus violence have drastically increased in the past 20 years. One in five women who attend college will be the victim of a sexual assault during her four years on campus. The Commonwealth's institutions of higher education, as demonstrated by recent events, are not immune from these acts of campus violence.

To make Virginia's citizens, families, and communities safe, it is appropriate that the Commonwealth dedicate resources to prevent, combat, and reduce domestic violence in Virginia.

Establishment of the Advisory Board

While many localities have taken necessary steps to address domestic violence in their communities, public policymakers must continuously strive to improve the services and support for Virginia's domestic violence victims and survivors. Statewide collaboration is essential in order to provide services to victims; to create programs aimed at preventing and responding to such tragedies; and to hold offenders accountable.

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 Section 2.2-134 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Domestic Violence Prevention and Response Advisory Board. This Board will continue the dialogue with state and local agencies, as well as involve stakeholders, to make recommendations for changes to our laws, policies, and procedures to enhance Virginia's response to domestic violence at all levels.

This Advisory Board will promote ongoing collaboration among relevant state and local agencies, as well as private sector and community partners involved in domestic violence prevention, enforcement and response efforts.

Composition of the Advisory Board

The Governor's Domestic Violence Prevention and Response Advisory Board shall operate under the direction of the Secretary of Public Safety. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Advisory Board shall consist of designees from the following agencies and organizations:

Office of the Attorney General;
Supreme Court of Virginia;
Commonwealth's Attorneys' Services Council;
Virginia Association of Commonwealth's Attorneys;
Virginia Association of Chiefs of Police;
Virginia Sheriffs' Association;
Virginia Department for the Aging;
Virginia Department of Behavioral Health and Developmental Services;
Virginia Department of Corrections;
Virginia Department of Criminal Justice Services;
Virginia Department of Education;
Virginia Department of Health;
Virginia Department of Housing and Community Development;
Virginia Department of Juvenile Justice;
Virginia Department of Social Services;
Virginia Department of State Police;
Virginia State Crime Commission;
Family and Children's Trust Fund of Virginia;
Virginia Center on Aging;
Virginia Poverty Law Center;
Criminal Injuries Compensation Fund;
Virginia Sexual and Domestic Violence Action Alliance;
Virginia Association of Campus Law Enforcement Administrators, Inc.;
Virginia Coalition Against Campus Sexual Assault;
Virginia Chapter of the International Association of Forensic Nurses;
Virginia Network for Victims and Witnesses of Crime, Inc.; and
Representatives from the Virginia Senate and House of Delegates

Other members may be added at the discretion of the Secretary of Public Safety.

Staff support to the Advisory Board shall be provided by the Office of the Governor, the Office of the Secretary of Public Safety, the Virginia Department of Criminal Justice Services, the Virginia Department of Social Services, and such other agencies as the Governor may designate. All Cabinet Secretariats and executive branch agencies shall cooperate fully with the Advisory Board and render such assistance as may be requested.

Duties of the Advisory Board

The Advisory Board's responsibilities shall include the following:

- Assess means of improving services to children who have experienced, witnessed, or been exposed to the effects of domestic violence.
- Work in conjunction with the Virginia State Crime Commission and the Office of the Attorney General, to complete a comprehensive review of Virginia's protective order laws and processes, and make recommendations for clarifying the protective order process and enhancing the enforcement of protective orders.

- Review the recommendations set forth in previous relevant reports and studies, and develop strategies for implementing sound recommendations from these sources. This assessment should include prioritizing initiatives, developing a timeline for achieving goals, and designating duties to accomplish the Advisory Board's stated purpose of preventing and responding to domestic violence.
- Develop recommendations for enhancing services and community response to victims of domestic violence who are traditionally underserved.
- Investigate ways to make Virginia's college campuses safer and reduce incidents of violence of all kinds.
- Make any other recommendations as may be appropriate.

The Advisory Board shall submit to the Governor its findings and recommendations on matters potentially impacting the development of the Executive Budget no later than September 15, 2011. The Board shall submit a final report of its activities, findings and recommendations no later than October 1, 2011. Should the Advisory Board be extended beyond a year, this pattern of reporting shall continue for the duration of the Board.

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 federal funds, private contributions, and state funds appropriated for the same purposes as the Advisory Board, as authorized by Section 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 $5,000.00 per year.

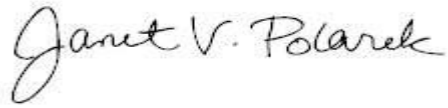
Effective Date of the Executive Order

This Executive Order supersedes and rescinds Executive Order 93 (2009) issued on September 28, 2009, by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until 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 October, 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SIX (2010)

EMPLOYEE WORKPLACE GIVING

Importance of the Issue

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 2.2-103A and 2.2-104 of the *Code of Virginia* and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby authorize an annual Commonwealth of Virginia Campaign (CVC).

Employees of the Commonwealth have demonstrated that they share civic responsibility with other members of their communities, the Commonwealth, and the United States by contributing more than $3.9 million for the 2009 campaign and over $30 million since 1998. The Commonwealth of Virginia has an interest in assisting its employees in their charitable giving through the provision of a single state employee campaign that minimizes the disruption of the workplace and maximizes contributions to these organizations. This program will provide a responsive and convenient system to facilitate charitable giving. The goals of this program will be to:

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

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

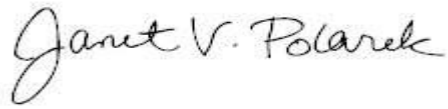
Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2014, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 1st day of October 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SEVEN (2010)

ESTABLISHING THE URBAN POLICY TASK FORCE

Importance of the Issue

The Commonwealth has long faced the challenges of urbanization in a diverse range of policy areas, including but not limited to economic development, education, transportation, public safety, and human services. In particular, recent economic difficulties throughout Virginia, including high unemployment rates and slow economic growth, have had a severe adverse impact on urban communities. The challenges facing local governments and state government in these urban and urbanizing areas have required significant efforts on the part of appointed and elected governmental officials at all levels. In addition, the modernization, expansion, and diversity of new businesses has placed demands on governmental leaders at all levels to provide, in an efficient and timely manner, a full range of relevant and affordable public services.

Establishment of the Task Force

Section 2.2-206 of the *Code of Virginia* requires creation of a cabinet-level task force on urban policy. By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-206 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Urban Policy Task Force. The Secretary of Commerce and Trade or his designee shall chair the Task Force. Other members shall consist of the Secretaries of Education, Health and Human Resources, Natural Resources, Public Safety, and Transportation or their designees. Additional members may be appointed to the Task Force at the Governor's discretion.

Responsibilities of the Task Force

The Task Force shall develop a comprehensive state urban policy that will give particular attention to actionable, top priorities and establish specific quantifiable benchmarks to address economic and social conditions and inequities within urban areas. It shall include but not be limited to establishing such methods, processes, and approaches as are necessary to recognize the importance of interdependence of localities within metropolitan areas and make recommendations to increase collaboration within all areas. All executive branch agencies shall cooperate fully as requested by the Task Force or its staff. The Task Force shall report to the Governor by January 14, 2011, and include in their report the performance of each agency in meeting established benchmarks.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until 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 December, 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-EIGHT (2010)

THE COMMONWEALTH'S GANG AND VIOLENT CRIME EXECUTIVE COMMITTEE

Importance of the Issue

Information from law enforcement agencies indicates that gang activity and crime, once a problem reserved for large cities, has spread outward as gang members migrate from urban areas to suburban and rural communities, threatening the safety of Virginians everywhere. The Virginia Fusion Center reports the presence of criminal street gangs throughout Northern Virginia, the Greater Richmond Area, Western Virginia, Hampton Roads and in far Southwest Virginia. Offshoots of National gangs such as the Bloods, Crips and Gangster Disciples are active throughout the Commonwealth. In order to make Virginia a safer place to raise a family and own or operate a business, it is essential that federal, state and local governments work together to address and reduce gangs and gang-related violence in the Commonwealth.

By combating gangs we impact other criminal activities including drug distribution, illegal firearms possession, assault, murder and a host of other crimes. Strong anti-gang education and prevention efforts designed to reduce gang membership; and programs for individuals who want to renounce gang life, are all essential to addressing criminal street gangs and gang related violence.

Accordingly, the Commonwealth must work collaboratively along with local and federal partners, businesses, as well as community and faith-based organizations, in establishing best practices for combating gangs and reducing gang-related crime.

The Commonwealth's Gang and Violent Crime Executive Committee

Many localities have taken steps to address the gang problem within their communities; however, additional resources are needed to aid local governments in their fight against gangs and gang related violence.

By virtue of the authority vested in me as Governor, under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the *Code of Virginia*, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Commonwealth's Gang and Violent Crime Executive Committee

The Commonwealth's Gang and Violent Crime Executive Committee (the "Committee") shall be chaired by the Secretary of Public Safety or her designee. The Committee shall be comprised of representatives of the following agencies and organizations:

- The Commonwealth's Attorneys' Services Council
- The Department of Correctional Education
- The Department of Corrections – Institutions
- The Department of Corrections – Community Corrections
- The Department of Criminal Justice Services
- The Department of Education
- The Department of Health
- The Department of Housing and Community Development
- The Department of Juvenile Justice
- The Department of Behavioral Health and Developmental Services
- The Department of Social Services
- The Department of State Police
- The Governor's Office for Substance Abuse Prevention
- The Office of the Attorney General
- The Department of Alcohol Beverage Control
- The Office of the Executive Secretary of the Supreme Court
- The Governor's Prisoner Re-Entry Coordinator
- The Virginia Regional Jail Association
- The Virginia Sheriff's Association
- The Virginia Association of Chiefs of Police
- The Virginia Association of Commonwealth's Attorneys

The Governor may appoint additional members as appropriate. Further, the Secretary of Public Safety may invite additional participation as needed. All Executive Branch agencies of the Commonwealth, upon request, shall participate in activities of the Committee. Support staff will be provided by the Office of the Secretary of Public Safety, the Department of State Police and other agencies as the Secretary of Public Safety may designate.

The Executive Committee shall:

- Develop and expand partnerships within all levels of federal, state and local government to best utilize resources to impact gang crime in the Commonwealth;

- Work with the Prisoner Re-entry Coordinator and the Virginia Prisoner and Juvenile Offender Re-entry Council in establishing strategies for successful reentry of gang members;

- Engage local agencies, community based social service providers, community organizations, faith-based organizations, as well as other stakeholders, in promoting evidence based programs like Richmond's successful and nationally recognized Gang Reduction and Intervention Program (GRIP);

- Coordinate the dissemination of gang-awareness information to citizens of the Commonwealth in order to increase their involvement in making local communities safe and fostering local opportunities for youth;

- Expand discussions and anti-gang planning to include trends and patterns of related violent crime in the Commonwealth;

- Provide the Governor, by December 1, 2011, a report that includes an analysis of state agencies anti-gang efforts, and the status of the State Police Anti-Gang Task Forces. The report should also include recommendations regarding strategic advancement of gang investigations and the development of gang intelligence as well as recommendations for educational, prevention, and re-entry strategies. Finally, the report should include best practices and anti-gang initiatives throughout the Commonwealth;

The Secretary of Public Safety, working with the Committee, shall develop a long-term strategic plan for reducing gang activity and gang violence in the Commonwealth. The plan shall identify methods of improving communication; a strategy for sharing of information; and ways of strengthening collaboration between state and local agencies. Such a plan shall be submitted to the Governor no later than December 1, 2011.

The Committee shall submit to the Governor its findings and recommendations on matters potentially impacting the development of the Executive Budget no later than September 15, 2011. The Committee shall submit a final report of its activities, findings and recommendations no later than October 1, 2011. Should the Committee be extended beyond a year, this pattern of reporting shall continue for the duration of the Committee.

Necessary funding to support the Executive Committee and its staff shall be provided from federal funds, private contributions, and state funds appropriated for the same purposes as the Committee, as authorized by Section 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 Executive Committee are $5,000.00 per year. An estimated 200 hours of staff time will be required to support the work of the Executive Committee.

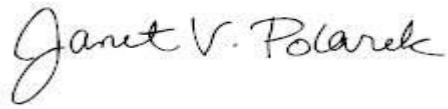
Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and shall remain in full force and effect for one year 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 December, 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-NINE (2010)

IMPORTANCE OF VETERANS SERVICES

Over 820,000 military veterans and their families call Virginia home. The Commonwealth has a special responsibility to support these men and women, as well as the 245,000 active duty service members, reservists, and National Guard members from Virginia. These brave men and women leave safe homes and pleasant lives to defend and advance this nation and the Commonwealth. They have courageously combated tyranny and oppression to bring freedom to others. Our nation and our Commonwealth owe these men and women a tremendous debt of gratitude.

In 1789, George Washington said *"The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of early wars were treated and appreciated by our nation."* These sentiments apply as strongly today as they did at the founding of our nation. There is no greater obligation of a nation than to support the military, veterans, and their families and to honor those who have made the ultimate sacrifice.

Directives for Serving Virginia's Veterans

By virtue of the authority vested in me as Governor by Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, Section 2.2-103 of the *Code of Virginia*, and in conjunction with Executive Order Number 10, Housing Policy Framework of the Commonwealth of Virginia, in regard to addressing homelessness to include veterans, I hereby set forth the policy of the Executive Branch for improving services to Virginia's veterans, *with the goal of making Virginia our nation's most veteran-friendly state.*

- I hereby direct all state agencies to identify new, expanded, or customized services that meet the educational, health care, and social services needs of Virginia's veterans. Agencies will work with the Department of Veterans Services to identify the resources required to implement the new, expanded, or customized services and will report such requirements to the Commissioner of Veterans Services no later than April 30, 2011, and on April 30 of each subsequent year this Executive Order is effective.

- I hereby direct the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations to develop legislation to be considered by the Governor for introduction in the 2012 and subsequent General Assemblies. Such proposals shall be submitted, via the Commissioner of the Department of Veterans Services, to the Governor's Office no later than August 15, 2011, and by August 15 of each subsequent year this Executive Order is effective.

- I hereby direct the Commissioner of the Department of Veterans Services and the Veterans Services Foundation to continue to give high priority to obtaining federal grants, private contributions, alternate dedicated revenue sources, and other resources for improving services to veterans in Virginia.

- I hereby direct the Department of Veterans Services to continue the development of the Automated Claims Processing System.

- I hereby direct the Department of Human Resource Management to ensure that all state agencies are aware of, and comply with, the Veterans Hiring Preference in State Government. I also hereby direct all state agency heads to renew their commitment to veterans' preference in hiring.

- I hereby request that the Lieutenant Governor of Virginia, in his capacity as Virginia's Chief Jobs Creation Officer, along with a representative of the Secretary of Commerce and Trade, to partner with the Department of Veterans Services, the Virginia Employment Commission, and the Virginia Community College System to conduct research to identify the demographics and other characteristics of veterans at risk for unemployment, to review veterans employment trends for the Commonwealth, and to determine whether veterans are being sufficiently employed in growth sectors and jobs in high demand.

- I hereby direct the Department of Veterans Services, Department of Human Resource Management, the Department of Rehabilitative Services, the Virginia Employment Commission, and the Virginia Community College System to identify the resources necessary to create, under the Department of Veterans Services, a program to develop employment opportunities for veterans. The program shall include a focus on developing entrepreneurial opportunities for veterans, particularly those with disabilities.

- I hereby direct the Department of Rail and Public Transportation, in conjunction with the Department of Veterans Services, to work with local agencies to identify transportation services for veterans that could supplement the transportation routes and schedules already provided by the U.S. Department of Veterans Affairs and the Disabled American Veterans. Any new transportation programs created should endeavor to employ veterans for these services.

- I hereby direct all state agencies to work with the Department of Veterans Services and the Virginia Wounded Warrior Program to ensure continued commitment to serving the needs of veterans and their families affected by combat stress and traumatic brain injuries.

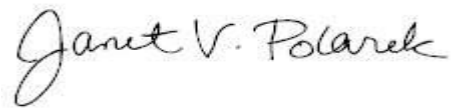
Effective Date of the Executive Order

This Executive Order shall be in effect upon its signing and shall remain in full force and effect until June 30, 2014, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia, this 23rd day of December, 2010.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY (2010)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE THREAT OF SIGNIFICANT SNOW ACCUMULATIONS, TRANSPORTATION DIFFICULTIES, AND POWER OUTAGES CAUSED BY A WINTER STORM

Importance of the Issue

On December 25, 2010, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts projecting a winter storm with significant snow accumulations that could cause transportation difficulties and power outages throughout the Commonwealth.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm 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 December 25, 2010, 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 storm, to 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 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 potential 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. The implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. The 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 potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP), and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby

designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

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

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

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

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles 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.

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

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

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

H. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

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

J. 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*, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to $100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

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), Citizen 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 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.

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 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*; and

(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 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 December 25, 2010, and shall remain in full force and effect until June 30, 2011, 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 28th day of December 2010.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-ONE (2010)

ESTABLISHING THE INDEPENDENT BIPARTISAN ADVISORY COMMISSION ON REDISTRICTING

Importance of the Issue

Article II, Section 6 of the Constitution of Virginia requires congressional and state legislative district lines to be redrawn every ten years. It further requires that districts be drawn to create districts of "contiguous and compact territory." The next round of redistricting will take place this year.

Legislative districts must be drawn in a way that maximizes voter participation and awareness and lines should reflect commonsense geographic boundaries and strong communities of interests. Additionally, because redistricting has such an important impact on the citizens of the Commonwealth and their elected representation, the process should take place in a way that welcomes citizen input and fosters a productive public dialogue.

Independent Bipartisan Advisory Commission on Redistricting

In furtherance of my legislative responsibilities under Article V, Section 5 of the Constitution of Virginia and my commitment to the Virginia tradition of good governance, 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*, I hereby establish the Independent Bipartisan Advisory Commission on Redistricting.

Commission Membership

The Commission shall be composed of eleven citizen members, appointed by the Governor and serving for the remainder of the life of the Commission. Members will be citizens of Virginia who have not held any elected office for at least five years and shall not be a member or employee of the Congress of the United States or of the General Assembly. Membership shall be equally divided by political party affiliation and one chair who is not identifiable with any political party and has not held any public or political party office. The members of the Commission will serve without compensation.

Charge of the Commission

The Commission will facilitate citizen input into the redistricting process. The Commission shall solicit citizen input and provide citizens with access to its processes by holding public meetings as appropriate and creating a website that will allow public comment and interaction.

The Commission may develop a redistricting plan or accept from the public proposed plans for redistricting. The Commission may also analyze plans submitted by colleges and universities or other groups and stakeholders. The Commission shall review any such plans to determine if they meet the criteria set out below. To the extent that the proposed plans comply with the criteria set forth below, the Commission may recommend such model plans to the General Assembly. The Commission shall work independently of the executive and legislative branches, and its report and any recommendations shall be made directly to the President pro tempore of the Senate of Virginia, the Speaker of the Virginia House of Delegates, the Chairmen of the House and Senate Privileges and Elections Committees, and the Governor. To the extent possible, such reports shall be forwarded prior to the start of the reconvened session of the General Assembly in order to allow for full consideration of the reports.

Redistricting Criteria to be Used by the Commission

In developing and evaluating districts, the Commission shall be guided by the following standards:

1. Consistent with Article II, Section 6 of the Constitution of Virginia, all districts shall be composed of contiguous and compact territory and shall be as equal in population as is practicable and in compliance with federal law. No district shall be composed of territories contiguous only at a point.

2. All districts shall be drawn to comply with the Virginia and United States Constitutions, applicable state and federal law, the Voting Rights Act of 1965, as amended, and relevant case law.

3. The population of legislative districts shall be determined solely according to the enumeration established by the 2010 federal census. The population of each district shall be as nearly equal to the population of every other district as practicable.

4. All districts, to the extent practicable, shall respect the boundary lines of existing political subdivisions. The number of counties and cities divided among multiple districts shall be as few as practicable.

5. To the extent possible, districts shall preserve communities of interest.

Support for the Commission

I direct that all executive branch agencies of the Commonwealth provide any appropriate assistance that may be requested by the Commission. Additionally, Christopher Newport University has agreed to provide support to the Commission. An estimated 400 hours of staff time will be required to support the work of the Commission. Upon request of the Commission, the Governor may also request the assistance of the Division of Legislative Services to provide advice or support to the Commission. The Commission may request the assistance of volunteer outside counsel or experts as it shall deem necessary.

Additional support and funding for the Commission may be provided by private donations. To the extent practicable, meetings of the Commission shall be open to the public, but the Commission is not a public body as that term is used in § 2.2-3700 *et seq.* of the *Code of Virginia*.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until December 1, 2011, 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 January, 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-TWO (2011)

THE GOVERNOR'S COMMISSION ON GOVERNMENT REFORM AND RESTRUCTUREING PHASE II

Importance of the Issue

The Commonwealth of Virginia continues to face budgetary management challenges and increasing demands for core public services. Citizens and businesses in Virginia are entitled to a limited and effective state government. Revenues collected from Virginia taxpayers must be spent in the most efficient manner possible. It is incumbent on those charged with providing government services to protect the public from harm and theft, educate our citizenry, foster economic opportunity, provide necessary infrastructure, preserve fundamental rights and perform other essential functions in a manner that avoids duplication, delay, waste, and unnecessary regulation and bureaucracy.

Throughout the course of my administration, we will conduct a comprehensive review to make certain that duplicative, outdated, unnecessary and ineffective services and service delivery methods are eliminated and that state revenues are dedicated to the core functions of government. Consequently, my second act as Governor on Inauguration Day was to establish the Governor's Commission on Government Reform & Restructuring to conduct a comprehensive, systematic and ongoing evaluation of the effectiveness and need for the state's existing agencies, governing bodies, programs, and services.

During the Commission's first year of work, members listened to Virginia citizens and state employees by holding public town halls in all regions of the Commonwealth, receiving more than 1,700 comments and ideas for consideration. The report issued in December 2010 made 134 recommendations that would improve transparency and customer service, review and eliminate unnecessary mandates on localities, consolidate office operations, rightsize manager to employee ratios, privatize non-core government functions, and properly account for all Commonwealth-owned property.

The Commission's work is far from complete. The way forward is to build on our progress by eliminating and consolidating programs that are inefficient or duplicative and make state government more transparent and accountable.

Governor's Commission on Government Reform and Restructuring

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 Section 2.2-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to

act in such matters, I hereby extend the Governor's Commission on Government Reform and Restructuring ("Commission").

The Commission will conduct a thorough review of Virginia state government:

- Identify opportunities for creating efficiencies in state government, including streamlining, consolidating, or eliminating redundant and unnecessary agency services, governing bodies, regulations and programs;
- Explore innovative ways to deliver state services at the lowest cost and best value to Virginia taxpayers;
- Seek out means to more effectively and efficiently perform core state functions, including potential privatization of government operations where appropriate, and restore focus on core mission oriented service;
- Examine ways for state government to be more transparent, user friendly and accountable to the citizens of the Commonwealth; and
- Work with the cabinet and state executive branch agencies to implement these recommendations proposed by the Commission.

The Commission will consist of up to 20 citizen members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chairman and a Vice-Chairman from among the citizen members. Three members of the Virginia House of Delegates and two members of the Virginia Senate shall also be invited to be members. The Governor may appoint other members to the Commission as necessary. The Secretaries of Administration and Finance, and the Vice-Chair of the Council on Virginia's Future, shall serve as ex officio, non-voting members of the Commission.

The Commission shall submit a final report of its activities and recommendations by November 1, 2011. I direct all executive branch agencies and institutions to cooperate fully with the work of the Commission.

Staff support as is necessary for the conduct of the Commission's work during the term of its existence shall he furnished by the Office of the Governor, the Offices of the Governor's Cabinet Secretaries, the Department of Planning and Budget, and such other executive agencies as the Governor may designate. An estimated 2,000 hours of staff time will be required to support the commission on an annual basis. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(13) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be $15,000 annually, exclusive of staff support.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until April 12, 2012, 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 April, 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-THREE (2011)

DECLARATION OF A STATE OF EMERGENCY FOR PULASKI COUNTY AND THE COMMONWELATH OF VIRGINIA DUE TO SIGNIFICANT DAMAGE AND FLOODING CAUSED BY TORNADOES AND SEVERE THUNDERSTORMS WITH DAMAGING WINDS AND HEAVY RAINS

Importance of the Issue

On April 9, 2011, I verbally declared a state of emergency to exist for Pulaski County based on severe thunderstorms that resulted in two tornadoes that caused injuries to citizens and widespread damage to structures in Pulaski County. On April 17, 2011, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on tornadoes and severe thunderstorms that caused deaths and injuries to citizens and widespread damage to structures across the Commonwealth. On April 28, 2011, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on tornadoes, severe storms, damaging winds, and periods of heavy rainfall that resulted in loss of life and widespread damage and injuries to residents and buildings in 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 severe thunderstorms 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 April 9, 17, and 28, 2011, 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 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 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. The implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. The 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 Commonwealth of Virginia Emergency Operations Plan (COVEOP), and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the severe thunderstorms. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

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

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

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

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

G. All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles 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.

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

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

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

I. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

J. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the *Code of Virginia*. Section 44-146.24 of the *Code of Virginia* also applies to the disaster activities of state agencies.

K. 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), Citizen 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 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.

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 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*; and

   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 paragraph 4 (a) above pertaining to the Virginia National Guard and in paragraph 5 (d) above pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to $250,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to April 9, 201l, and shall remain in full force and effect until June 30, 2012, 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 18th day of May, 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FOUR (2011)

ALLOCATION OF A PORTION OF THE COMMONWEALTH'S SHARE OF THE CALENDAR YEAR 2009 AND 2010 NATIONAL LIMITATION FOR QUALIFIED SCHOOL CONSTRUCTION BONDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

The American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355 (2009)) was enacted on February 17, 2009 ("ARRA"). ARRA added Section 54F to the Internal Revenue Code of 1986, as amended ("IRC"), to provide for the issuance of qualified school construction bonds ("QSCBs"). QSCBs are tax credit bonds that may be issued to finance the construction, rehabilitation, or repair of a public school facility or for qualifying public school facility land acquisitions ("Qualified Projects"). QSCBs were originally designed as taxable bonds providing the QSCB holder with a federal tax credit in lieu of interest. In the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 124 Stat. 71 (2010)), enacted March 18, 2010, Congress provided a direct payment subsidy option whereby an issuer of QSCBs could elect to receive a subsidy payment from the federal government on each interest payment date intended to be equal to the amount of coupon interest payable on such date.

One of the conditions for the valid issuance of QSCBs is the receipt of an allocation of the national limitation under IRC Section 54F(c) sufficient to cover the maximum face amount of the QSCBs to be issued (a "Volume Cap Allocation"). IRC Section 54F created a national limitation of $11 billion for each of calendar years 2009 and 2010, with a provision allowing carryforwards of any unused limitation amounts to calendar years after 2010. The U.S. Secretary of the Treasury made allocations of the calendar year 2009 and 2010 national limitation amounts to the states and certain "large local education agencies" in accordance the formulae set forth in IRC Section 54F. Pursuant to Notice 2009-35 of the Internal Revenue Service (IRB 2009-17, dated April 27, 2009) (the "Notice"), the share of the calendar year 2009 national limitation allocated to the Commonwealth of Virginia (the "Commonwealth" or "Virginia") is $191,077,000 (the "2009 Commonwealth Share") and, pursuant to Notice 2010-17 (IRB 2010-14, dated March 17, 2010), the share of the calendar year 2010 national limitation allocated to the Commonwealth is $172,249,000 (the "2010 Commonwealth Share"). The 2010 Commonwealth Share is less than the 2009 Commonwealth Share primarily because two Virginia localities were determined to be large local education agencies for calendar year 2010 and thereby directly received allocations of the national limitation amount that otherwise would have been added to the 2010 Commonwealth Share. The two localities and the amounts received are the City of Norfolk, which received $15,092,000, and the City of Richmond, which received $14,983,000.
IRC Section 54F(d)(1) also provides that the national limitation amount allocated to a state for any calendar year shall be allocated by a "state agency" to qualified issuers within the state. The General Assembly has provided no specific guidance on how such allocations are to be made in Virginia.
From the $191,077,000 2009 Commonwealth Share, Executive Order 90 (2009) made a Volume Cap Allocation to the Virginia Public School Authority ("VPSA") in an amount sufficient to cover QSCBs to be issued by VPSA to finance certain qualifying projects in certain localities that were on the Literary Fund First Priority Waiting List approved by the Virginia Board of Education. On November 13, 2009, VPSA issued its School Tax Credit Bonds (Qualified School Construction Bonds), Series

2009-1 (the "2009 VPSA QSCBs"), pursuant to such Volume Cap Allocation. The 2009 VPSA QSCBs consumed $61,120,000 of the 2009 Commonwealth Share.

Also from the 2009 Commonwealth Share, Executive Order 12 (2010) made a Volume Cap Allocation to VPSA in an amount sufficient to cover QSCBs to be issued by VPSA to finance certain qualifying projects in certain localities that went through a competitive evaluation process to finance energy efficiency improvements and renovations, as well as renewable energy projects, for public school buildings. The application process was supervised by the Virginia Department of Education ("VDOE") and the Virginia Department of Mines, Minerals and Energy. On July 8, 2011, VPSA issued its School Tax Credit Bonds (Direct-Pay Qualified School Construction Bonds), Series 2010-1 (the "2010 VPSA QSCBs"), pursuant to such Volume Cap Allocation. The 2010 VPSA QSCBs consumed an additional $72,655,000 of the 2009 Commonwealth Share.
After accounting for the issuance of the 2009 VPSA QSCBs and the 2010 VPSA QSCBs, there remains unused $57,302,000 of the 2009 Commonwealth Share. When combined with the completely unused $172,249,000 2010 Commonwealth Share, Virginia has $229,551,000 remaining in unused limitation amount, all of which has carried forward into calendar year 2011 (the "Carryforward Amount").

On March 2, 2011, VDOE announced the allocation of the entire Carryforward Amount to fully or partially fund 41 new construction, renovation, and expansion application-based projects in 33 school divisions. Allocations were capped at $15.0 million per division. The application process gave priority to consolidation projects, projects eliminating overcrowding, projects in economically stressed localities, projects replacing facilities more than 35 years old, projects creating school-wide, high-speed computer networks, and projects in divisions not receiving prior QSCB allocations. Priority was also given to projects related to health and safety and projects on the July 2010 first-priority waiting list for Literary Fund loans. It was anticipated that VPSA would issue the QSCBs supported by such allocation.

Since spend-down requirements for QSCBs under the IRC are stringent, and recognizing that some localities needed additional time to complete planning for their projects, VPSA offered the awarded localities the option to participate in one of two separate QSCB sales in calendar year 2011 and, if necessary, will schedule one or more additional sales in calendar year 2012.
VPSA is scheduled to sell the first calendar year 2011 QSCBs series (the "2011-1 QSCBs") by mid-June 2011, and to close by the end of June 2011.

The allocations to the school divisions and projects announced by VDOE on March 2, 2011, were deemed to be preliminary until the eligibility of each project for QSCB financing was determined through detailed project review. VDOE advised that prior to the sale of the applicable QSCBs, the final qualifying projects and project issuance amounts would be formally set out in an Executive Order. VDOE has advised me of the qualifying projects and maximum face amounts of QSCBs for each such project proposed to be included in the 2011-1 QSCBs. Such projects and the localities in which they are located will be referred to below respectively as the "2011-1 Awarded Projects" and the "2011-1 Awarded Localities." An additional Executive Order is anticipated to be issued prior to each future sale of QSCBs by VPSA.

Accordingly, by virtue of the powers invested in me by Article V of the Constitution of Virginia and Section 2.2-103 of the Code of Virginia of 1950, as amended, as Governor of the Commonwealth of Virginia, I hereby provide a Volume Cap Allocation to VPSA pursuant to IRC Section 54F(d)(1) from the Carryforward Amount in an amount sufficient for VPSA to issue QSCBs for the benefit of each of the 2011-1 Awarded Localities listed below in an aggregate face amount up to the respective maximum face amount listed below. Although it is anticipated that the 2011-1 Awarded Localities will participate in VPSA's 2011-1 QSCBs sale, the portion of the Volume Cap Allocation provided for any 2011-1 Awarded Locality will remain in effect and can be used in any VPSA QSCB sale until the expiration date described below. The first priority use of the sale and investment proceeds of such QSCBs (the "Local Available Project Proceeds") shall be to finance qualifying costs of the respective 2011-1 Awarded Projects, as listed below.

The 2011-1 Awarded Localities and 2011-1 Awarded Projects:

2011-1 Awarded Locality	**2011-1 Awarded Project**	**Maximum Face Amount**

Appomattox County	Expansion and renovation of Appomattox Primary	$ 10,000,000
Augusta County	Expansion and renovation of Wilson Elementary	7,500,000
City of Bristol	Construction of an ADA-compliant education/central office facility	3,000,000
Buckingham County	Expansion and renovation of Dillwyn Elementary and renovation of Dillwyn Lower Elementary	10,000,000
Caroline County	Expansion and renovation of Bowling Green Primary	6,000,000
Carroll County	Expansion and renovation of Carroll County Intermediate and Carroll County High	15,000,000
Henry County	HVAC upgrade at Magna Vista High; roof replacement at John Redd Smith Elementary and Sanville Elementary	3,400,000
City of Hopewell	Expansion and renovation of Hopewell High	5,000,000
Isle of Wight County	Construction of New Windsor Middle	7,500,000

In addition, pursuant to the request of the affected localities, VDOE and VPSA staff, I hereby provide Volume Cap Allocations from the Carryforward Amount directly to certain localities to finance on a first-priority basis certain projects in the maximum face amounts set forth in the chart below.

The Separate Awarded Localities and the Separate Awarded Projects:

Separate Awarded Locality	**Separate Awarded Project**	**Maximum Face Amount**
City of Buena Vista	Renovation of Parry McCluer Middle	$ 510,000
City of Norfolk	Construction of new Crossroads Elementary	7,500,000
City of Richmond	Expansion and Renovation of Martin Luther King, Jr. Middle	7,500,000

The above-listed localities and projects shall be referred to herein separately as the "Separate Awarded Localities" and "Separate Awarded Projects" and, collectively with the 2011-1 Awarded Localities and the 2011-1 Awarded Projects, as the "Awarded Localities" and "Awarded Projects," respectively. The sale and investment proceeds of the QSCBs issued by the Separate Awarded Localities shall also be referred to as "Local Available Project Proceeds."

An Awarded Locality must give first priority to the application of its Local Available Project Proceeds to complete the scope of work described in the approved project application for its Awarded Project. VDOE is directed to establish a procedure to ensure that the Local Available Project Proceeds are used to finance public school projects within an Awarded Locality ("Additional Projects") to the extent such proceeds are in excess of the amounts needed to complete the scope of work on the locality's Awarded Project. Such Additional Projects (i) must be projects that will qualify for QSCB financing under the applicable provisions of federal and Virginia law, (ii) must be able to utilize the unspent Local Available Project Proceeds within the three years after the issue date of the respective QSCBs and (iii) should be evaluated against the following criteria: consolidation projects, projects eliminating overcrowding, projects replacing facilities more than 35 years old, and projects creating school-wide, high-speed computer networks.

By June 30, 2012, VPSA and the Separate Awarded Localities shall provide to the Superintendent of Public Instruction the completed Internal Revenue Service reporting form or forms (then in effect for the QSCBs) for those QSCBs issued pursuant to the Volume Cap Allocations made to VPSA and the Separate Awarded Localities pursuant to this order. Any portion of such Volume Cap Allocations not used by June 30, 2012 will expire and be deemed waived by the VPSA and the Separate Awarded Localities, and I will direct VDOE to establish procedures for reallocating the waived Volume Cap Allocations.

I hereby authorize the Superintendent of Public Instruction to provide certificates of compliance with IRC Section 54F(c) as may be requested by the VPSA and any of the Separate Awarded Localities.

Effective Date of the Executive Order

This Executive Order shall be effective as of June 10, 2011, without any further act or filing.
Given under my hand and under the Seal of the Commonwealth of Virginia this 10th day of June, 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SIX (2011)

MOVING TOWARD ALTERNATIVE FUEL SOLUTIONS FOR STATE-OWNED VEHICLES

Importance of the Issue

The Commonwealth of Virginia owns thousands of vehicles powered primarily by gasoline or diesel fuels blended from foreign oil. In addition to contributing to our nation's dependence on foreign sources of oil, they also release emissions into our environment.

Today, there are vehicles on the market, and others in design and testing for entry into the market in the near future, that can operate on fuels other than gasoline and diesel fuel. These alternative fuel vehicles can and should be used by the Commonwealth to reduce the Commonwealth's dependence on foreign oil and increase reliance on domestic fuel sources with reduced emissions.

Although alternative fuel vehicles, such as natural gas, propane, electric, biodiesel, and ethanol, are available and operating on our roads today, the available refueling infrastructure for these vehicles is limited. Without sufficient infrastructure to provide adequate refueling options to alternative fuel vehicle owners, our ability to make a meaningful difference in our consumption of foreign oil is similarly limited.

In order to support expansion of alternative fuel vehicle marketsand to reduce Virginia's dependence on foreign oil, I proposed legislation to the 2011 session of the General Assembly that passed unanimously to require a plan for moving the state's vehicles to alternative fuels. The plan must be completed for my review and approval on or before January 1, 2012, must address alternative fuel infrastructure, and set out a path for reducing the Commonwealth's reliance on foreign oil.
An effective strategy for achieving the goals set by the plan should include participation by industry and businesses that are leading the research and innovation in alternative fuel technology, infrastructure, and vehicle manufacturing. A Commonwealth-wide alternative fuel solution will not only benefit state and local public entities but, if positioned properly, will also benefit citizens and visitors to the Commonwealth that own alternative fuel vehicles and would like to use them as they travel throughout our beautiful state. We may also be able to partner in support of Virginia businesses that would like to make a similar transition to alternative fuel vehicles.

Plan for Moving Toward a Statewide Alternative Fuel Solution

In April 2011, I directed the Department of General Services (DGS) and the Department of Mines, Minerals, and Energy (DMME) to develop a survey document to collect data on state-owned vehicles, including information on the types, locations, uses and fueling habits of those vehicles. I asked that they work closely with the Virginia Municipal League (VML) and the Virginia Association of Counties (VaCO), to survey local governments to gather similar information concerning local

government fleets across the Commonwealth. At my request, DGS and DMME also investigated fuel infrastructure availability around the Commonwealth, types and costs of alternative fuel vehicles available in the marketplace, the availability and cost efficiency of alternative fuels (natural gas, propane, electricity, biodiesel, ethanol, and hydrogen), and interest from private sector alternative fuel providers, infrastructure vendors, vehicle manufacturers, commercial fleet operators and other industry experts in investing in alternative fuels solutions.

Specific Directives

As a result of this investigation and analysis, in fulfillment of the obligation created by HB2282's amendment of Virginia Code § 2.2-1176 B, and by this Executive Order, I hereby direct release of a Public-Private Partnership solicitation, in accordance with the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002 (§56.575.1), no later than July 22, 2011. At a minimum the PPEA solicitation should set out:

- the Commonwealth's interest in partnerships with and among alternative fuel source providers, infrastructure developers, vehicle manufacturers, and other industry leaders to expand alternative fuels refueling infrastructure, and provision of alternative fuel vehicles to support the Commonwealth's vehicle pools and fleets;
- the need for short- (within next 2 years), mid- (between 2 and 5 years), and long- term (5 to 10 years) alternative fuel solutions;
- that state-owned vehicles and other state resources may be available as part of a public-private partnership aimed at expansion of alternative fuel solutions;
- that private sector teams may provide any variety of project elements, including planned conversion or purchase of vehicles, addressing specific vehicle fleets and uses, at individual, several or all locations across the Commonwealth;
- that proposals must include a plan for maintenance of infrastructure equipment, fuel sources, and vehicles or means to guarantee proposed solutions will remain in operational state for at least the time period of the alternative fuel proposal;
- the need for training and certification opportunities for personnel working with alternative fuel technologies;
- a request for strategies that will be used to rollout proposed solutions to targeted fleets including an implementation timeline;
- that proposals should provide a plan for fueling for the life of the vehicles and if a bi-fuel system is proposed, a strategy should be included to compel use of cleaner, cheaper domestic fuels over imported fuels when financially viable;
- that local public entities and other fleets such as federal government and business fleets might be included in a partnership to enhance the effectiveness and benefits of any proposal;
- how citizens of the Commonwealth and visitors passing though the Commonwealth that operate alternative fuel vehicles might benefit from alternative fuel solutions proposal;
- the need to address the environmental advantages and disadvantages of the proposed solution;
- that each proposal must provide detailed operational and cost feasibility analysis of implementing the proposed partnership; and
- a description of the data gathered about current state and local vehicle inventories and uses, and available infrastructure, together with directions for accessing that data to support the development of proposals.

I am also directing the Department of General Services and the Department of Mines, Minerals, and Energy to brief my Secretary of Administration, Senior Advisor on Energy and the Secretary of Finance monthly on the progress of this initiative, beginning in August 2011 and to make a recommendation(s), pursuant to the PPEA process, no later than the end of May 2012, on the best available path ahead for moving state vehicles to alternative fuels and whether the goal should be accomplished through a formal PPEA agreement.

If it is determined that implementation of a proposed PPEA solution is practicable and financially viable, considering available infrastructure, the location and use of vehicles, capital and operating costs, and potential for fuel savings, negotiations towards a PPEA agreement(s) will commence with a target completion date of July 2012.

Finally, I direct all agencies, institutions and offices of the Commonwealth to cooperate in every way possible with this effort, contribute their ideas and lend their support and resources as we move forward with this ground breaking initiative.

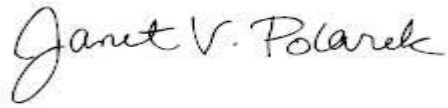
This is an opportunity for the Commonwealth's public and private sectors, industry leaders and innovators to work collaboratively to move state government away from vehicles fueled by gasoline and diesel fuel and reduce our dependence on foreign oil. Virginia has an opportunity to lead the nation as the first state fully commited to making a substantial contribution to our nation's energy independence from foreign oil.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2014, 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 July, 2011.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SEVEN (2011)

CONTINUING THE VIRGINIA INDIAN COMMEMMORATIVE COMMISSION

Importance of the Issue

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, Powhatan, 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 continued 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 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 act in such matters, I hereby continue the Virginia Indian Commemorative Commission.

Composition of the Commission

The Virginia Indian Commemorative Commission shall consist of the Governor, the Lieutenant Governor of Virginia, the Speaker of the House of Delegates, or their respective designees, 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 Chairwoman of the Senate Committee on Rules, two citizen 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 members who shall be representatives of Virginia Indians to be appointed by the Governor, and the Executive Director of the Virginia Capitol Foundation. Additional members may be appointed at the Governor's discretion. The Virginia Council on Indians shall provide staff support for the Commission. 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 expenses incurred in the discharge of their official duties.

Charge for the Commission

The Commission shall determine and recommend to the General Assembly an appropriate monument in Capitol Square to commemorate the life, achievements, and legacy of American Indians in the Commonwealth. The Commission shall 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 compensation and reimbursement of members, estimated to be $5,000.00, 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 501c(3) status for fundraising purposes. 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, beginning on December 1, 2011.

This Executive Order rescinds Executive Order 100 (2009), becomes 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 23 day of August, 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-EIGHT (2011)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO A 5.8 MAGNITUDE EARTQUAKE AND AFTERSHOCKS AFFECTING LOCALITIES THROUGHOUT VIRGINIA

Importance of the Issue

On August 23, 2011, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on a 5.8 magnitude earthquake occurring on August 23, 2011 and a series of aftershocks that affected localities 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 earthquake 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 August 23, 2011, 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 alleviate any conditions resulting from significant 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.

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 to others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The 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, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the *Code of Virginia*.

E. 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.

All over width loads, up to a maximum of 12 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 worked for carriers when transporting passengers, property, equipment, food, fuel, construction materials, and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the *Code of Virginia* 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.

F. The discontinuance of provisions authorized in paragraph E 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.

G. The authorization of a maximum of $100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

H. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28(b) of the *Code of Virginia*. Section 44-146.24 of the *Code of*

Virginia also applies to the disaster activities of state agencies.

I. Designation of members and personnel of volunteer, auxiliary, and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads, Civil Air Patrol, member organizations of the Voluntary Organizations Active in Disaster, Radio Amateur Civil Emergency Services, volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps, Citizen Emergency Response Teams, 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.

J. The authorization of appropriate oversight boards, commissions, and agencies to ease building code restrictions and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting, and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

K. 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.

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 shall be paid from state funds and/or federal funds. In addition, up to $100,000 shall be made available for state response and recovery operations and incident documentation, with the Department of Planning and Budget overseeing the release of these funds.

Effective Date of this Executive Order

This Executive Order shall be effective retroactively to August 23, 201l, and shall remain in full force and effect until June 30, 2012, unless sooner amended or rescinded by further executive order. Given under my hand and under the Seal of the Commonwealth of Virginia, this 31st day of August, 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-NINE (2011)

MULTIDICIPLINARY TASKFORCE ON ECONOMIC COMPETITIVNESS AND VERSATILITY

Importance of the Issue

The Commonwealth of Virginia continues to be recognized by many as the most business-friendly, entrepreneurial, and dynamic economy in the nation. Maintaining this status requires the constant monitoring of market forces; agile adaptation to new information; vigilance against new programs and trends that would extend government beyond core services; and swift response even to risk factors outside of our immediate legislative or budgetary control. Modern Virginians are the beneficiaries of over a century of sound fiscal management and we will pass that good inheritance to future generations. Virginia has held its treasured AAA bond rating from each of the three rating agencies longer than any other state in the Union.

Today we are faced with the stark reality that our federal government has not followed Virginia's example of thrift, moderation, and restraint. For the first time, the credit rating of the world's greatest economy has been downgraded by at least one rating agency. While we may doubt the wisdom and timing of that downgrade, there is no doubt that the size, scope, debt, and spending of the federal government has grown at an unconscionable and unsustainable pace. Because it has not lived within its means for decades, the federal government is now forced to take bold steps to change course. Virginia welcomes those necessary and inevitable federal budget reforms and will, as it has in every prior change of course in federal spending, do its part in preparing for the impact and come out stronger than before. That includes a continuing effort to diversify our state's economy into multiple high and long-term growth sectors.

The connection between Virginia and the federal government is well-known both politically and economically, but difficult to accurately quantify. Less than five percent of Virginia workers are federal employees; moreover, 92 percent of all the jobs created since February 2010 are in the private sector. Still "[t]he people of Virginia are acutely aware of the integral role military and national security facilities play in the economic vitality of the Commonwealth. The estimated $56 billion the Department of Defense alone is projected to spend in the Commonwealth in 2010 translates to business for Virginia and high-quality jobs for our citizens." (*Governor's Exec. Order No. 22(2010)*) In 2009, Virginia ranked first among the states in total per capita federal expenditures. The Commonwealth also ranked first in per capita spending for procurement, second in defense spending, fourth in salaries and wages, and fifth in retirement and disability payments. Conversely, Virginia ranked 39th in per capita federal spending for direct payments and next to last in per capita federal grant spending. Because of this wide diversity in the measurement of federal spending in Virginia, and because we do not know what form anticipated federal reforms will take, we have to take steps now to prepare for the potential impact on our revenue from personal withholdings and corporate income taxes, as well as the secondary impact on sales and other taxes. In addition, while we have a relatively low unemployment rate around 6 percent, there are far too many Virginians out of work. We must continue to focus our efforts on the expansion, retention, and recruitment of jobs.

Virginia will be vigilant in protecting the military and national security assets located in the Commonwealth as authorized in Executive Order 22, but must continuously seek new opportunities for growth. To that end, the Lieutenant Governor in his capacity as Chief Job Creation Officer, will be charged with leading a multidisciplinary taskforce to identify strategies to further strengthen the Commonwealth's economic diversity and competitiveness in light of future federal action.
To accomplish this, in accordance with the authority vested in me by Article V of the *Constitution of Virginia* and by Section 2.2-134 of the *Code of Virginia,* I hereby create the Multidisciplinary Taskforce on Economic Competitiveness and Versatility.

The Multidisciplinary Taskforce on Economic Competitiveness and Versatility

The Taskforce will consist of the Lieutenant Governor, the Secretary of Finance, the Secretary of Commerce and Trade, the Secretary of Technology, the Secretary of Veterans Affairs and Homeland Security, the Senior Economic Advisor, the Director of the Office of Intergovernmental Affairs, the

President and CEO of the Virginia Economic Development Partnership, as well as others appointed by the Governor who will serve at his pleasure and at his discretion.
The Multidisciplinary Taskforce's responsibilities shall include the following:

1. Analyze and report to the Governor the state of Virginia's workforce and its degree of versatility to respond to future contraction in federal spending, both in terms of individual regions and economic sectors.

2. Identify appropriate opportunities for further diversifying Virginia's economy to help reduce private sector reliance on federal spending and provide alternative employment for potentially displaced federal workers.

3. Receive from the private sector, economic development allies, institutions of higher education, legislators, elected officials, and other interested parties ideas for promoting Virginia's economic versatility and analyzing those ideas for further action by the Governor.

4. Manage the communication among the Commonwealth of Virginia, the Joint Select Committee on Deficit Reduction as established in the *Budget Control Act of 2011* (Public Law No: 112-25), and the Virginia congressional delegation relative to any budget reform proposals and their impacts on the Commonwealth.

5. Quantify and report to the Governor the impact to the Commonwealth, its subdivisions, and private industry of any such proposals to address the federal deficit.

6. Identify the regions, localities, and economic sectors most readily affected by federal contraction or budget reform proposals.

7. Support and foster collaboration among local and regional entities in identifying appropriate strategies for adaptation to changes in federal spending and policies.

8. Determine the best and most efficient manner to foster and promote business, technology, transportation, education, economic development and other efforts to support, attract and retain a broad array of new private sector businesses to the Commonwealth.

9. Determine, in conjunction with the Commission on National Security Facilities, the best and most efficient manner to foster and promote business, technology, transportation, education, economic development and other efforts to support and retain existing military and non-military national security facilities in the Commonwealth.

10. Inform the Governor on a regular basis on all pertinent findings and recommendations.

Multidisciplinary Taskforce Staffing and Funding

Necessary staff support for the Multidisciplinary Taskforce's work during its existence shall be furnished by the Office of the Governor and the Office of the Secretary of Commerce and Trade, and such other agencies and offices as designated by the Governor. An estimated 150 hours of staff time will be required to support the work of the Interagency Taskforce. No public funds will be expended in support of this Taskforce.

The Taskforce shall report quarterly, beginning on October 1, 2011, to the Governor and shall issue such other reports and recommendations as necessary or as requested by the Governor.
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Effective Date of the Executive Order

This Executive Order shall be effective upon its signing and pursuant to Section 2.2-135 of the *Code of Virginia* shall remain in force and effect until August 31, 2012, 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 September 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE OFDER NUMBER FORTY (2011)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE THREAT OF SIGNIFICANT FLOODING, HEAVY RAINS, AND WIND DAMAGE CAUSED BY HURRICANE IRENE

Importance of the Issue

On August 25, 2011, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Hurricane Center and National Weather Service forecasts projecting impacts from Hurricane Irene could cause damaging high winds, periods of heavy rainfall, and coastal and lowland flooding throughout the eastern portion of 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 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 August 25, 2011, 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 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 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, 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 Commonwealth of Virginia Emergency Operations Plan (COVEOP), and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence, and warning capabilities for the event, pursuant to § 44-146.18 of the *Code of Virginia*.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the *Code of Virginia*, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response, or recovery, pursuant to § 44-146.17(1) of the *Code of Virginia*, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation, and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State 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.

All over width loads, up to a maximum of 12 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 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 by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. 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.

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*. Section 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), Citizen 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.

M. The grant of authorization pursuant to § 44-146.17 of the *Code of Virginia* for localities to control ingress and egress at an emergency area, including the movement of persons within the area and the occupancy of premises therein, provided such locality has issued a declaration of emergency related to Hurricane Irene. This authority is granted as necessary for such locality to ensure the safety and security of its residents and may be exercised only for a period of up to 48 hours, or until 12:00 p.m. on August 29, 2011, whichever occurs first. This authority may be extended only upon specific request to the Governor.

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

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. Military vehicles of the Virginia National Guard and Virginia Defense Force are authorized to obtain fuel at Virginia Department of Transportation fueling facilities and pass through Virginia Department of Transportation operated toll facilities, all without charge.

5. 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.

6. 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*; and

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 paragraph 5 (a) above pertaining to the Virginia National Guard and in paragraph 6 (d) above pertaining to the Virginia Defense Force, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to $250,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

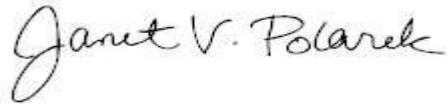
Effective Date of this Executive Order

This Executive Order shall be effective retroactively to August 25, 201l, and shall remain in full force and effect until June 30, 2012, 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 the 28th day of September, 2011.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-ONE (2011)

CONTINUING PREPAREDNESS INITIATIVES IN STATE GOVERNMENT AND AFFIRMATION OF THE COMMONWEALTH OF VIRGINIA EMERGENCY OPERATIONS PLAN

Importance of the Issue

The state government agencies and institutions of higher education of the Commonwealth of Virginia must continue to be prepared for all disasters. It is the responsibility of state government to provide for the well being of the citizens of the Commonwealth and to ensure the continuity of state government operations, including the delivery of essential state governmental services.
It continues to be vitally important that preparedness for all disasters be considered an essential common responsibility that each agency of the Commonwealth, including institutions of higher education, diligently maintains. The continued development and coordination of preparedness initiatives within state government will equip the Commonwealth with the tools necessary to help prevent, respond to, and recover from any disaster. I, therefore, direct that appropriate preparedness initiatives, as prescribed in this executive order, continue to be an essential component of the mission of each executive branch agency, including institutions of higher education, with priority being placed in the following areas:

Preparedness as an Agency Mission

With the obligation to protect the citizens of the Commonwealth as my primary duty, and by the virtue of authority vested in me by Article 5, Sections 1 and 7 of the Constitution of Virginia and by § 44-146.17 of the Code of Virginia, as Governor and Director of Emergency Management, I direct each executive branch agency of the Commonwealth, including institutions of higher education, to continue to include emergency preparedness planning and training as a core competence of their mission. This order affirms the continuing responsibility of each agency including institutions of higher education, to appoint an Emergency Coordination Officer (ECO) and at least one alternate. Under the guidance of the Emergency Coordination Officer, each agency shall maintain a current Continuity of Operations Plan as well as written Emergency Action Plans so that agencies are well prepared to respond to any disaster with full consideration given to the best interests of the protection of the citizens of the Commonwealth and its infrastructure. The Emergency Coordination Officer shall coordinate with the Department of Emergency Management with regard to Continuity of Operations Plan as well as training, testing and exercising the plan.

Preparedness Planning

Each executive branch agency, including institutions of higher education, shall continue to include emergency preparedness in its strategic planning and performance management process, pursuant to guidelines promulgated by, and posted on the web site of, the Secretary of Veterans Affairs and Homeland Security. These guidelines will be formulated in collaboration with the Governor's Cabinet, Homeland Security Working Group, the Department of Planning and Budget, and the Department of Emergency Management.

Preparedness as an Individual Responsibility

Preparedness, as a common good, continues to require executive branch agencies, including institutions of higher education, and their employees, to actively participate in the creation and promotion of a "Culture of Preparedness" within the Commonwealth. Consequently, I continue the directive that all state employees shall complete the prescribed Terrorism and Security Awareness Orientation course within ninety days after commencing state service. I further direct that all executive branch agencies including institutions of higher education ensure that individual training in DHRM-HR Policy - Preventing Workplace Violence is successfully completed by all new employees within ninety days after commencing state service. Both courses are offered online through the Commonwealth of Virginia Knowledge Center website. Additionally, any state employee including institutions of higher education, as authorized by their agency head, shall be permitted to participate in either the "State Safe" Community Emergency Response Team (CERT) training program offered by the Department of Emergency Management or any local CERT training program and participation shall be considered work time up to twenty two hours.

Emergency Coordination Officers

Under the leadership of the Secretary of Veterans Affairs and Homeland Security, in collaboration with the Virginia Department of Emergency Management and the Department of Human Resources Management, each agency and institution of higher education shall certify that their primary and alternate Emergency Coordination Officers, and any other appropriate personnel specifically

designated by the agency head, have completed the appropriate preparedness courses. These courses include FEMA independent study training courses IS-100.b (ICS100), IS-700.a (NIMS) and IS-800 (NRF) and are available through the Secretary of Veterans Affairs and Homeland Security website. Emergency Coordination Officers shall be responsible for the following duties as they relate to Emergency Operations Planning:

1. Be familiar with the contents of the Commonwealth of Virginia Emergency Operations Plan (COVEOP or "the Plan") available on the VDEM web site;
2. Prepare and maintain designated parts of the Plan for which the agency is responsible;
3. Prepare and maintain a written internal agency or institution of higher education plan and procedures to fulfill the responsibilities designated in the Plan;
4. Maintain a current roster of agency personnel designated to assist in disaster operations and ensure that personnel on the roster are accessible and available for training, exercises, and activations of the Plan;
5. Develop, adopt, and keep current a written Emergency Action Plan (consisting of building evacuation, shelter in place, active shooter and any other emergency response plans) with respect to executive branch agencies or a Crisis and Emergency Management Plan with respect to institutions of higher education;
6. Ensure that the Emergency Action Plan or Crisis and Emergency Management plan is coordinated with the appropriate local emergency management agency;
7. Coordinate with the Department of Emergency Management and local jurisdiction regarding emergency preparedness, response and recovery plans. Executive branch agencies and institutions of higher education shall be National Incident Management System (NIMS) compliant;
8. Successfully complete either the "State Safe" CERT training program offered by VDEM or a CERT training program offered locally for the purpose of attaining basic emergency response skills and team development;
9. Monitor the Secretary of Veterans Affairs & Homeland Security web site and comply with changes and updates to defined ECO preparedness requirements.

A Continuity of Operations Plan describes how an agency or institution of higher education will continue to provide essential services or perform mission essential functions during a disaster or other event that disrupts normal operations. Continuity of Operation planning is critical to the ability of the Commonwealth to continue to deliver valuable and essential services to its citizens during and immediately after a disaster. Therefore, to provide for consistent and uniform continuity planning, I continue the direction that Emergency Coordination Officers for each executive branch agency, including institutions of higher education, coordinate the following:

1. Utilize the resources available from the Virginia Department of Emergency Management for creating or updating Continuity of Operations Plans;
2. Annually create or update Continuity of Operation Plans to include relevant information and to conform to the most recent template produced by the Virginia Department of Emergency Management;
3. Conduct continuity awareness briefings (or other means of orientation) for all applicable personnel (including host or contractor personnel) on the agency Continuity of Operations Plan within sixty days of hire or placement;
4. Conduct annual training for agency leadership and all key personnel, including host or contractor personnel assigned to activate, support and sustain the Continuity Plan. The training must minimally include individual Continuity Plan duties, mission essential functions, and orders of succession;
5. Maintain a roster of agency personnel consistent with their Continuity of Operations Plan;
6. Executive branch agencies shall conduct an annual test or exercise of the Continuity of Operations Plan that includes alert, notification, and activation procedures for key personnel. Institutions of higher education shall conduct an annual functional exercise in accordance with Virginia Code § 23-9.2:9;
7. Complete an After Action Report (AAR) within three months of a Continuity Plan test, exercise, or actual event, and monitor the correction of identified deficiencies. These deficiencies shall also be corrected in a reasonable time frame as resources allow.

Assessing Continuity of Operations Plans

The process of creating or updating Continuity of Operations Plans shall be completed by each agency including institutions of higher education by April 1st of each year, with an electronic copy sent to the Virginia Department of Emergency Management. The Secretary of Veterans Affairs and Homeland

Security, in consultation with the Virginia Department of Emergency Management, is authorized to review executive branch agencies' including institutions of higher education's Continuity of Operations Plans by October 31st each year.

A report on the status of the Commonwealth's executive branch agency's Continuity of Operations Plans, prepared by the Secretary of Veterans Affairs and Homeland Security in collaboration with the Virginia Department of Emergency Management, will be due to me annually by no later than December 31st of each year.

Annual Preparedness Assessment

I continue to authorize the Secretary of Veterans Affairs and Homeland Security in collaboration with any other executive branch agency deemed to be appropriate, to create, devise, and disseminate an annual preparedness assessment for executive branch agencies as well as an assessment for institutions of higher education in order gauge the overall level of preparedness in the following major areas of emphasis; physical security, continuity of operations planning, information technology security, document protection, human resources preparedness, training, and interoperable communications. The purpose of conducting such assessments shall be to identify deficiencies in these major preparedness areas of emphasis and to devise solutions to address those areas of needed improvement.

All executive branch agencies and institutions of higher education, through their Emergency Coordination Officer, shall complete their respective annual preparedness assessment by October 31st of each year. The Secretary of Veterans Affairs and Homeland Security will provide a report summarizing the results of the assessments to include areas of strength as well as areas in need of improvement to me by December 31st of each year.

Governor's Certification Program

The Secretary of Veterans Affairs and Homeland Security is to continue to certify whether or not each agency, through their Emergency Coordination Officer, has annually updated all of its emergency plans and procedures in all appropriate respects. I continue the authorization to the Secretary of Veterans Affairs and Homeland Security, in collaboration with any other executive branch agency deemed to be appropriate, to design, modify and administer the criteria for a Governor's Preparedness Certification Program designed to recognize those agencies and institutions of higher education that represent exemplary preparedness initiatives among state government.

Commonwealth of Virginia Emergency Operations Plan

Furthermore, by virtue of the authority vested in me by Section 44-146.17 of the Code of Virginia as Governor and as Director of Emergency Management, I hereby affirm the Commonwealth of Virginia Emergency Operations Plan ("the Plan") 2007 as updated by the Department of Emergency Management in April of 2011. The Plan provides for state government's response to emergencies and disaster wherein assistance is needed by affected local governments in order to save lives; to protect public health, safety, and property; to restore essential services; and to enable and assist with economic recovery.

The Plan is developed in accordance with the Commonwealth of Virginia Emergency Services and Disaster Law of 2000 (Chapter 3.2, Title 44 of the Code of Virginia, as amended), the National Incident Management System as implemented in the National Response Framework (2008), and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended) along with its implementing regulations.

The State Coordinator of Emergency Management, on behalf of the Governor, is hereby authorized to activate the Commonwealth of Virginia Emergency Operations Center ("Virginia EOC") in order to direct and control state government emergency operations. Augmentation of the Virginia EOC shall constitute implementation of the Plan.

Furthermore, the State Coordinator of Emergency Management is hereby authorized, in coordination with the Governor's Office, to amend the Plan as necessary in order to achieve the Preparedness Goals and Initiatives of the Nation and this Commonwealth and in accordance with the Commonwealth of

Virginia Emergency Services and Disaster Law of 2000 (Chapter 3.2, Title 44 of the Code of Virginia, as amended).

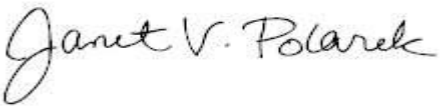
Effective Date of the Executive Order

This Executive Order rescinds and replaces Executive Order Number Forty-Four (44) issued on January 12, 2007, by Governor Tim Kaine. Additionally, Executive Order Number Sixty (60) issued on December 21, 2007, by Governor Tim Kaine is also rescinded to the extent it establishes and assigns duties to agencies and colleges and universities related to the emergency coordination officer. This Executive Order shall be effective upon its signing and shall remain in full force and effect unless amended or rescinded by further executive order.

Given under my hand and the Seal of the Commonwealth of Virginia this 30th day of September, 2011.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-TWO (2011)

ALLOCATION OF A PORTION OF THE COMMONWEALTH'S SHARE OF THE CALENDAR YEAR 2009 AND 2010 NATIONAL LIMITATION FOR QUALIFIED SCHOOL CONSTRUCTION BONDS UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Importance of the Issue

The American Recovery and Reinvestment Act of 2009 (Pub. L. No. 111-5, 123 Stat. 355 (2009)) was enacted on February 17, 2009 ("ARRA"). ARRA added Section 54F to the Internal Revenue Code of 1986, as amended, ("IRC") to provide for the issuance of qualified school construction bonds ("QSCBs"). QSCBs are tax credit bonds that may be issued to finance the construction, rehabilitation, or repair of a public school facility or for qualifying public school facility land acquisitions ("Qualified Projects"). QSCBs were originally designed as taxable bonds providing the QSCB holder with a federal tax credit in lieu of interest. In the Hiring Incentives to Restore Employment Act (Pub. L. No. 111-147, 124 Stat. 71 (2010)), enacted March 18, 2010, Congress provided a direct payment subsidy option whereby an issuer of QSCBs could elect to receive a subsidy payment from the federal government on each interest payment date intended to be equal to the amount of coupon interest payable on such date.

A condition for the valid issuance of QSCBs is the receipt of an allocation of the national limitation under IRC Section 54F(c) sufficient to cover the maximum face amount of the QSCBs to be issued (a "Volume Cap Allocation"). IRC Section 54F created a national limitation of $11 billion for each of calendar years 2009 and 2010, with a provision allowing carryforwards of any unused limitation amounts to calendar years after 2010. The U.S. Secretary of the Treasury made allocations of the

calendar year 2009 and 2010 national limitation amounts to the states and certain "large local education agencies" in accordance with the formulae set forth in IRC Section 54F. Pursuant to Notice 2009-35 of the Internal Revenue Service (IRB 2009-17, dated April 27, 2009), the share of the calendar year 2009 national limitation allocated to the Commonwealth of Virginia (the "Commonwealth" or "Virginia") is $191,077,000 (the "2009 Commonwealth Share") and, pursuant to Notice 2010-17 (IRB 2010-14, dated March 17, 2010), the share of the calendar year 2010 national limitation allocated to the Commonwealth is $172,249,000 (the "2010 Commonwealth Share"). IRC Section 54F(d)(1) provides that the national limitation amount allocated to a state for any calendar year shall be allocated by a "state agency" to qualified issuers within the state. The General Assembly has provided no specific guidance on how such allocations are to be made in Virginia. Reference is made to Executive Order 34 (2011), issued June 10, 2011 ("Executive Order 34") for the prior applications of the 2009 and 2010 Commonwealth Shares and the determination of the basis on which the below-described allocations are being made. Unless otherwise defined herein, each capitalized term used below has the meaning given it in Executive Order 34.

As of the date of this Executive Order, the amount remaining (the "Carryforward Amount") from the 2009 and 2010 Commonwealth Shares is $162,151,000.

On March 2, 2011, the Virginia Department of Education ("VDOE") announced the allocation of the entire remaining 2009 and 2010 Commonwealth Shares to fully or partially fund 41 new construction, renovation, and expansion application-based projects in 33 school divisions. Such announcement will be referred to below as the "VDOE Announcement."

On June 28, 2011, the Virginia Public School Authority (“VPSA”) issued its first calendar year 2011 QSCBs series with a Volume Cap Allocation made pursuant to the VDOE Announcement and finalized pursuant to Executive Order 34.

VPSA is scheduled to issue the second calendar year 2011 QSCBs series (the "2011-2 QSCBs") by mid-December 2011.

By the terms of the VDOE Announcement, the allocations to the school divisions and projects were deemed to be preliminary until the eligibility of each project for QSCB financing was determined through detailed project review. The VDOE Announcement indicated that prior to the sale of the applicable QSCBs, the final qualifying projects and project issuance amounts would be formally set out in an Executive Order. VDOE has advised me of the qualifying projects and maximum face amounts of QSCBs for each such project proposed to be included in the 2011-2 QSCBs. Such projects and the localities in which they are located will be referred to below respectively as the "Awarded Projects" and the "Awarded Localities." An additional Executive Order is anticipated to be issued prior to each future sale of QSCBs by VPSA.

Accordingly, by virtue of the powers invested in me by Article V of the Constitution of Virginia and § 2.2-103 of the *Code of Virginia* of 1950, as amended, as Governor of the Commonwealth of Virginia, I hereby provide a Volume Cap Allocation to VPSA pursuant to IRC Section 54F(d)(1) from the Carryforward Amount in an amount sufficient for VPSA to issue QSCBs for the benefit of each of the Awarded Localities listed below in an aggregate face amount up to the respective maximum face amount listed below. Although it is anticipated that the Awarded Localities will participate in VPSA's 2011-2 QSCBs sale, the portion of the Volume Cap Allocation provided for any Awarded Locality will remain in effect and can be used in any VPSA QSCB sale until the expiration date described below. The first priority use of the sale and investment proceeds of such QSCBs (the "Local Available Project Proceeds") shall be to finance qualifying costs of the respective Awarded Projects listed below.

The Awarded Localities and Awarded Projects:

Awarded Locality	**Awarded Project**	**Maximum Face Amount**
Albemarle County	Addition to Mary Carr Greer Elementary	$ 2,000,000
Charlotte County	Renovation of Randolph Henry High	1,500,000
City of Chesapeake	Expansion and renovation of Indian River High	5,000,000

Dickenson County	Construction of new consolidated middle/high school	10,000,000
Essex County	Expansion and renovation of Essex High	10,000,000
City of Falls Church	Expansion and renovation of Thomas Jefferson Elementary	3,000,000
Fauquier County	Expansion and renovation of Fauquier High	10,000,000
Frederick County	New pupil transport facility	7,000,000
Gloucester County	Purchase land for new middle school site	500,000
King George County	Renovation of Potomac Elementary	5,000,000
Loudoun County	Construction of new Leesburg-area elementary school	5,000,000
Lunenburg County	Expansion and renovation of Central High	5,000,000
City of Martinsville	Expansion of Martinsville High	10,500,000
Montgomery County	Construction of new Blacksburg High	15,000,000
Richmond County	Conversion and renovation of existing high school building as new Richmond County Intermediate	5,000,000
Rockbridge County	Expansion and renovation of Maury River Middle	7,500,000
Smyth County	Construction of new elementary school and renovation of Smyth-Marion Primary	9,500,000
City of Suffolk	Construction of new elementary school	7,500,000
Williamsburg-James City County	Expansion of Jamestown High	1,000,000
Wise County	Construction of new consolidated high school	15,000,000

An Awarded Locality must give first priority to the application of its Local Available Project Proceeds to complete the scope of work described in the approved project application for its Awarded Project. VDOE is directed to establish a procedure to ensure that the Local Available Project Proceeds are used to finance public school projects within an Awarded Locality ("Additional Projects") to the extent such proceeds are in excess of the amounts needed to complete the scope of work on the locality's Awarded Project. Such Additional Projects (i) must be projects that will qualify for QSCB financing under the applicable provisions of federal and Virginia law; (ii) must be able to utilize the unspent Local Available Project Proceeds within the three years after the issue date of the respective QSCBs; and (iii) should be evaluated against the following criteria: consolidation projects, projects eliminating overcrowding, projects replacing facilities more than 35 years old, and projects creating school-wide, high-speed computer networks.

Any locality receiving a Volume Cap Allocation under the VDOE Announcement may waive its allocation by notifying VDOE in writing. VDOE is authorized to reallocate any waived Volume Cap Allocations to address emergency situations in any school division arising from: the 5.8 magnitude earthquake that occurred on August 23, 2011; Hurricane Irene; or other bona fide emergency situation significantly affecting the condition of a public school building. Any such reallocation will be effective until the June 30, 2012, expiration date described below. In addition, as approved by VDOE, an Awarded Locality may apply all or a portion of its Local Available Project Proceeds to an alternative school project where the condition of such school has been significantly affected by a bona fide emergency situation. Any project undertaken pursuant to this paragraph shall be a project that will qualify for QSCB financing under federal and Virginia law.

By June 30, 2012, VPSA shall provide to the Superintendent of Public Instruction the completed Internal Revenue Service reporting form (or forms) then in effect for the QSCBs for those QSCBs issued pursuant to the Volume Cap Allocations made to VPSA pursuant to this order. Any portion of such Volume Cap Allocations not used by June 30, 2012 will expire and be deemed waived by the VPSA, and I will direct VDOE to establish procedures for reallocating the waived Volume Cap Allocations.

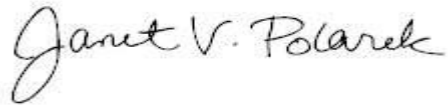
I hereby authorize the Superintendent of Public Instruction to provide certificates of compliance with IRC Section 54F(c) as may be requested by VPSA.

Effective Date of this Executive Order

This Executive Order shall be effective as of November 22, 2011, without any further act or filing. Given under my hand and under the Seal of the Commonwealth of Virginia this 22nd day of November, 2011.

Robert F. McDonnell, Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-THREE (2011)

CONTINUING THE STATEWIDE AGENCIES RADIO SYSTEM (SARA)

I. Importance of the Initiative

It is essential that a statewide system of integrated radio and wireless data communication be maintained for state agencies engaged in public protection and safety and for the mutual aid needs of state and local law enforcement agencies.

The management structure of a statewide radio system that is shared between numerous agencies that provide public protection and safety services poses considerable challenges. To meet the needs of all potential users, the managing entity must establish and provide formal communication avenues for users of the system to report system problems and to provide valuable input to the design of the system and its efficient operations and troubleshooting.

In order to be effective, a statewide radio system must meet the needs of a diverse group of agencies and localities. Therefore, appropriate entities, composed of Secretarial representation for each of the participating agencies, must be established and empowered to oversee policy and direction for the system. Also, a maintenance and operation unit has been established to manage, maintain, and operate the reliable integrated radio communications system.

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 2.2-103 of the *Code of*

Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the initiative to accomplish the goals of the Statewide Agencies Radio System (STARS).

Pursuant to Chapter 3, Title 52, of the *Code of Virginia*, I hereby continue the initiatives associated with the Statewide Agencies Radio System (STARS) to meet the need for an integrated radio and wireless data communications system for state agencies engaged in public protection and safety and for interconnection between state and local police communication systems at the city and county level. As part of this initiative, I hereby continue the STARS Management Group (hereinafter called the "Management Group"), and STARS Project Management Team (hereinafter called the "Management Team"), and the User Agency Requirements Committee (hereinafter called "UARC").

II. STARS Membership

The STARS membership shall be composed of the following state agencies, and any other state agencies or institutions and local government agencies or institutions that the Management Group approves:
Chesapeake Bay Bridge and Tunnel Police,
Department of Agriculture and Consumer Services,
Division of Charitable Gaming,
Department of Alcoholic Beverage Control,
Division of Capitol Police,
Department of Conservation and Recreation,
Department of Corrections,
Department of Emergency Management,
Department of Environmental Quality,
Department of Fire Programs,
Department of Forestry,
Department of Game and Inland Fisheries,
Department of Health,
Department of Juvenile Justice,
Department of Military Affairs,
Department of Mines, Minerals, and Energy,
Department of Motor Vehicles,
Department of State Police,
Department of Transportation,
Virginia Information Technologies Agency,
Virginia Marine Resources Commission, and
Virginia Port Authority.
Withdrawal by state agencies and institutions from STARS shall be only upon approval of the Management Group.

III. STARS Management Group

The Management Group shall provide overall direction and governance for the development, implementation, and ongoing operation of STARS.

A. Composition of the Management Group

The Secretaries of Public Safety, Technology, Transportation, Natural Resources, Commerce and Trade, Health and Human Resources, Agriculture and Forestry, Finance and Veterans Affairs and Homeland Security shall serve as members of the Management Group.
The Secretary of Public Safety shall serve as chair of the Management Group. The chair of the Management Group shall have the power to set meetings and make assignments to members of the user group established below.

B. Duties of the Management Group:
The specific duties of the Management Group are to:

- Provide direction and overall governance for the STARS, including communications privacy and security,
- Review all procurements and contracts relating to the STARS,

- Coordinate and assign radio frequency licenses granted by the federal government to agencies of the Commonwealth, and
- Promote interagency cooperation and coordination in the use of communications resources.

The Management Group shall also designate and oversee the Management Team.

IV. STARS Project Management Team

The Management Team shall provide staff for overall direction and governance for the development, implementation, and ongoing operation of STARS.

A. Composition of the Management Team:

The Management Team shall consist of persons with project management, electrical engineering, civil engineering, communications technology, procurement, contract administration, and accounting expertise.

B. Duties of the Management Team:

The Management Team shall be responsible for maintaining a comprehensive management plan and procedures for the use and operation of STARS. It shall also be responsible for resolving general operating issues between STARS users. Any issues that can not be resolved by the Management Team shall be addressed by the Management Group.

V. STARS User Agency Requirements Committee (UARC)

A user group called the User Agency Requirements Committee (UARC), consisting of representatives from each member agency and institution, shall assist the Management Team. The Management Group shall select the chairman. The STARS Program Director serves as the co-chairman of UARC.

A. Composition of UARC:

The head of each member agency and institution shall appoint one member of their respective staffs and a designated alternate to serve on UARC.

B. Duties of UARC:

The User Group shall assist the Management Team by establishing such operating procedures, executive committee, and subcommittees, as it deems appropriate to carry out its work. UARC shall meet as necessary, but at least quarterly.

The specific duties of UARC are to:

- Advise of the needs of member agencies for the maintenance and operation of STARS.
- Provide advice on proposals for other federal, state, or local agencies to join STARS and on any proposals for third party use of any STARS infrastructure or component, and
- Assist the Management Team with the maintenance of a comprehensive management plan and procedures for the use and operation of STARS. The management plan and any changes thereto shall be subject to review and approval by the Management Group.

VI. STARS Procurement

As provided in Item 457 of the 2002 Appropriation Act (Chapter 899 of the 2002 Acts of Assembly), the Commonwealth entered into a Contract with Motorola on July 13, 2004, for the design, construction, and implementation of STARS with the approval of the Governor and the General Assembly.

The Secretary of Public Safety, with the assistance of the Secretary of Finance, the Secretary of Technology, the Department of Planning and Budget, and the Treasurer, continues the oversight for the financing of STARS.

The Management Group shall report on the status of STARS, including the status of any contract negotiations within the limitations of the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the *Code of Virginia*) to the Governor and General Assembly by January 1 of each year.

VII. Effective Date of this 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 the Seal of the Commonwealth of Virginia on this 9th day of December 2011.

Robert F. McDonnell, Governor

Attest:

Secretary of the Commonwealth

WRITS

COMMONWEALTH of VIRGINIA

Executive Department

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE CITY OF DANVILLE AND COUNTIES OF CAMPBELL, FRANKLIN, AND PITTSYLVANIA, VIRGINIA:

WHEREAS, a vacancy has occurred in the Senate of Virginia from the Nineteenth Senate District, composed of all of the City of Danville, all of the County of Franklin, all of the County of Pittsylvania, and part of the County of Campbell, occasioned by the resignation of the Honorable Robert Hurt;

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in this district on Tuesday, January 11, 2011, for a member of the Senate of Virginia to fill the vacancy. The last day for filing as a candidate for such office in said election shall be Wednesday, November 24, 2010, at 12:00 p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 22nd day of November, two thousand and ten, and in the 235th year of the Commonwealth.

Robert F. McDonnell
Governor of Virginia

By the Governor of Virginia

Janet V. Polasek
Secretary of the Commonwealth

COMMONWEALTH of VIRGINIA

Executive Department

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE CITY OF SALEM AND COUNTY OF ROANOKE, VIRGINIA:

WHEREAS, a vacancy has occurred in the House of Delegates of Virginia from the Eighth House District, composed of all of the City of Salem and part of the County of Roanoke, occasioned by the resignation of the Honorable H. Morgan Griffith;

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in this district on Tuesday, January 11, 2011, for a member of the House of Delegates to fill the vacancy. The last day for filing as a candidate for such office in said election shall be Wednesday, November 24, 2010, at 12:00 p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 22nd day of November, two thousand and ten, and in the 235th year of the Commonwealth.

Robert F. McDonnell
Governor of Virginia

By the Governor of Virginia

Janet V. Polarek
Secretary of the Commonwealth