Gubernatorial Documents

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER ONE (06)

EQUAL OPPORTUNITY

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

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

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

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

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

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

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

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWO (06)

COMMUNITY INTEGRATION FOR VIRGINIANS WITH DISABILITIES

Importance of the Issue

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

Community Integration Implementation Team

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

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

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

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

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

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

Oversight Advisory Board

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

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

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

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

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

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

Director of Community Integration for People with Disabilities

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THREE (06)

CONTINUING THE CIVIL RIGHTS MEMORIAL COMMISSION

Importance of the Issue

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

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

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

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

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

Continuation of the Commission

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

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

Charge for the Commission

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOUR (06)

AUTHORITY AND RESPONSIBILITY OF THE CHIEF OF STAFF

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

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

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

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

   a. Final determination with respect to employee compensation plans;
   b. Submission of reports to the General Assembly by the Governor as required by law;

c. Issuance, amendment, or suspension of the Rules for the Administration of the Virginia Personnel Act;
d. Final action on appeals from appointing authorities to the Governor; and
e. Appointment of the Director of the Department of Human Resource Management.

3. To review, in the event of my absence or unavailability, major planning, budgetary, personnel, policy, and legislative matters that require my decision.

4. To review, in the event of my absence or unavailability, policy differences which may arise among or between my Secretaries.

5. To act as chief liaison officer with members of the General Assembly of Virginia.

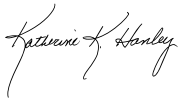
6. To act as Senior Executive Assistant with responsibilities that include, but are not limited to, the direction and supervision of the Governor's Office, as well as budgetary and personnel authority for the office.

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

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

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIVE (06)

DELEGATION OF CERTAIN AUTHORITY CONFERRED BY GENERAL OBLIGATION BOND ACTS

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIX (06)

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

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

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters.
2. Use of this delegation is contingent upon my being outside the borders of the Commonwealth of Virginia and unable to be reached so as to give my approval for the declaration of a state of emergency, as defined in Section 44-146.16 of the Code of Virginia, or use of the Virginia National Guard.
3. This delegation is strictly standby in nature, to be held in abeyance until such time as there may be explicit circumstances involving an emergency whereby human lives and public and private property are threatened in the event of natural or man-made emergencies or disasters.
4. If the authority granted under this order is used, I am to be informed of such use as soon as practicable.
   This Executive Order rescinds Executive Order 4 (2002) issued on January 12, 2002, by Governor Mark R. Warner. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2010, unless amended or rescinded by further executive order.

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVEN (06)

ESTABLISHING THE START STRONG COUNCIL

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

Start Strong Council

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

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

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

The Council shall have the following powers and duties:

1. Develop statewide goals and best practices for expanding opportunities for 4 year olds to access quality pre-kindergarten programs, and encourage communities to identify local strengths and challenges in reaching the statewide goals.

2. Oversee the development and implementation of guidelines for local Start Strong programs including, but not limited to, transportation arrangements and eligibility criteria for participating students, qualifications for instructional personnel and administrators, inclusion of privately operated preschool programs, and policies for communication and cooperation with local Head Start and at-risk programs and local school boards.

3. Develop guidelines for the award of grants to local Start Strong councils.

4. Advise the Governor, the Secretary of Education, and the Secretary of Health and Human Resources on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation.

5. Identify and establish early childhood education goals for local Start Strong councils.

6. Recommend funding and strategies necessary to increase access to high quality preschool in the Commonwealth, in cooperation with local Start Strong councils.

7. Examine other issues as may seem appropriate.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHT (06)

CABINET RESPONSIBILITY FOR THE DEPARTMENT OF VETERANS SERVICES

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

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

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

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

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

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

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

Governor

Attest:

EXECUTIVE ORDER NUMBER NINE (06)

ENSURING ACCESS TO PRESCRIPTION DRUGS FOR MEDICARE BENEFICIARIES

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

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

Specific Directives

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

A. Effective January 31, 2006, the Department of Medical Assistance Services shall institute the necessary programmatic and operational changes necessary to permit pharmacists to bill and receive reimbursement from the Virginia Medicaid Program for prescription drugs dispensed to dual eligibles in instances when the pharmacist is unable to have the prescription processed and paid through the Medicare Part D program.

B. The Department of Medical Assistance Services shall submit the appropriate waiver application to CMS to seek full reimbursement of the pharmacy claims and administrative costs incurred by the Commonwealth as a result of this action.

C. The Department of Medical Assistance Services shall cease payment of Medicare Part D prescription drugs through the Virginia Medicaid Program on the date that CMS terminates federal reimbursement of such costs.

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

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

Governor

Attest:

EXECUTIVE ORDER NUMBER TEN (06)

CABINET RESPONSIBILITY FOR THE DEPARTMENT OF MINORITY BUSINESS ENTERPRISE

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ELEVEN (06)

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

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

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

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

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

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

A. The limited implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Limited activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to Patrick County. I am directing that the VEOC and VERT coordinate state operations in support of the EMAC agreement, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management and the State Forester, in consultation with the Secretaries of Public Safety and Agriculture and Forestry, which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.

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

D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination. The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

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

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

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

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

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

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

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

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

2. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in

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

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid from state funds.

I. A state of emergency exists for the Commonwealth in support of the proper management, care and support of persons who have been displaced by Patrick County wildfires. I hereby order the following measures:

1. Designation of physicians, nurses, and other licensed and non-licensed health care providers and other individuals as well as hospitals, nursing facilities and other licensed and non-licensed health care organizations, political subdivisions and other private entities by agencies of the Commonwealth, including but not limited to the Department of Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Emergency Management, Department of Forestry, Department of Transportation, Department of State Police, Department of Motor Vehicles, and Department of Social Services, as representatives of the Commonwealth engaged in emergency services activities, at sites designated by the Commonwealth, within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their disaster-related mission assignments.

2. The authorization to reimburse agencies of up to $250,000 from state funds for the costs associated with this executive order. The Department of Planning and Budget shall determine those costs that require reimbursement.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWELVE (06)

STATE EMPLOYEE FRAUD, WASTE AND ABUSE HOTLINE

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

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

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

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

- Provide assistance to Executive Branch agency heads in fulfilling their responsibilities for maintaining appropriate internal controls to protect against fraud, waste, and abuse.

- Make available to state employees a variety of means to report fraud, waste, and abuse in the Commonwealth's government business, one of which will be an anonymous toll-free telephone number, and also including, but not limited to, any other communications through the Governor's office, Cabinet Secretaries, agency heads, U.S. Mail, e-mail, fax, and the Internet.

- Make appropriate efforts to publicize the availability of the hotline and ways of accessing it.

- Implement a process for handling allegations of fraud, waste, and abuse received via the Hotline.

- Deliver ongoing training to state agency heads and managers on prevention of waste, fraud, and abuse.

- Ensure that instances of potential criminal conduct are referred forthwith to the appropriate law enforcement agency.

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

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

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

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

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

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTEEN (06)

THE GOVERNOR'S COMMISSION ON COMMUNITY AND NATIONAL SERVICE

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

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

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

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

1. To advise the Governor, the Secretaries of Health and Human Resources, Education, Natural Resources, the Assistant to the Governor for Commonwealth Preparedness, the Commissioner of the Department of Social Services, and other appropriate officials, on national and community service programs in Virginia and on fulfilling the responsibilities and duties prescribed by the federal Corporation for National Service.

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

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

4. To work collaboratively with Virginia Corps and the Citizen Corps initiative to promote volunteerism and public service throughout the Commonwealth.

5. To collaborate with the Virginia Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.

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

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

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

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

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

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

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

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

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

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

Governor

Attest:

Katherine K. Hanley

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FOURTEEN (06)

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

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTEEN (06)

ESTABLISHING VIRGINIA'S INTERAGENCY ANTI-GANG WORKGROUP

Importance of the Issue

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

A recurring theme of gangs and gang activity is their propensity towards violence. Most are involved in all aspects of criminal activity including: drug distribution, murder, grand larceny and assault. Gangs and gang activity endanger all members of the community intensifying the necessity to address this problem.

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

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

Establishing Virginia's Interagency Anti-Gang Workgroup

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

Composition of the Workgroup

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

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

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

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

Duties of the Workgroup

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

1. Cultivate strong collaboration within and among every level of government regarding gang prevention strategies in Virginia;

2. Prioritize, coordinate, and leverage Virginia's gang prevention resources to improve efficiency;

3. Encourage and facilitate wider use of model programs and best-practice solutions for positive youth development throughout the Commonwealth;

4. Provide training and tools to assist state and local prevention professionals, service providers, and the faith community in assessing needs, targeting resources, and planning services for youth and families;

5. Disseminate gang-awareness information to citizens of the Commonwealth increasing their involvement in making local communities safe and fostering local opportunities for youth; and,

6. Report to the Governor yearly by October 30, through the Secretary of Public Safety, regarding the Commonwealth's progress and achievements statewide in the area of gang prevention as well as any recommendations for strengthening the Commonwealth's anti-gang activities.

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTEEN (06)

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

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

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

1. All non-salaried citizen members of Executive Branch advisory boards, commissions, councils and authorities are hereby designated to file the financial disclosure form included in Section 2.2-3118.

2. In order that all appropriate Executive Branch officers and employees may be designated to file the statement of economic interests set out in the Act, each of the Governor's Secretaries shall submit to the Office of the Secretary of the Commonwealth by October 1, 2006, a report identifying:

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

   (b) Each position within the Secretary's jurisdiction, whether classified or non-classified, which involves substantive responsibility for procurement, audit, investment, or other activities that could be subject to abuse or improper influence as a result of the personal economic interests of the officeholder or employee.

3. The Secretary of the Commonwealth shall prepare from the reports submitted pursuant to Paragraph 2 of this order a comprehensive list of officers and employees who shall be required to file the statement of economic interests set out in the Act. The Secretary of the Commonwealth, with the assistance and cooperation of the Governor's Secretaries, shall maintain this list, shall review and revise it annually to reflect the creation and abolition of offices and positions, and shall annually inform each officer and employee listed of his or her obligation to file the statement of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.

4. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall assist the Governor's Secretaries and the Secretary of the Commonwealth in compiling the information required by this Executive Order, in ensuring that appropriate additions to and deletions from the list of those designated to file the statement of economic interests are recommended in a timely fashion, and in ensuring that designated officers and employees file their statements of economic interests in accordance with Section 2.2-3114 of the Code of Virginia.

5. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall be responsible for acquiring a statement of economic interests from each new officer or employee so long as the officer or employee is hired for a position previously designated. Agency heads shall also be responsible for ensuring that appropriate employees receive the necessary orientation course on the State and Local Government Conflict of Interests Act in accordance with the provisions Section 2.2-3128 of the Code of Virginia.

6. The head of each agency, institution, board, commission, council and authority within the Executive Branch shall communicate to the officers, employees, and members within his or her jurisdiction the importance and necessity of maintaining the highest standards of conduct, and avoiding even the appearance of impropriety arising out of personal economic interests and the conduct of the business of the Commonwealth.

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTEEN (06)

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTEEN (06)

ESTABLISHING THE VIRGINIA CITIZEN-SOLDIER SUPPORT COUNCIL

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

Since 2003, the Virginia Citizen-Soldier Support Council has made great strides in assisting Virginia's military personnel and their families. The Council identified issues that significantly impacted their lives during deployment, and effectively initiated collaboration with the various support agencies to provide key services to assist the soldiers and their families. The essential

contributions and sacrifices of these men and women are enormous and should continue to be recognized.

Virginia Citizen-Soldier Council

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

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

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

The Council shall have the following powers and duties:

1. To increase awareness, involvement, and cooperation of the business community of Virginia in support of these military personnel and their families.

2. To increase awareness, involvement and cooperation of the state agencies in support of these military personnel and their families.

3. To increase awareness, involvement, and cooperation of non-government agencies and organizations in support of these military personnel and their families.

4. To increase awareness, involvement, and cooperation of local government in support of these military personnel and their families.

5. To increase awareness, involvement, and cooperation of major financial institutions in support of these military personnel and their families.

6. To increase awareness, involvement, and cooperation of general and mental health care providers in support of these military personnel and their families.

7. To increase awareness, involvement, and cooperation among members of the Virginia State Bar in support of these military personnel and their families.

8. To increase awareness, involvement, and cooperation of the Virginia Employer Support of the Guard and Reserve (ESGR) Committee in support of these military personnel and their families.

9. To increase awareness, involvement, and cooperation of Virginia Chambers of Commerce in support of these military personnel and their families.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETEEN (06)

SERVING VIRGINIA'S VETERANS

Importance of Veterans' Services

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

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

Directives for Serving Virginia's Veterans

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

- I hereby direct the Commissioner of Veterans Services to prepare a comprehensive report on the status of current Commonwealth programs and services that are either offered exclusively to veterans or are tailored to the specific needs of veterans. The report shall identify opportunities for improving services and shall address the continuum of care needs of disabled veterans. An interim report shall be prepared by October 15, 2006, and a final report shall be completed by April 30, 2007. All executive branch agencies shall work with the Commissioner of Veterans Services to assist as requested.

- I hereby direct all state agencies to identify opportunities to partner with the Department of Veterans Services on ways to offer new, expanded, or customized services that meet the educational, health care, and social service needs of Virginia's veterans. Agencies will identify the resources required to implement the new, expanded, or customized services for veterans and will report such requirements to the Commissioner of Veterans Services no later than April 30, 2007.

- I hereby direct the Department of Veterans Services, working with all appropriate state agencies, to give special attention to opportunities for improving services to disabled veterans, including all aspects of the continuum of care and service delivery.

- I hereby request the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations to jointly develop legislative proposals to be considered by

the Governor for introduction in the 2007 General Assembly. Such proposals shall be submitted to the Governor's Office no later than September 30, 2006.

- I hereby direct the Commissioner of Veterans Services and the Veterans Services Foundation to continue to give high priority to efforts to obtain federal grants, private contributions, and other resources for improving services to veterans in Virginia.

- I hereby direct all state agency heads to renew their commitment to veterans' preference in hiring.

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY (06)

ASSIGNING RESPONSIBILITY FOR PARTICIPATION IN THE FEDERAL "SUPERFUND" PROGRAM

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

1. The Secretary of Public Safety or the Secretary's designee shall be responsible for entering into cooperative agreements with the United States Environmental Protection Agency (EPA) regarding the immediate response to the release of, or substantial threat of a release of, hazardous substances that threaten the public health, welfare, and environment.

2. The State Coordinator of the Department of Emergency Management, under the direction of the Secretary of Public Safety, shall be responsible for developing the Virginia Oil and Hazardous Materials Emergency Response Plan and other requisite documents.

3. The Director of the Department of Environmental Quality, under the direction of the Secretary of Natural Resources, shall be responsible for entering into cooperative agreements and other agreements and contracts with EPA, the United States Department of Defense, and other federal agencies for the Superfund Site Assessment, Removal and Remedial Programs. Such agreements and contracts shall provide for the investigation and assessment of releases of hazardous substances into the environment, and for remedial actions providing permanent resolution of the release of hazardous substances into the environment, except removals that involve immediate response to the release of hazardous substances that threaten the public health, welfare, and environment. Before signing any cooperative agreement, the Director of the Department of Environmental Quality shall

assure the adherence to any applicable requirements of the General Provisions of the current Appropriation Act.

4. The Director of the Department of Environmental Quality is authorized to sign, on behalf of the Commonwealth, the hazardous waste capacity assurance plan mandated by the Superfund Amendments and Reauthorization Act and any amendments thereto.

5. The Secretary of Natural Resources shall act on behalf of the public as trustee for natural resources. The Secretary of Natural Resources shall assess damage to natural resources in the case of injury to, destruction of, or loss of natural resources. Funds recovered by the Secretary of Natural Resources as trustee shall be available only to restore, rehabilitate, or acquire the equivalent of such natural resources.

6. The Secretary of Natural Resources and the Secretary of Public Safety are authorized to develop memoranda of understanding which set forth the working relationships between and among state agencies with responsibilities under the Executive Order and applicable statutes.

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-ONE (06)

CONTINUATION OF THE VIRGINIA COASTAL ZONE MANAGEMENT PROGRAM

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

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

Policy Goals

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

Coastal Zone Management

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

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

Goal 3. To protect air quality.

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

Coastal Resource Sustainable Use

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

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

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

Coastal Management Coordination

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

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

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

Implementation and Enforcement

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

Responsible Agency and Enforceable Policies

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

The following agencies are responsible for assisting with the program:

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

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

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

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-TWO (06)

ESTABLISHING THE VIRGINIA PRISONER REENTRY POLICY ACADEMY

Importance of the issue

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

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

Establishing the Virginia Prisoner Reentry Policy Academy

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

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

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

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

The Academy shall have the following responsibilities:

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

2. Explore programs that will aid with the offender reintegration

3. Address policies and practices that impede successful reintegration

4. Work collaboratively to implement new policies and procedures

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-THREE (06)

EMPLOYEE WORKPLACE GIVING AND VOLUNTEERISM

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

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

1. To provide assistance to the communities and non-profit organizations in serving the needs of the community;

2. Provide an efficient and cost-effective vehicle by which state employees can voluntarily contribute to charity;

3. Recognize the generosity of the state workforce;

4. Ensure fiscal accountability;

5. Consolidate all fundraising solicitations into one campaign, and prohibit interruptions in the state workplace from outside fundraising.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FOUR (06)

GOVERNOR'S ECONOMIC DEVELOPMENT STRATEGIC PLANNING STEERING COMMITTEE

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

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

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

Staff support for the Steering Committee shall be provided by the Office of the Governor, the Office of the Secretary of Commerce and Trade, the various secretariats and their agencies represented on the Steering Committee, and such other agencies as may be designated by the Secretary of Commerce and Trade. All executive branch agencies shall cooperate fully with the Steering Committee and shall

render such assistance as may be requested by the Chair. The Secretary of Commerce and Trade shall ensure coordination between the development of the Economic Development Strategic Plan and the Workforce Development Strategic Plan.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-FIVE (06)

CHIEF WORKFORCE DEVELOPMENT OFFICER COORDINIATION OF WORKFORCE DEVELOPMENT

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

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

Background

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

A skilled workforce is central to Virginia's continued economic prosperity. It is the policy of the Commonwealth that there be a dynamic and substantive relationship between workforce development and economic development. Furthermore, it is essential that workforce development strategies embody skilled training and education and the purposeful development of the Commonwealth's human resources. The skill development of the Commonwealth's human resources must achieve

parity in areas of the state where individual skill levels do not meet the demands of employers and the economy in sufficient numbers.

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

Authority and Responsibility of the Chief Workforce Development Officer

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

1. Serve as chief advisor to the Governor on all workforce development matters.

2. Establish the means, proportionately and fiscally, and work with the respective Cabinet Secretaries, to support the development and implementation of the workforce system. This shall include a system building staffing and resource pattern, which crosses Secretarial areas to carry out workforce development activities. The Officer shall establish a regular meeting schedule with appropriate Cabinet Secretaries and appropriate staff to ensure involvement and support.

3. In the event of the existence of unresolved problems to support proportionately and fiscally the development and implementation of the workforce system among the respective Cabinet Secretaries, the Officer shall report to the Governor and recommend appropriate action. The Governor shall have the ultimate responsibility for resolving any workforce system building problems regarding staffing and resource patterns that cross Secretarial areas.

4. Develop and implement the Commonwealth's Workforce Development Strategic Plan for the statewide delivery of workforce development and training programs and activities.

5. Direct the implementation and administration of the Workforce Investment Act (WIA).

6. Advise the Governor regarding, and direct the expenditures of, the 15% Governor's statewide WIA discretionary funds.

7. Direct and conduct annual evaluations of workforce development and training programs.

8. Make recommendations to the Governor on the allocation and reallocation of workforce development funds and resources.

9. Establish a Task Force of stakeholders to study and advise on resource allocation and reallocation. An interim report is due to the Governor by June 30, 2007. A final report is due to the Governor by April 30, 2008.

10. Serve as lead staff for the Virginia Workforce Council and hire subordinate staff for the Council.

11. Work with the Virginia Workforce Council and Cabinet Secretaries to ensure coordination and effectiveness of programs comprising the Virginia Workforce Network.

12. Direct and establish a regular system of communication to the Cabinet and the Virginia Workforce Council.

13. Represent the Governor on workforce development matters and at Virginia Workforce Council meetings. This includes the authority to vote on the Governor's behalf at Virginia Workforce Council meetings.

Duties of the Cabinet Secretaries

1. The Secretaries of Commerce and Trade, Education, Health and Human Resources and Public Safety shall assign appropriate staff members to assist the Officer in carrying out the workforce development duties of the Officer.

2. The Secretaries shall meet regularly with the Officer. The respective Deputies shall also meet regularly with the Officer.

3. The Secretaries shall enter into a State Memorandum of Understanding (MOU) with the Officer, which sets forth the terms of agreement for cooperation and consultation with regard to the implementation of the WIA in Virginia and provides a model for local MOU implementation. This MOU shall also address support for funding of the staff of the Virginia Workforce Council. Unresolved problems among the Cabinet Secretaries regarding the entering into and implementation of the MOU shall be resolved according to the process in item number three under "Authority and Responsibility of the Chief Workforce Development Officer."

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

1. The Secretary of Commerce and Trade shall ensure coordination between the development of the Economic Development Strategic Plan and the Workforce Development Strategic Plan.

2. The Virginia Employment Commission (VEC) shall receive all federal funds allocated under Title I of the WIA and shall be the fiscal agent for the WIA. The VEC shall be responsible for implementing the compliance requirements for the Title 1 programs under the WIA. The VEC shall ensure that WIA funds are allocated and spent in accord with federal law, regulation and guidance.

3. The Office of the Chief Workforce Development Officer shall have budget authority. The VEC shall verify expenditures and conduct other appropriate administrative fiscal tasks.

4. The Officer shall enter into an MOU with the VEC outlining the fiscal agent and WIA Title I compliance responsibilities of the VEC.

The Virginia Workforce Council (VWC)

1. The Officer shall hire subordinate staff of the VWC.

2. The Officer shall work with the VWC in establishing standards, policies and procedures for the Virginia Workforce Network directed by the Workforce Development Strategic Plan.

3. The Officer shall work with the VWC in monitoring the effectiveness of Virginia Workforce Network Centers and recommending improvements.

4. The Officer shall serve and vote on the Executive Committee of the VWC.

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SIX (06)

CONTINUING CERTAIN EMERGENCY DECLARATIONS DUE TO DISASTERS IN THE COMMONWEALTH

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-SEVEN (06)

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

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

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

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued June 28, 2006. In these I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of state government to respond to needs in the impacted county. This will support the needs of persons affected to alleviate any conditions resulting from severe weather during this period and to implement recovery and mitigation programs and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I authorized that the Virginia National Guard be called forth to state duty to assist as needed. This shall include such necessary functions as determined by the State Coordinator of Emergency Management, the Adjutant General, and the Secretaries of Public Safety, Transportation, Commerce and Trade and Health and Human Services.

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

A. The limited implementation by agencies of the state and local governments of Volume 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Augmentation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of statewide assistance. I am directing that the VEOC and VERT coordinate state operations in support of the EMAC agreement, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretaries of Public Safety, Transportation, Commerce and Trade, and Health and Human Services which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.

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

D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination. The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

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

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

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

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

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

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

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

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

2. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire

fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid from state funds.

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

This Executive Order shall be effective June 28, 2006 and shall remain in full force and effect until June 30, 2007, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-EIGHT (06)

CONTINUING CERTAIN EXECUTIVE ORDERS

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER TWENTY-NINE (06)

ESTABLISHING THE HEALTH INFORMATION TECHNOLOGY COUNCIL

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

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

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

Establishing the Council

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

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

1. Establish an interoperability framework drawing from and complying with the standards of the Healthcare Information Technology Standards Panel (HITSP).

2. Build public-private partnerships to increase adoption of electronic medical records for physicians in the Commonwealth and encourage vendors and entrepreneurs to build to the Certification Commission for Healthcare Information Technology standards.

3. Identify areas where health information technology can lower health care costs for the Commonwealth of Virginia as an employer and health insurer.

4. Provide an interim report to the Governor by October 15, 2006 recommending amendments to the state budget that will spur the development, implementation, and ongoing use of Virginia's health information technology infrastructure.

5. Recommend funding and strategies necessary to encourage long-term sustained adoption and interoperability of health information technology in the Commonwealth in a report to the Governor by December 1, 2006.

6. Review and approve proposals to fund public-private pilots designed to increase the adoption of electronic medical records out of funds appropriated for that purpose.

7. Examine other issues as may seem appropriate.

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY (06)

STATE INTEROPERABILITY EXECUTIVE COMMITTEE

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

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

Establishment of the Executive Committee

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

Executive Committee Membership

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

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

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

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

Duties of the Executive Committee

The State Interoperability Executive Committee will:

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-ONE (06)

ESTABLISHING THE HEALTH REFORM COMMISSION

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

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

Creation of the Commission

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

The Commission will have the following responsibilities:

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-TWO (06)

URBAN POLICY TASK FORCE

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

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

Establishment of the Task Force

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

establish sub-committees and prepare a work plan consistent with the requirements of the enabling legislation.

Responsibilities of the Task Force

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-THREE (06)

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

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

Initiatives

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

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

For the purpose of this goal a "small business" is one of 250 or fewer employees, or gross receipts of $10 million or less averaged over the previous three years. This shall include, but not be limited to, certified minority-owned and women-owned businesses that meet the small business definition.

2. DMBE, in consultation with executive branch entities and institutions with procurement authority shall develop a uniform, state-wide method for evaluating and monitoring SWaM participation plans in all state procurements. Each prime contractor shall include in its proposal(s)/bid(s) a SWaM participation component. Before final payment is made, the contractor must certify evidence satisfactory to the Commonwealth of compliance with the contract's SWaM Procurement Plan.

3. Executive branch entities and institutions with procurement responsibilities shall implement processes for producing SWaM subcontracting data as established by DMBE in consultation with the Department of General Services and the Virginia Information Technologies Agency. This subcontracting data must also include information on non-SWaM subcontractors performing on contracts over $200,000.

4. DMBE, in consultation with executive branch entities and institutions with procurement policy responsibilities, shall formulate policies and procedures for the Commonwealth's small business set aside program and implement small business enhancement tools, including but not limited to, the unbundling of selected State contracts, increasing SWaM participation on small procurements under $5,000, and the early posting of potential contract opportunities.

5. Agency heads, senior managers with procurement responsibility, procurement personnel, and end users with procurement P-Cards shall be evaluated on the attainment of SWaM goals as part of their annual and interim employee evaluations.

6. Executive branch entities and institutions with procurement responsibilities shall review practices, procedures and proposal evaluation criteria to identify and remove barriers or limitations to SWaM participation. A section on "barriers or limitations" shall be included in annual SWaM plans. SWaM plans shall be developed and submitted to DMBE and the appropriate cabinet secretary on September 1 of each fiscal year and shall include:

   - The designation of a SWaM champion to ensure nondiscrimination in the solicitation and awarding of contracts;
   - Agency SWaM goals, and
   - A statewide public information campaign to promote procurement opportunities and SWaM participation.

7. The Department of General Services, the Virginia Information Technologies Agency and executive branch entities and institutions shall actively recruit SWaM businesses to bid on statewide cooperative procurement agreements and/or contracts that are open for competition. DGS and VITA shall develop guidelines that promote greater representation of SWaM businesses on such contracts.

8. The Virginia Information Technologies Agency, Virginia Department of General Services, Virginia Department of Transportation and universities operating under management agreements shall develop pilot programs in conjunction with DMBE to increase opportunities for SWaM vendors to perform as prime contractors on Commonwealth projects.

9. The Department of Business Assistance, in conjunction with the Department of Minority Business Enterprise, Department of Planning and Budget, Virginia Department of Transportation and other executive branch entities as necessary, shall establish a Small Business Development Program and initiatives to enhance the development and to increase the number of small businesses in Virginia. Such efforts shall include, but not be limited to:

   - Access to capital, including contract financing and bonding support;
   - Management and technical assistance programs; and
   - Statewide mentor/protégé and/or joint venture programs.

10. VDOT and DGS shall develop guidelines for vertical and horizontal construction to be used by executive branch entities and institutions in making construction mobilization payments to businesses when reasonable and necessary to facilitate contract initiation.

11. The Interagency Advisory Council on Administrative Dispute Resolution in conjunction with DMBE, and the Virginia Department of General Services shall establish a SWaM contract mediation program. The mediation program shall offer dispute resolution alternatives for conflicts between executive branch entities or institutions and a small business in a contract situation.

12. The purchasing manuals, regulations and guidelines of all executive branch entities and institutions subject to the Virginia Public Procurement Act shall include SWaM purchasing regulations and/or guidelines.

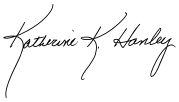
These directives are not intended in any way to limit the application of additional creativity at the agency level. They are designed to promote economic justice and eliminate impediments to a more equitable procurement process. Each cabinet secretary shall evaluate the performance of their agencies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

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

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

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FOUR (06)

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

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

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

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

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

A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan), Volume 5 (Hurricane Response Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

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

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

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

representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the Code of Virginia.

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

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

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

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

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

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

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

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

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

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

K. Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.24 of the Code of Virginia, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in the Appropriation Act.

L. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to proper.

2. Pursuant to §52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

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

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

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-FIVE (06)

ESTABLISHING THE OFFICE OF TELEWORK PROMOTION AND BROADBAND ASSISTANCE

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

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

The Office of Telework Promotion and Broadband Assistance

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

The director shall have the following duties:

- Promote and encourage use of telework alternatives for public and private employees, including but not limited to, appropriate policy and legislative initiatives.

- Support the efforts of both public and private entities within the Commonwealth to enhance or facilitate the deployment of, and access to competitively priced, advanced electronic communications services (commonly known as “broadband”) and Internet access services of general application throughout the Commonwealth.

- Specifically work towards establishing affordable, accessible broadband services to underserved areas of the Commonwealth and monitor advancements in communication that will facilitate this goal.

- Advocate for, and facilitate the development and deployment of applications, programs and services including, but not limited to: telework, telemedicine, and e-learning that will bolter the usage of and demand for broadband level telecommunications

- Serve as a broadband information and applications clearinghouse for the Commonwealth and a coordination point for broadband related services and programs in the Commonwealth.

- Advise the Secretary on broadband adoption, deployment and application issues.

- Coordinate activities regarding telework with, and regularly report to, a board consisting of the Secretaries of Administration, Commerce and Trade, Finance, Technology and Transportation. The Secretary of Technology shall serve as chair of the board. Additional members may be designated by the Governor. Staff support to this group shall be provided by the offices of the Secretaries of Technology and Transportation.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SIX (06)

DEVELOPMENT AND REVIEW OF REGULATIONS PROPOSED BY STATE AGENCIES

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

General Policy

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

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

A. Agencies shall identify the nature and significance of the problem a regulation is intended to address, including, where applicable, the failure of private markets and institutions to adequately address the problem.

B. Agencies shall identify and assess reasonably available alternatives in lieu of regulation for achieving the goals of a regulation, including where feasible and consistent with public health, safety, and welfare:

    1. The use of economic incentives to encourage the desired outcomes (such as user fees or marketable permits);

    2. The use of information disclosure requirements, rather than regulatory mandates, so that the public can make more informed choices; and

    3. The use of performance standards in place of mandating specific techniques or behavior.

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

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

E. Regulations shall be clearly written and easily understandable by the individuals and entities affected.

F. All legal requirements related to public participation and all public participation guidelines shall be strictly followed to ensure that citizens have reasonable access and opportunity to present their comments and concerns, use of the Townhall website should be specifically offered in each instance. Agencies shall establish procedures that provide for a timely written response to all comments and the inclusion of suggested changes that would improve the quality of the regulation.

G. In addition to requirements set out in the Virginia Administrative Process Act, agencies shall post all rulemaking actions on the Virginia Regulatory Town Hall to ensure that the public is adequately informed of rulemaking activity.

H. Agencies, as well as reviewing entities, shall endeavor to perform their tasks in the regulatory process as expeditiously as the regulatory subject matter will allow and shall adhere to the time frames set out in this Executive Order.

I. Each agency head will be held accountable for ensuring that the policies and objectives specified in this Executive Order are put into effect. Agency heads shall ensure that information requested by the Department of Planning and Budget (DPB) or the Office of the Governor in connection with this Executive Order is provided on a timely basis. Incomplete packages may be returned to the appropriate agency by DPB after timely notice to DPB.

J. Regulations shall not be considered perpetual and will be subject to periodic evaluation and review and modification, as appropriate, in accordance with the Administrative Process Act.

K. Public comment will be encouraged for all regulations. The Department of Planning and Budget shall work with state agencies to promote use of the Town Hall to facilitate public comment.

L. Regulatory development shall be conducted in accordance with statutory provisions related to impact on small businesses. The Department of Planning and Budget shall work with state agencies to address these requirements during the regulatory review process, including notifications as appropriate to the Joint Commission on Administrative Rules.

Applicability

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

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

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

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

Regulatory Review Process

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

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

A. Notice of Intended Regulatory Action (NOIRA)

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

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

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

B. Proposed Regulation and Fast-Track Regulations

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

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

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

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

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

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

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

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

C. Final Regulation

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

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

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

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

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

D. Emergency Regulation

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

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

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

Periodic Review of Existing Regulations

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

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

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

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

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

Petitions for Rulemaking

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

Waivers from Process Deadlines

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

Electronic Availability of Meeting Agenda and Minutes

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

Electronic Availability of Guidance Documents

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-SEVEN (06)

CREATING THE TRANSPORTATION ACCOUNTABILITY COMMISSION

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

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

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

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

Creation of the Commission

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

The Commission will have the following responsibilities:

1. Reviewing Virginia's existing methods of promoting accountability and performance in transportation.

2. Identifying and recommending national best practices in accountability and performance for transportation.

3. Recommending quantifiable outcome measures for the major elements of the state's transportation program, including measures that incorporate effective land-use and transportation coordination.

4. Recommending performance standards for state transportation executives and agencies.

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

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-EIGHT (06)

CREATING THE COMMISSION ON SEXUAL VIOLENCE

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

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

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

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

Establishment of the Commission

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

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

Composition of the Commission

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

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

Duties of the Commission

The Commission's responsibilities shall include the following.

1. Review the recommendations set forth in Senate Document 18 (2005) and in the Sexual Violence State Plan as well as other relevant reports and studies.

2. Seek input and comment through regional public hearings to gather information.

3. Design strategies for implementing recommendations from these sources, including prioritization, approach, timeline, and designation of duties to accomplish the Commission's stated purposes of preventing and responding to sexual violence.

4. Design strategies to institutionalize recommendations into practice across Virginia.

5. Make any other recommendations as may be appropriate.

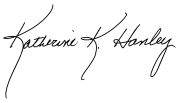
The Commission shall make an interim report of its activities by September 30, 2007. At that time, I will consider the need to review the commission for an additional year.

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

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

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER THIRTY-NINE (06)

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

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

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

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

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

A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Augmentation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

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

D. The evacuation of areas threatened or stricken by flooding or other effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency

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

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

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

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

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

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

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

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

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

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

H. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

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

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

K. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.24 of the Code of Virginia, other than the costs defined elsewhere, in performing these missions shall be paid out of the sum sufficient. In addition, up to $150,000 shall be made available to VDEM for Response and Recovery Operations with the Department of Planning and Budget overseeing the release of these funds.

L. The Marine Resources Commissioner is authorized to act on behalf of the Commission in issuing permits pursuant to Chapter 12 of Title 28.2 of the Code of Virginia when, in the judgment of the Commissioner, it is necessary to address immediate health and safety needs and the Commissioner would be unable to convene a meeting of the full Commission in a timely manner. In an effort to address the impacts attributable to this Storm damage on the health, safety and general welfare of the citizens of the Commonwealth, and in an attempt to expedite the return of impacted areas and structures to pre-event conditions insofar as is possible, no permits for encroachments over State-owned submerged lands shall be required to replace previously permitted structures that conform with the following criteria:

1. The pre-existing structure must have been previously authorized and in a serviceable condition prior to the onset of the Storm.

2. The replacement structure must be reconstructed in the same location and in identical or smaller dimensions as the previously permitted structure.

3. Reconstruction activities must be initiated prior to January 31, 2007 and completed prior to July 31, 2008.

4. Any property owner(s) seeking to replace a previously permitted structure pursuant to this Executive Order must submit to the Virginia Marine Resources Commission a letter attesting to the foregoing and containing suitable drawings of the proposed replacement structure(s) for comparison purposes.

5. No person may proceed with replacement of a previously permitted structure under the provisions of this Executive Order without written approval from the Commissioner of the Virginia Marine Resources Commission.

M. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster

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

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

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

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

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

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

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

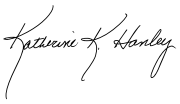
Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the Code of Virginia, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard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

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

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

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY (06)

CONTINUING THE P-16 EDUCATION COUNCIL

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

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

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

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

The Council

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

The Council's responsibilities shall include the following.

1. Identify opportunities to better coordinate the state's education reform efforts from preschool to graduate school.

2. Work closely with the Start Strong Council and other appropriate entities and organizations to ensure that pre-K and early childhood initiatives are coordinated with other education initiatives.

3. Identify opportunities to improve longitudinal data gathering on student achievement.

4. Serve as a steering committee for oversight of the state's education reform activities as part of the NGA Honor States Grant.

5. Develop approaches to improve transitions among levels of education, promote student success, and encourage students to continue their education.

6. Make recommendations on appropriate legislation and other initiatives to improve educational coordination and achievement.

7. Make any other recommendations as may seem appropriate.

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

Commission Staffing and Funding

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

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

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-ONE (06)

BANNING SMOKING IN STATE OFFICES AND VEHICLES

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

Banning Smoking in State Offices and State Buildings

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

- Smoking in correctional facilities shall be in accordance with guidelines set by the Director of the Department of Corrections; and

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

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

Smoking Cessation and the State Employee Health Benefits Program

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

Banning Smoking in State Vehicles

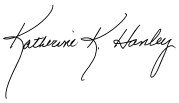
By virtue of the authority vested in me as Governor under Article V, Section 1 of the Constitution of Virginia and Title 2.2 of the *Code of Virginia*, I hereby ban smoking in state-owned vehicles. Smoking in state police vehicles shall be in accordance with policy set by the Superintendent of State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

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

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

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-TWO (06)

STRENGTHENING TRANSPARENCY AND ACCOUNTABILITY IN HEALTH CARE

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

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

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

The Commonwealth's Commitment to Health Care Accountability and Transparency

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

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

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

- **Transparency of Quality Measurements** – In order to support assessment of the quality of care delivered by health care providers, the Commonwealth will encourage health insurance providers or third party administrators with which it contracts to implement programs measuring the quality of services supplied to their enrollees. The Commonwealth will play an active role in bringing stakeholders, including representatives of patients, physicians, hospitals, long-term care providers, pharmacists, payers, and other appropriate stakeholders together to appropriate metrics for use in Virginia. Quality measurements will be developed in collaboration with similar initiatives in the private and public sectors.

- **Transparency of Pricing Information** – In order to support consumer knowledge concerning the cost of care, the State Employee Health Benefits Program will work with its third party administrator(s) to make available to enrollees in state-sponsored health insurance plans the prices paid to providers for health care procedures, drugs, supplies and devices. The Commonwealth will also participate with multi-stakeholder groups in developing information about the overall cost of services for common episodes of care and the treatment of common chronic diseases. Pricing information will be developed thoughtfully, using appropriate stakeholder engagement and consumer research.

- **Promoting Quality and Efficiency of Care** – The Commonwealth will examine appropriate opportunities to promote pay for performance in health care financing, consistent with its goals of maintaining access, a broad provider network, and quality health services. These efforts will especially focus on chronic disease management. We will also work with our federal and private sector partners to identify opportunities to improve the quality and safety of care across the board, with a particular focus on management of chronic diseases.

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

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

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

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-THREE (07)

PROTECTING THE SECURITY OF SENSITIVE INDIVIDUAL INFORMATION IN EXECUTIVE BRANCH OPERATIONS

Identity theft is an increasingly common crime and a growing concern for our residents. State government agencies maintain sensitive individual information. Technological advances mean that vast amounts of sensitive data can now be contained on a key chain sized flash drive, on a memory stick, or on a laptop. It is imperative that protecting an individual's information in the work of the executive branch of state government receive attention at the highest level.

Given recent high profile security breaches by both public agencies and private companies, we must prevent similar problems in Virginia state government and redouble our efforts to ensure the protection of Virginians' sensitive individual information.

Accordingly, it is appropriate that a cabinet level official, accountable directly to the Governor, be charged with ensuring compliance with established Commonwealth Information Security Policies and Standards in order to protect our citizens' sensitive individual information. The public expects no less from its state government.

The Responsibility of the Secretary of Technology

Under the authority vested in me by Article V of the Constitution of Virginia and by Title 2.2 of the Code of Virginia, I hereby empower the Secretary of Technology to coordinate and oversee all efforts within the executive branch, in every secretariat, agency, institution, board, commission, and other entity to ensure compliance with established Commonwealth Information Security Policies and Standards so that protection of sensitive individual information is appropriate and that privacy is respected to the maximum extent possible. The Secretary shall be assisted by a senior level staff member of each cabinet area and shall convene an appropriate working group on Information Security Practices.

The Secretary shall include legislative, judicial, and independent agencies in the workgroup upon request by the agencies.

I further direct the Secretary of Technology to report annually to the Governor by October 15 of each year on the information security compliance efforts undertaken pursuant to this executive order.

This Executive Order shall be effective upon 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 9th day of January 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-FOUR (07)

ESTABLISHING PREPAREDNESS INITIATIVES IN STATE GOVERNMENT

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

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

Preparedness as Agency Mission

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

Preparedness as an Individual Responsibility

Furthermore, preparedness as a common good requires that not only organizations but also each individual participate in creating and maintaining a "Culture of Preparedness" within the Commonwealth. To this end, I continue the direction that all state employees shall complete the prescribed Terrorism and Security Awareness Orientation course, and direct that all executive branch agencies ensure that this and other individual training required under other authorities, such as appropriate National Incident Management System (NIMS) training, be accomplished. Furthermore, each agency shall maintain a continuing program to encourage individual preparedness and promote a culture of preparedness for its employees.

Preparedness Planning

Furthermore, each executive branch agency shall include emergency preparedness in its strategic planning and performance management process, pursuant to guidelines promulgated by the Assistant to the Governor for Commonwealth Preparedness, in collaboration with the Governor's Cabinet, Commonwealth Preparedness Working Group, the Department of Planning and Budget, and the Council on Virginia's Future. Such inclusion shall be done in conjunction with the strategic planning process for the 2008-2010 biennium that will begin in the spring of 2007.

Annual Preparedness Assessment

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

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

Governor's Certification Program

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

Emergency Plans and Procedures and Training

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

Uniformity, Review, and Testing of Continuity of Operations Plans

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

1. Create or update Continuity of Operation Plans to conform to the template produced by the Virginia Department of Emergency Management, and

2. Utilize the resources available from the Virginia Department of Emergency Management for creating or updating Continuity of Operations Plans.

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

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

A report on the status of the Commonwealth's executive branch agency's Continuity of Operations Plans, prepared by the Office of Commonwealth Preparedness in collaboration with the Virginia Department of Emergency Management, will be due to me annually, with the first report due December 31, 2007.

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

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 12th day of January, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-FIVE (07)

CONTINUING THE GOVERNOR'S MOTORCYCLE ADVISORY COUNCIL

The motorcycling community significantly benefits tourism, business, and charitable fundraising throughout the Commonwealth each year. There are over 250,000 licensed motorcyclists in Virginia. There are an estimated nine million motorcyclists nationwide, many of whom travel to Virginia to enjoy the Commonwealth's recreation facilities, landscape, and historic attractions. Responsible riding by motorcyclists and awareness of motorcyclists by the general driving public are important transportation safety issues. More than 9,000 Virginians enroll in motorcycle safety training classes every year.

The Governor's Motorcycle Advisory Council was created to explore ways to promote motorcycle related tourism, business development, and safety in the Commonwealth. The Council maintains a website (**www.motorcycleva.com**), and distributes safety information and promotes motorcycle tourism in Virginia. The Council has distributed 130,000 "Watch for Motorcycles Virginia" awareness bumper stickers.

The Council

The Council membership shall be appointed by the Governor and serve at his pleasure. The Council will include one member of the House of Delegates and one member of the Senate of Virginia. The Council will include a representative from each of the following state agencies: Department of Alcoholic Beverage Control, Virginia Economic Development Partnership, Department of Motor Vehicles, Department of State Police, Department of Transportation, and the Virginia Tourism Corporation.

The Council shall include one member from among Virginia's sheriffs, one from among its police chiefs, and one member representing the Virginia Board of Transportation Safety. The Secretaries of Commerce and Trade, Public Safety, and Transportation shall serve as ex officio members. There shall be eighteen additional members appointed by the Governor and reflecting, but not exclusive to, the hospitality and tourism industry, motorcycle related businesses, motorcycle safety training organizations, and motorcycling advocates. The Governor shall designate a chairman from among the members of the Council.

The Council's responsibilities shall include:

1. Promoting motorcycle related safety in the Commonwealth, including rider responsibility and community awareness of motorcycles;

2. Promoting motorcycle related tourism and hospitality throughout Virginia to the benefit of the Virginia tourism and hospitality industry, Virginia motorcyclists, and motorcyclists from other states and nations visiting the Commonwealth;

3. Promoting motorcycle related business entrepreneurship, including two-wheeled aspects of the Virginia Motorsports Initiative;

4. Serve as liaison between the motorcycling community and state agencies whose polices and activities may affect motorcycling;

5. Function as a venue for shared imagination and discussion regarding the future role of motorcycling as an economic, environmental and cultural element in Virginia's transportation strategy.

The Council shall make a report of its activities by December 1, 2007. The Council shall meet at the call of the chairman.

Council Staffing and Funding

Necessary staff support for the Council's work shall be furnished by the Department of Motor Vehicles. An estimated 100 hours of staff time annually will be required to support the Council and no additional state funds shall be necessary for its support. Financial support for its efforts may be developed through grants and donations.

Council members shall serve without compensation.

This Executive Order shall be effective immediately and shall remain in full force and effect until December 31, 2007, unless sooner amended or rescinded by further executive order or directive.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 12th day of January, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-SIX (07)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO POTENTIAL FOR SIGNIFICANT ICE, SNOW AND WIND DAMAGE CAUSED BY SEVERE WEATHER BEGINNING ON FEBRUARY 13, 2007

On February 13, 2007, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on the prediction for a major ice storm to occur throughout much of Virginia.

Protection of the health and general welfare of the citizens of the Commonwealth requires that action be taken to preposition state resources to prepare to help alleviate the conditions which may be caused by this situation. This storm has the potential to constitute a natural disaster wherein human life and public and private property will be 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 February 13, 2007, 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, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, evacuate stranded motorists, 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. Executive Order 46 (2007)

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

A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan), and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

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

D. The 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.

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.

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

Axle Size	**Max. Weight**
Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds

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

All overwidth loads, up to a maximum of 10 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.

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 appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

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 Section 44-146.24 of the Code of Virginia, other than the costs defined elsewhere, in performing these missions shall be paid out of the sum sufficient. In addition, up to $150,000 shall be made available to VDEM for Response and Recovery Operations with the Department of Planning and Budget overseeing the release of these funds.

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, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

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

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

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

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

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

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

This Executive Order shall be effective February 13, 2007, and shall remain in full force and effect until June 30, 2007 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 14th day of February, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-SEVEN (07)

AUTHORITY AND RESPONSIBILITY OF DEPUTY 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 Deputy Chief of Staff the powers and duties enumerated below.

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

   a. Submission of the budget and accompanying documents to the General Assembly;

   b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each state department, division, office, board, commission, institution, or other agency or undertaking;

   c. Amendment of Position Levels;

d. Authorization of deficits; and

e. Appointment of the Director of the Department of Planning and Budget.

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

   a. Final determination with respect to employee compensation plans;

   b. Submission of reports to the General Assembly by the Governor as required by law;

   c. Issuance, amendment, or suspension of the Rules for the Administration of the Virginia Personnel Act;

   s. Final action on appeals from appointing authorities to the Governor; and

   e. Appointment of the Director of the Department of Human Resource Management.

3. To review, in the event of my absence or unavailability, major planning, budgetary, personnel, policy, and legislative matters that require my decision.

4. To review, in the event of my absence or unavailability, policy differences that may arise among or between my Secretaries.

5. To act as chief liaison officer with members of the General Assembly of Virginia.

6. To act as Senior Executive Assistant with responsibilities that include, but are not limited to, the direction and supervision of the Governor's Office, as well as budgetary and personnel authority for the office.

This Executive Order shall become effective on April 21, 2007 and shall remain in full force and effect until April 29, 2007, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this fourth day of April 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-EIGHT (07)

ENERGY EFFICIENCY IN STATE GOVERNMENT

Commonwealth agencies and institutions spent over $290 million in fiscal year 2006 for facility and transportation energy. It is critical that the Commonwealth use energy in the most efficient manner possible to save taxpayer money and provide leadership to all Virginians in using our natural resources wisely. Improvements in energy efficiency and protection of our priceless natural resources are inseparable goals. Reducing the amount of energy we consume will reduce the emission of greenhouse gases that are largely responsible for global climate change. State government has the capacity and responsibility to save taxpayer money while protecting our climate and natural resources for future generations.

The Commonwealth's citizens, businesses, and governments are also faced with managing the effects of more costly and less reliable supplies of energy, as well as the environmental effects of energy production and consumption. In response, the General Assembly enacted into law in 2006 a state energy policy and directed the Department of Mines, Minerals and Energy to develop the Virginia Energy Plan. This requires coordination of energy activities among many private organizations and state agencies and institutions.

By the power vested in me by Article V of the Constitution of Virginia, and Section 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 reduce energy consumption and costs in state government operations in the executive branch. I also set forth a process for coordinating energy policy development within the executive branch.

Agency Energy Management

All agencies and institutions shall provide adequate management support to their energy-savings activities. In order to ensure agencies have sufficient expertise in energy management, every Agency Energy Manager for an agency or institution with energy costs exceeding $1 million shall be certified as an energy manager by the Association of Energy Engineers by June 30, 2008.

State Agency and Institutions Energy Savings Goal

I hereby set a goal for executive branch agencies and institutions to reduce the annual cost of non-renewable energy purchases by at least 20 percent of fiscal year 2006 expenditures by fiscal year 2010. Any agency or institution that can demonstrate to the Senior Advisor for Energy Policy that they met the 10 percent energy savings goal established for 2006 in Executive Order 54 (2003) shall reduce costs of non-renewable energy purchase by an additional 15 percent of fiscal year 2006 expenditures by fiscal year 2010.

In order to meet this goal, agencies and institutions shall aggressively pursue (i) all energy-savings activities whose costs are recoverable in one fiscal year, such as use of screw-in fluorescent and other high-efficiency lighting in place of incandescent bulbs and other less efficient lights; (ii) energy-savings performance contracts that are in compliance with Section 4-4.01v of the Appropriations Act; (iii) other funded capital energy-savings improvements; (iv) alternate procurement techniques for energy; (v) renovations of existing buildings consistent with LEED (including the use of Virginia forest products with alternate certifications) or Energy Star requirements as provided for in this executive order; (vi) the transportation energy use requirements provided for in this executive order; or (vii) purchases of renewable energy. Further, after having complied with requirements regarding roof repair or replacement and deferred maintenance projects in accordance with Section 4-4.01c of the Appropriations Act, agencies shall aggressively pursue maintenance reserve projects leading to energy conservation.

Agencies shall report their progress towards the energy-savings goals as part of the Governor's Management Scorecard, Resource Stewardship objective. Such progress shall also be reported to the public on the Department of Mines, Minerals and Energy's website.

New and Renovated State-Owned Facilities

All agencies and institutions constructing state-owned facilities over 5,000 gross square feet in size, and renovations of such buildings valued at more than 50% of the assessed building value which have not advertised for architectural and engineering services by the effective date of this order shall be designed and constructed consistent with the energy performance standards at least as stringent as the U.S. Green Building Council's LEED rating system (including the use of Virginia forest products with alternate certifications) or the United States Environmental Protection Agency/Department of Energy's "Energy Star" rating.

The Senior Advisor for Energy Policy shall periodically assess the cost effectiveness of incorporating a photovoltaic power system or a green roof in any roof renovation for buildings over 5,000 gross square feet in size. If the Senior Advisor for Energy Policy finds that the projected energy savings over a 15-year period can pay for the additional cost of installing a photovoltaic or green roof system, then the Department of General Services shall require that any roof replacement design address that option. Agencies and institutions shall incorporate the option if it meets the 15-year payback limit for that replacement.

Leased Facilities

When a Commonwealth agency or institution is to lease space in a metropolitan area where public transit is available, it shall seek to lease space within a quarter mile of a bus, trolley, Metro, or commuter rail stop. The Commonwealth shall encourage the private sector to adopt energy-efficient building standards by giving preference when leasing facilities for state use to facilities meeting the U.S. Green Building Council's LEED rating system (including the use of Virginia forest products with alternate certifications) or the United States Environmental Protection Agency/Department of Energy's "Energy Star" rating. The Commonwealth shall also provide a preference when leasing facilities for state use to facilities that are pedestrian and bicycle accessible. The Division of Real

Estate Services of the Department of General Services shall consider these preferences in approving new leases or extensions of current leases.

Transportation Energy Use

The Department of General Services, by Executive Order 89 (2005), is responsible for developing a consistent, efficient, and cost-effective fleet management program for all vehicles owned by the Commonwealth. Therefore, the Department of General Services shall include in its policies and procedures requirements for the purchase of fuel-efficient, low-emission state-owned vehicles. In addition, the Department of General Services shall include in its policies and procedures for leasing vehicles requirements that give a preference to compact, fuel-efficient, and low-emission vehicles.

All agencies and institutions shall maximize biodiesel and ethanol use in state fleet vehicles except where use of biodiesel will void warranties or incur unreasonable additional costs to the agencies. The Department of General Services shall make available, at selected sites based upon the locations of state-owned flex-fuel and diesel vehicles, E85 and B20 fuels for agencies. Agencies and institutions that independently purchase fuel shall use E85 and B20 fuel sites to the maximum extent reasonably possible.

All agencies and institutions shall take necessary actions to minimize vehicle miles traveled related to state operations. All agencies and institutions shall implement transit and ridesharing incentive programs within the parameters of the Department of Human Resource Management's guidelines, and shall maximize the use of telecommuting consistent with the policies of the Office of Telework Promotion and Broadband Assistance.

State vehicles used for law enforcement and emergency response shall be exempt from the provisions of this section. Public safety agencies are expected to make all reasonable efforts to reduce transportation energy use when possible in ways that do not adversely impact their missions and ultimately the safety of our citizens.

State Government Equipment and Supplies

Commonwealth agencies and institutions shall purchase or lease Energy Star rated appliances and equipment for all classifications for which an Energy Star designation is available. All new copiers, faxes, printers, and other such office equipment purchased or leased by the Commonwealth that uses paper shall be recycled paper-compatible. The Commonwealth shall purchase only recycled paper except where equipment limitations preclude the use of recycled paper.

Senior Advisor for Energy Policy and Energy Policy Advisory Council

There is hereby established the position of Senior Advisor to the Governor for Energy Policy and the Governor's Energy Policy Advisory Council to provide expertise and advice to the Commonwealth on the Virginia Energy Plan and other energy matters. The Senior Advisor will serve as the Governor's principal advisor on energy-related issues, and is directed to coordinate energy policy across state agencies and institutions, including advising state institutions of higher education on coordinating energy research efforts.

The Senior Advisor shall develop and update the Virginia Energy Plan in conjunction with the Division of Energy of the Department of Mines, Minerals, and Energy, as provided for in Chapter 2 of Title 67 of the Code of Virginia, drawing upon expertise of other agencies and institutions and Virginia businesses as appropriate.

The Governor's Energy Policy Advisory Council shall be chaired by the Senior Advisor for Energy Policy. The Council shall consist of 15 members appointed by the Governor, to serve at his pleasure. Appointees shall include representatives of Virginia's energy providers and producers, residential, commercial and industrial energy consumers, Virginia's conservation community, and the Secretaries of Natural Resources, Commerce and Trade, and Technology. The Advisory Council shall make a report of its activities by December 1 of each year.

The Advisory Council's responsibilities shall include the following:

1. Review the recommendations set forth in the Virginia Energy Plan as well as other relevant reports and studies.
2. Evaluate strategies for implementing recommendations of the Virginia Energy Plan, including prioritization, approach, and timeline.
3. Monitor implementation of the Virginia Energy Plan.
4. Identify additional energy policy options for the Commonwealth to address energy issues.

5. Make other recommendations as may be appropriate.

Responsibilities of the Department of Mines, Minerals and Energy

The Department of Mines, Minerals and Energy shall be responsible for providing technical assistance to state agencies and institutions in achieving energy savings. Specifically, the Department of Mines, Minerals and Energy shall:

1. Assist state agencies in their efforts to conserve energy to the maximum extent feasible;
2. Assist agencies and institutions with implementation of this Executive Order;
3. In cooperation with the Department of Environmental Quality, assist agencies with calculating the extent to which their energy savings result in a reduction in greenhouse gas emissions; and
4. Maintain a system to monitor and report on progress made by state agencies toward reducing from its 2006 baseline energy costs and consumption for state-owned facilities, and provide a report at least annually on its website.

This Executive Order shall become effective upon its signing and shall remain in full 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 fifth day of April, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FORTY-NINE (07)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SHOOTINGS AT VIRGINIA TECH

On April 16, 2007 I verbally declared a state of emergency to exist for the Commonwealth of Virginia in response to the multiple shootings at Virginia Tech in Blacksburg, Virginia.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this incident constitute a disaster wherein human life was sadly taken.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued April 16, 2007, 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 assist response and recovery from this incident and to mitigate the effects of this tragedy. I authorize the Virginia State Police to perform such law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, and the Secretary of Public Safety, may find necessary.

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

A. The appropriate implementation by agencies of the state and local governments of Volume 1 (Basic Plan), and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of the affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and response 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 reception of injured and other persons and the exchange of medical, fire, police 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.

E. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the Code of Virginia, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

F. 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.

G. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.24 of the Code of Virginia, other than the costs defined elsewhere, in performing these missions shall be paid out of the sum sufficient. In addition, up to $150,000 shall be made available for state response and recovery operations with the Department of Planning and Budget overseeing the release of these funds.

H. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

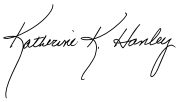
Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in §44-146.28 of the Code of Virginia, in performing these missions shall be paid from state funds.

This Executive Order shall be effective April 16, 2007, and shall remain in full force and effect until April 16, 2008 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 16th day of April, 2007.

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY (07)

REPORTING CRITICAL SAFETY DATA TO THE CENTRAL CRIMINAL RECORDS EXCHANGE

In the aftermath of the murders and injuries on the campus of Virginia Tech on April 16, 2007, and in order to promote the safety of the residents of our Commonwealth, it is imperative that we take steps to make sure that laws affecting the purchase of firearms by persons with mental illness adjudicated by a court are carefully reviewed.

The General Assembly will determine during its 2008 session what legislative changes are appropriate in this regard. In the meantime, however, it is important that we take appropriate administrative steps to bring greater clarity to how existing laws governing the purchase of firearms by those who have been ordered to receive involuntary treatment for mental illness by a court are to be interpreted by the executive branch.

Such steps should include reporting to relevant databases all mental health adjudications that determine a person is mentally ill and a danger to himself or others, and thereby required to receive mental health treatment, whether on an inpatient or outpatient basis. The full inclusion of such adjudications in state and federal databases would bar such an individual from gun purchases until such time as his or her right to purchase firearms is restored by a court.

Statutory Authority

In 2005, the General Assembly amended certain statutes by which courts are authorized to order involuntary mental health treatment. One such change altered Va. Code Section 37.2-819, the statute requiring reporting of mental health adjudications to the Central Criminal Records Exchange. Previous language required reporting an adjudication that a person was mentally ill and a danger to himself or others only if that person was then "committed to a hospital." The 2005 change broadened the language to require such a report if the person was "admitted to a facility." There are several reasonable interpretations of the phrase "admission to a facility," since the term "facility" is defined expansively as any "state or licensed hospital, training center, psychiatric hospital, or other type of residential or outpatient mental health or mental retardation facility."

After review of the statutes and the practices among Virginia courts, I believe it is appropriate for all agencies to report any mental health adjudications leading to involuntary treatment, premised upon a danger finding, whether or not such treatment is to be received in an inpatient or outpatient setting.

Direction to Executive Branch Employees

I therefore direct that all executive branch employees consider any involuntary treatment order pursuant to §37.2-817, whether inpatient or outpatient, to be an "admission to a facility" for purposes of §37.2-819, using the definition of "facility" cited above from §37.2-100. This includes, without limitation, a direction that forms, announcements, training, and executive branch procedures affected hereby be revised accordingly.

I further direct the Virginia State Police to request copies of orders both for involuntary inpatient and involuntary outpatient care from the appropriate district courts, and to revise SP-237, the form by which they request such orders. The State Police shall include such orders in the Central Criminal Records Exchange and share such data as appropriate with federal law enforcement agencies. Pursuant to its duties under Section 18.2-308.2:2, the State Police shall report to the requesting firearms dealer any person who has been ordered by the court to receive such involuntary inpatient or outpatient mental health care as described herein and such person shall be prohibited from purchasing a firearm from that dealer until that person's firearms rights have been restored.

I further direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to revise DMH 1006, the form by which it petitions for involuntary care, to reflect that both inpatient and outpatient involuntary care are to be reported to the Central Criminal Records Exchange.

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 30th day of April 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-ONE (07)

CONTINUING CERTAIN EXECUTIVE ORDERS

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 I have previously issued for an additional year. The renewal shall be effective for one year from the initial issuance date;

- **Executive Order 13**, creating the Governor's Commission on Community and National Service, issued on June 2, 2006;
- **Executive Order 15**, creating Virginia's Interagency Gang Workgroup, issued on June 2, 2006; and
- **Executive Order 18**, creating the Virginia Citizen Soldier Support Council, issued on June 5, 2006.

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

Given under my hand and under the Seal of the Commonwealth of Virginia, this 18th day of May 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-TWO (07)

ESTABLISHING A PUBLIC SAFETY MEMORIAL COMMISSION

Every day, brave men and women put on their uniforms and dedicate their lives to the protection of life and property throughout the Commonwealth. Virginia's Law Enforcement Officers, Firefighters, Corrections Officers, Emergency Medical Technicians and Emergency Management personnel serve our Commonwealth providing us with safety and security, and responding when we are in need.

Unfortunately, every year we mourn the loss of members of the public safety community. A Public Safety Memorial would be a meaningful and fitting honor to Virginia's fallen heroes giving the friends and family of the men and women who have died in the line of duty a place to remember them, and to give Virginians a memorial to honor and respect those who have made the ultimate sacrifice serving our society.

Establishment of the Commission

Virginia is one of only ten states in the country without a state-level memorial honoring public safety personnel who have died in the line of duty. I am hereby formally establishing the Public Safety Memorial Commission, to honor the men and women who have died in the line of duty while serving Virginians.

Composition of the Commission

The Public Safety Memorial Commission shall be chaired by the Secretary of Public Safety. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Commission shall consist of the Secretary of Administration, representatives from state agencies, representatives from the General Assembly, and members of the public safety community appointed by the Governor and serving at his 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 study and recommend to the Governor and General Assembly an appropriate memorial for the Commonwealth to commemorate the courage and sacrifice of Virginia's Public Safety personnel.

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. The Commission shall submit a report with its recommendations by October 30, 2007.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until December 1, 2007, unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 13th day of June, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-THREE (07)

VIRGINIA TECH REVIEW PANEL

The brutal murder of thirty-two members of the Virginia Tech community on April 16, 2007, was one of the most tragic events in the Commonwealth's history and in the history of our nation. One student killed thirty-two students and faculty members, wounded many more members of the community, and then took his own life. Many survivors, family members of victims, and other members of the Virginia Tech community will carry emotional scars throughout their lives.

It is essential for their sake, and for the safety of the many thousands of people on our college and university campuses, that we gain as much understanding as possible of what took place and why it took place in order to take steps to minimize the risk of a tragedy of this nature ever occurring again.

On April 16, 2007, I issued **Executive Order 49** (2007), which established a "Declaration of Emergency for the Commonwealth of Virginia Due to Shootings at Virginia Tech." Three days later, in consultation with the Office of the Attorney General and leaders of the General Assembly, I commissioned the Virginia Tech Review Panel to conduct an independent, thorough, and objective incident review of the tragedy at Virginia Tech and to make recommendations regarding improvements that can be made in the Commonwealth's laws, policies, procedures, systems and institutions, as well as those of other governmental entities and private providers.

This Executive Order is being issued to describe certain actions already taken pursuant to Executive Order 49 and to provide formal clarification of the authorization I gave to the Panel to conduct its review commencing April 19, 2007.

Establishing the Review Panel

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 without limitation 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 established the Panel as a gubernatorial commission effective April 19, 2007, to prepare a report to me and to gather such records and information necessary or helpful to providing such a report. This order shall expire on April 18, 2008, unless extended by a future executive order.

In accordance with Section 2.2-135(B) of the Code of Virginia, funding for the Panel shall be provided only from funds: (i) appropriated for the Governor's discretionary use; (ii) appropriated for the purposes for which the Panel was established; or (iii) contributed by the private sector for purposes for which the Panel was established. The Panel shall also be entitled, with gubernatorial approval, to make use of services provided on a pro bono basis by the private sector.

In accordance with Section 2.2-135(D) of the Code of Virginia, I will provide a report to the Senate Committee on Finance and House Committee on Appropriations every six months specifying the amount and costs of staff support and the sources of staff support.

The Panel's Mission

On May 10, 2007, the Panel held its organizational public meeting in Richmond. At that meeting, I presented a charge to the Panel concerning its mission.

The Panel's mission is to provide an independent, thorough, and objective incident review of this tragic event, including a review of educational laws, policies and institutions, the public safety and health care procedures and responses, and the mental health delivery system. With respect to these areas of review, the Panel should focus on what went right, what went wrong, what practices should be considered best practices, and what practices are in need of improvement. This review should include examination of information contained in academic, health and court records and by information obtained through interviews with knowledgeable individuals. Once that factual narrative is in place and questions have been answered, the Panel should offer recommendations for improvements in light of those facts and circumstances.

In particular, the Commission shall have the following responsibilities:

- Conduct a review of how Seung Hui Cho committed these 32 murders and multiple additional woundings, including without limitation how he obtained his firearms and ammunition, and to learn what can be learned about what caused him to commit these acts of violence.

- Conduct a review of Seung Hui Cho's psychological condition and behavioral issues prior to and at the time of the shootings, what behavioral aberrations or potential warning signs were observed by students, faculty and/or staff at Westfield High School and Virginia Tech. This inquiry should include the response taken by Virginia Tech and others to noted psychological and behavioral issues, Seung Hui Cho's interaction with the mental health delivery system, including without limitation judicial intervention, access to services, and communication between the mental health services system and Virginia Tech. It should also include a review of educational, medical and judicial records documenting his condition, the services rendered to him, and his commitment hearing.

- Conduct a review of the timeline of events from the time that Seung Hui Cho entered West Ambler Johnston dormitory until his death in Norris Hall. Such review shall include an assessment of the response to the first murders and efforts to stop the Norris Hall murders once they began.

- Conduct a review of the response of the Commonwealth, all of its agencies, and relevant local and private providers following the death of Seung Hui Cho for the purpose of providing recommendations for the improvement of the Commonwealth's response in similar emergency situations. Such review shall include an assessment of the emergency medical response provided for the injured and wounded, the conduct of post-mortem examinations and release of remains, on-campus actions following the tragedy, and the services and counseling offered to the victims, the victims' families and those affected by the incident. In so doing, the Panel shall to the extent required by federal or state law: (i) protect the confidentiality of any individual's or family member's personal or health information; and (ii) make public or publish information and findings only in summary or aggregate form without identifying personal or health information related to any individual or family member unless authorization is obtained from an individual or family member that specifically permits the panel to disclose that person's personal or health information.

- Conduct other inquiries as may be appropriate in the Panel's discretion otherwise consistent with its mission and authority as provided herein.

- Based on these inquiries, make recommendations on appropriate measures that can be taken to improve the laws, policies, procedures, systems and institutions of the Commonwealth

and the operation of public safety agencies, medical facilities, local agencies, private providers, universities, and mental health services delivery system.

In conducting its review, the Panel should coordinate with law enforcement authorities to avoid conflict with the ongoing criminal investigation of the Virginia Tech tragedy. The Panel should also coordinate with the Virginia Supreme Court's Commission on Mental Health Law Reform to avoid conflicts and to ensure that the Court's review and the Panel's review are conducted in an efficient and mutually beneficial manner.

At its discretion and upon request to the Governor, the Panel may seek permission to work with the Virginia Crime Commission (Section 30-156 of the Code of Virginia, et seq.) in order to gain access to witnesses and/or information not otherwise readily available to the Panel.

In conducting its review, the Panel and/or TriData should continue to offer the families of the deceased the opportunity to provide input to the Panel publicly or privately and to offer those families who so desire an opportunity to be apprised periodically of the Panel's progress.

Composition of the Panel

The Panel shall consist of eight members appointed by the Governor and serving at the pleasure of the Governor. As previously announced in statements released on April 19, 2007, and April 21, 2007, the Panel members include:

- Panel Chair Col. Gerald Massengill, a retired Virginia State Police Superintendent who led the Commonwealth's law enforcement response to the September 11, 2001, attack on the Pentagon and the sniper attacks that affected the Commonwealth in 2002.

- Panel Vice Chair Dr. Marcus L. Martin, Assistant Dean for the School of Medicine at the University of Virginia and a Professor in its Department of Emergency Medicine.

- Gordon Davies, former Director of Virginia's State Council of Higher Education for Virginia (1977-1997) and President of the Kentucky Council on Postsecondary Education (1998-2002).

- Dr. Roger L. Depue, a 20-year veteran of the FBI and the founder, past president and CEO of The Academy Group, Inc., a forensic behavioral sciences services company providing consultation, research, and investigation of aberrant and violent behavioral problems.

- Carroll Ann Ellis, Director of the Fairfax County Police Department's Victim Services Division and a faculty member at the FBI National Academy, the National Victim Assistance Academy, and Northern Virginia Community College.

- Governor Tom Ridge, former Governor of Pennsylvania (1995-2001) and Member of the U.S. House of Representatives (1983-1995) who was also the first U.S. Secretary of Homeland Security (2003-2005).

- Dr. Aradhana A. "Bela" Sood, Chair of Child and Adolescent Psychiatry and Medical Director of the Virginia Treatment Center for Children at VCU Medical Center.

- The Honorable Diane Strickland, former judge of the 23rd Judicial Circuit Court in Roanoke County (1989-2003) and co-chair of the Boyd-Graves Conference on issues surrounding involuntary mental commitment.

The eight members of the Panel are nationally recognized in many different fields, bringing expertise in the areas of law enforcement, security, governmental management, mental health, emergency care, victims' services, the Virginia court system, and higher education.

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

Pursuant to Section 2.2-2103 of the Code of Virginia, I may from time to time delegate staff to the Panel, if so needed, through the Office of the Governor, the Governor's cabinet secretaries or any other such agency that I may designate.

Effective April 19, 2007, and pursuant to Section 2.2-4303(F) of the Code of Virginia, the Commonwealth on behalf of the Panel retained the services of the TriData division of System Planning Corporation to provide independent research and staff support to the Panel. TriData has extensive experience in both emergency preparedness/response planning and conducting reviews and assessments.

For example, TriData reviewed the response to the Columbine High School shootings in Colorado in 1999 and prepared a report published by the Federal Emergency Management Agency's U.S. Fire Administration. TriData also provided the Commonwealth with an assessment of the Commonwealth's response to Hurricane Isabel in 2003 and a review of the alleged anthrax scare at the Pentagon and Department of Defense offices in 2005. Additionally, TriData has performed studies and analyses for the more than 250 federal, state and local agencies, including without limitation the U.S. Departments of Justice and Homeland Security.

Effective May 29, 2007, I appointed the law firm of Skadden, Arps, Slate, Meagher & Flom LLP, to provide independent legal advice to the Panel on a pro bono basis. I did so pursuant to Section 2.2-510(4) of the Code of Virginia, after receiving advice from the Office of the Attorney General that the appointment of such outside counsel was necessary and appropriate. Skadden Arps has extensive experience in representing special commissions and boards of inquiry.

Direct expenses for this effort, exclusive of staff time, are estimated at $ 400,000.

Further Designations and Directives

To ensure full cooperation with the Panel's review, I direct that all agencies and political subdivisions of the Commonwealth, to the greatest extent permissible by law including without limitation authority of this Executive Order, provide any information, records, or assistance that may be required by the Panel, in accordance with its duties, including without limitation any assistance that may be required in connection with the agencies' available power to issue subpoenas or to take testimony of any witness relevant to the Panel's inquiry.

In that regard, I direct Virginia Tech and other public education institutions, to the greatest extent permissible by law, to make available to the Panel any and all educational and health records regarding Seung Hui Cho that the Panel requests.

I further provide the Panel with all authority I can give it to obtain all such information, records, and assistance that may be required in accordance with its duties in order to complete its review.

I designate the Panel to be a health oversight authority empowered to conduct activities for appropriate oversight of the Commonwealth's mental health care and other health care systems, as necessary to complete the Panel's review in accordance with the mission set forth in this Executive Order.

The Panel shall have any authority I can give it to pursue records necessary to its mission by court order. This will include favorable consideration of requests to use my authority pursuant to Section 2.2-109 of the Code of Virginia to require any state officer, superintendent, board, or employee to appear before me, or any other person designated or empowered by me pursuant to Section 2.2-104 of the Code of Virginia and to produce documents relating to their offices and duties. Where necessary, I or my designee pursuant to Section 2.2-104 will issue subpoenas or other writs to enforce the provisions of Section 2.2-109. I will provide any such documents relevant to the Panel's mission to the Panel and invite a Panel member to participate in any meetings held pursuant thereto.

The records and information obtained by the Panel and TriData in preparing their report for my deliberative use shall be deemed working papers pursuant to Section 2.2-3705.7 of the Code of Virginia. I intend to make public the report and records provided to me with the report to the fullest extent possible without compromising the Panel's and TriData's ability to secure such records and other related information for their review. Some of the records that the Panel will want to review may be difficult to obtain due to federal and state privacy laws. In those instances where the law requires

the Panel and TriData, as a recipient of such records, to maintain the confidentiality of the records in order to receive them, I will also treat those documents as working papers when they are submitted to me.

It is important to the integrity of the conclusions reached by the Panel that the review be conducted on an independent basis. The flexibility needed for the Panel to conduct an independent, thorough, and objective incident review requires that the Panel's report be that of the Panel and not one by public officials of the Commonwealth of Virginia pursuant to a duty imposed by statute, or required by the nature of a public office. Based on the Panel's report, the Commonwealth will take remedial measures in order to improve public safety in the Commonwealth and ensure that a similar tragedy does not occur.

Neither the Panel members nor the Panel staff shall be subject to personal liability while acting within the scope of their duties, except for gross negligence or intentional misconduct.

This executive order shall become effective upon its signing and shall remain in full force and effect until April 18, 2008, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 18th day of June 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-FOUR (07)

DECLARATION OF A STATE OF EMERGENCY
TO ASSIST ROCKBRIDGE COUNTY AND THE TOWN OF GOSHEN
DUE TO A CRITICAL WATER SHORTAGE

On June 20, 2007, I declared a state of emergency to exist for the County of Rockbridge and the Town of Goshen to assist these localities in responding to a critical water shortage, which began on June 14, 2007. In accordance with § 44-146.17, the Commonwealth will provide resources and assistance to the fullest extent possible as needed to assist with measures that may be needed to deal with the water shortages.

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 orders issued June 20, 2007, that a state of emergency exists and direct that appropriate assistance be rendered by agencies of the state government to respond to the needs in Rockbridge County and the Town of Goshen to alleviate adverse conditions created by the water shortage. Pursuant to § 44-75.1.A.3 and A.4 of the *Code of Virginia*, I direct that the Virginia National Guard be called forth to state duty to assist in providing such aid. This shall include such

functions as the State Coordinator of Emergency Management, the Adjutant General, 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 measures:

A. The limited implementation by agencies of the state and local governments of Volume 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Limited activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to the impacted localities. I am directing that the VEOC and VERT coordinate state operations in support of this emergency declaration, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization for the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, to assume control over the Commonwealth's state-operated telecommunications systems, making all systems assets available for use in providing adequate communications, intelligence and response 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 §§ 44-146.18(E) and 44-146.28:1 of the *Code of Virginia* to provide for the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, §44-146.28:1 of the *Code of Virginia*.

The provisions authorized in this paragraph may be discontinued by publication of administrative notice to all affected and interested parties by the Secretary of Public Safety, after consultation with other affected cabinet secretaries.

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 commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination.

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

Any One Axle	24,000 Pounds
Tandem Axle (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-Semi trailer (4 Axles)	64,500 Pounds
Tractor-Semi trailer (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 Surfaces	850 Pounds

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

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

G. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Association of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

H. The activation of the statutory provisions in § 59.1-525 et seq. of the *Code of Virginia* related to price gouging. The Departments of Agriculture and Consumer Services and State Police are directed to take immediate action to address any verified reports of price gouging of necessary goods or services. The Office of the Attorney General and local officials are also requested to take appropriate action in this regard.

I. The implementation of the highest possible level of water conservation measures by state agencies, consistent with public health and safety.

J. The imposition of an open burning ban in the Town of Goshen, effective immediately and continuing until such time as it is lifted by the Secretary of Public Safety, upon advice of local officials.

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.

2. Pursuant to §52-6 of the *Code of Virginia*, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers, as deemed necessary. These police officers shall have the same powers and perform the same duties as the regular State Police officers appointed by the

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

3. In all instances, members of the Virginia National Guard 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 member 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 reasonable 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 that 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. Upon my approval, the costs incurred by the Department of Military Affairs in performing these missions shall be paid from available state funds.

Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC as defined herein and in §44-146.28 of the *Code of Virginia*, other than costs defined in Item 5 of the paragraph I above pertaining to the Virginia National Guard, in performing these missions shall be paid from available state funds. In addition, up to $150,000 shall be made available for state response and recovery operations with the Department of Planning and Budget overseeing the release of these funds.

This Executive Order shall be effective June 20, 2007, and shall remain in full force and effect until December 20, 2007, unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any Worker's Compensation or other federal-type benefits granted, or to be granted to any member of the Virginia National Guard 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 20th day of June 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-FIVE (07)

CONTINUING THE HEALTH INFORMATION TECHNOLOGY COUNCIL

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

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

Establishing the Council

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

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

1. Encourage public-private partnerships to increase adoption of electronic medical records for physicians in the Commonwealth.

2. Identify areas where health information technology can lower health care costs for the Commonwealth of Virginia as an employer and health insurer.

3. Provide a final report to the Governor by May 15, 2008 outlining the activity of the Council, providing an overview of state level Health IT activity in the Commonwealth, and making any recommendations the Council should desire to improve the state of Health IT adoption in the Commonwealth.

4. Recommend budget proposals necessary to advance the Health IT agenda including encouraging long-term, sustained adoption and interoperability of health information technology in the Commonwealth in the report to the Governor by May 15, 2008.

5. Periodically review and comment on the Commonwealth's Health IT strategy including initiatives not under the direct purview of the Health IT Council.

6. Examine other issues as may seem appropriate.

The Council shall consist of the members previously appointed by the Governor and to serve at his pleasure, in accordance with the parameters laid out in the 2006 Appropriation Act. Additional members may be appointed at the Governor's discretion. The Secretaries of Health and Human

Resources and Technology will co-chair the Council and will be responsible for convening the Council.

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

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

This Executive Order shall become effective upon its signing and shall return in full force and effect until July 1, 2008, 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 September, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-SIX (07)

HOKIE SPIRIT MEMORIAL AND SCHOLARSHIP FUNDS DISBURSEMENT

On Monday, April 16, 2007, thirty-two members of the Virginia Polytechnic Institute & State University ("Virginia Tech") community were brutally murdered, and numerous other students and faculty members were injured as a result of a student's shooting rampage. On April 16, 2007, I issued Executive Order 49 to declare a State of Emergency for the Commonwealth as a result of the mass shootings.

This horrific tragedy inspired a spontaneous outpouring of support from individuals, corporations, other universities, and benevolent organizations, including generous financial donations. In response, the Virginia Tech Foundation, Inc. (the "Foundation"), which is a charitable, 501(c)(3) corporation existing solely to support the instructional, research, and public service programs of Virginia Tech, established two funds. The funds were named the Hokie Spirit Memorial Fund and the Hokie Spirit Scholarship Fund (collectively, the "Funds").

The Foundation has advised me that: more than 20,000 individuals and groups have donated over $7 million to the Funds; based on the information provided by donors, it appears that the donors' general intent was to assist the victims, families, and the Virginia Tech community in the recovery and healing process following the tragedy; some donors to the Funds indicated a desire that their donations be used for scholarship purposes; and other donors did not limit or specify the manner in which the donations were to be expended.

In an effort to identify the most appropriate use of the funds other than certain limited funds already provided to or expended on behalf of victims and families for expenses incurred as a direct result of the tragedy, Virginia Tech accepted the volunteer services of Kenneth Feinberg, who formerly served as Special Master of the Federal September 11 victim's compensation fund. Mr. Feinberg met with

families of the deceased and survivor families in an effort to gain information about their wishes. He developed a protocol for distribution based on his assessment of the wishes of the families. The protocol for distribution ("Protocol") was announced on August 15, 2007, with a schedule for application and final distribution of monies.

The distribution of funds contemplated by the Protocol cannot be made directly by the Foundation because of limitations in the Foundation's charter. However, I have been advised that a transfer of such funds from the Foundation to Virginia Tech would permit Virginia Tech to make such a distribution. I have been further advised that such a transfer from the Foundation to Virginia Tech requires authorization by the Governor.

In that regard, Virginia Tech concurs in and supports the proposed distribution outlined in the Protocol. Virginia Tech intends to request that the Foundation transfer the funds to Virginia Tech so that Virginia Tech can, in turn, provide for distributions pursuant to the Protocol. The Foundation has indicated its willingness to do so.

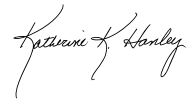
Accordingly, pursuant to authority granted to me as Governor, including but not limited to Article V of the Constitution of Virginia, and §-§ 4-1.04a.3.a).7) and 4-2.01.a.1 of Chapter 847 of the 2007 Acts of Assembly, and subject always to my continuing and ultimate responsibility and authority to act in such matters, I hereby authorize Virginia Tech to accept from the Foundation such funds as are maintained in the Funds and direct the Director of Planning and Budget to take steps necessary to permit Virginia Tech to distribute in accordance with the Protocol funds derived from the donations to the Funds after April 16, 2007.

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

Given under my hand and the Seal of the Commonwealth of Virginia this 13th day of September, 2007.

Governor

Attest:



Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-SEVEN (07)

DECLARATION OF A STATE OF EMERGENCY ARISING FROM DROUGHT AND FOREST FIRE OR THE POTENTIAL THEREOF THROUGHOUT THE COMMONWEALTH OF VIRGINIA

Current drought conditions have created the potential for widespread and very dangerous forest fires throughout Virginia. These conditions have posed and may continue in the future to pose, a significant threat to public safety. I hereby declare that a state of emergency exists within the Commonwealth of Virginia, and I specifically authorize immediate placement of Virginia National Guard assets for deployment to assist the Virginia Department of Forestry, upon its request, in fighting and mitigating the effects of fires. I further impose a statewide ban on all open burning effective immediately. The ban on open burning shall continue until the Secretary of Agriculture and Forestry, in consultation with the Secretary of Public Safety, determines that conditions warrant ending the ban.

Furthermore, I direct that state agencies provide assistance in dealing with potential or actual drought-related issues to the extent required by the Coordinator of Emergency Management in consultation with the Secretary of Public Safety, the Adjutant General of Virginia, the State Forester, the

Commissioner of Health, the Commissioner of Agriculture and Consumer Services, and others as required.

The health and general welfare of the citizens of the Commonwealth required that state action be taken to help alleviate these drought-related conditions. I find that the effects of this drought constitute a natural disaster wherein human life and public and private property are imperiled, as described in §44-75.1.A.4 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 do hereby proclaim that a state of emergency exists in the Commonwealth and direct that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate any conditions resulting from drought or forest fires. Pursuant to §44-75.1.A.3 and A.4 of the Code of Virginia, I also direct that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid, to the extent required by the Coordinator of the Department of Emergency Management, in coordination with the Secretary of Public Safety, the Adjutant General of Virginia, and the State Forester.

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

A. The full implementation by agencies of the state and local governments of Volumes 1 (Basic Plan) and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended along with other appropriate state agency plans.

B. I hereby direct evacuation of areas threatened or stricken by forest fires. Following a declaration of 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.l7(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 I misdemeanor.

C. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §44.l46.18 (E) 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.

D. 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.

E. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or vehicle license exemptions to all carriers transporting emergency relief supplies in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. This authority to grant exemptions does not supercede any applicable federal law.

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

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

All overwidth loads, up to a maximum of 14 feet, must follow Virginia Department of Transportation (VDOT) 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 en-route and returning to their home base. The above-cited agencies shall communicate the 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 60 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. Members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments are, in the performance of those assignments, designated as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia.

G. The following conditions apply to said 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 and with the approval of the Secretary of Public Safety shall make available, on state active duty, such units and members of the Virginia National Guard and the Virginia Defense Force and such equipment as may be necessary or desirable to assist

in alleviating both the potential and actual human suffering and damage to property as a result of the effects caused by the drought, including forest fires.

2. In all instances, members of the Virginia National Guard and the 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 the state or local governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of Forestry or Emergency Management or state or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

3. 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. In the event of such injury or death as a result of service under this executive order, termination of this executive order is not intended to terminate entitlement to benefits as provided herein. 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 the injury or death which ever produces the greater benefit amount. Pursuant to §44-14 of the Code of Virginia, and subject to the concurrence of the Board of Military Affairs, 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.

H**.** 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.

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

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

than costs defined in Item 5 of the paragraph above pertaining to the Virginia National Guard and the Virginia Defense Force, shall be paid from available state 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.

This executive order shall be effective October 19, 2007, and shall remain in full force and effect until June 30, 2008, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard and Virginia Defense Force in the event of injury or death shall continue to remain in effect after termination of this executive order as a whole.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 18th day of October 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-EIGHT (07)

ESTABLISHMENT OF POLICIES AND PROCEDURES FOR AGENCY ASSESSMENT OF MANDATES ON LOCAL GOVERNMENT

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 2.2-613 and 15.2-2903(6) 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 by which the executive agencies of the Commonwealth shall critically assess and periodically reassess all mandates imposed on localities administered by such agencies. Unnecessary, redundant and conflicting mandates imposed on localities siphon local governments' limited resources thereby contributing to fiscal stress and hardship and detracting from other needs and priorities. Thus, the purpose of the mandate assessment process is to determine which mandates, if any, may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety, and welfare of the residents of Virginia.

A. Mandates Defined

1. For purposes of implementing Section 15.2-2903(6) of the *Code of Virginia*, a mandate shall be defined as a constitutional, statutory, or administrative measure or action that places a requirement on local governments.

2. Mandates placing requirements on local governments shall be classified as compulsory orders, non-discretionary conditions of aid, regulation of optional activities, or state fiscal preemption. These classifications shall be defined as follows:

   (a) Compulsory Orders are measures or actions that impose requirements with which localities must comply in the performance of their prescribed responsibilities.

   (b) Non-Discretionary Conditions of Aid are requirements which are imposed as a condition of receiving state and/or federal financial aid for which localities are obligated or encouraged to apply.

(c) Regulation of Optional Activities are measures imposing state and/or federal government requirements relative to the performance of activities that are not mandated but are subject to such regulation if performed.

(d) State fiscal preemption is a measure or action that results in a net reduction of revenues collected by a locality or restricts a locality's authority to collect such revenues.

B. Requirements

1. Assessment of Current Mandates

The executive agencies of the Commonwealth shall assess all local government mandates, which they currently administer, as determined by the Commission on Local Government and specified in the most recent edition of the *Catalog of State and Federal Mandates on Local Governments*, as follows:

(a) All assessments performed by agencies pursuant to Section 2.2-613 and Section 15.2-2903(6) of the *Code of Virginia* shall be conducted consistent with the standardized assessment form adopted by the Commission on Local Government.

(b) During the mandate assessment process, agencies should solicit fiscal impact data and evaluative comment from affected local governments and indicate on the assessment form the localities providing the data or that no data was provided.

(c) Agencies shall initiate, conduct and complete the assessment of all mandates within the scheduled assessment periods established by the Commission on Local Government pursuant to the provisions of this Executive Order.

(d) Agencies shall submit their assessments, including any recommendations regarding the alteration or elimination of mandates, to the appropriate Cabinet Secretary for endorsement or amendment.

(e) Completed assessments, signed by the Agency Head and approved by the Cabinet Secretary, shall be submitted by the agency to the Commission on Local Government no later than five business days after the conclusion of the scheduled assessment period.

(f) The Commission on Local Government shall distribute copies of all completed assessments received from state agencies to the Governor, the Secretary of Commerce and Trade, the Clerks of the House of Delegates and Senate, the Virginia Association of Counties (VACo) and the Virginia Municipal League (VML) and to other interested parties upon request.

2. Annual Specification of Scheduled Assessment Periods

(a) Each year at such time as the Commission on Local Government shall designate, agencies shall submit to the Commission a proposed schedule establishing specific dates for the assessment periods for new or newly identified mandates, as specified in Section 4 of this Executive Order, or for the reassessment of existing mandates as may be appropriate pursuant to Section 5 of this Executive Order.

(b) The Commission on Local Government shall adopt the schedule for assessment periods proposed by the agencies, unless, in its judgment, substantial reason exists for modification.

(c) The Commission on Local Government shall submit the adopted schedule for assessment periods to the Secretary of Commerce and Trade and the Governor for their review and approval.

(d) Subsequent to approval by the Secretary of Commerce and Trade and the Governor, the Commission on Local Government shall forward copies of the schedule for assessment periods to the affected agencies.

(e) Subsequent to approval by the Secretary of Commerce and Trade and the Governor, the Commission on Local Government shall file copies of the schedule for assessment periods and any modifications thereof with the Clerks of the House of Delegates and the Senate. The Commission shall also file copies of the schedule and any modifications with VACo and VML and with the Registrar of Regulations for appropriate publication in *The Virginia Register*.

3. Modification of Scheduled Assessment Periods

(a) With due notice and sufficient cause, approved agency assessment periods may be subsequently modified by the Commission on Local Government upon its own initiative or upon the request of the administering agency, affected local governments, VACo or VML.

(b) All modifications to agency assessment periods approved by the Commission on Local Government shall be subject to the approval of the Secretary of Commerce and Trade.

4. New and Newly Identified Mandates

(a) The Commission on Local Government shall endeavor to identify for inclusion in the next annual catalog of state and federal mandates, as prescribed by Section 15.2-2903(7) of the *Code of Virginia*, all mandates on local government not previously cataloged.

(b) Executive agencies are directed to assist the Commission on Local Government in identifying new mandates which they will administer as well as mandates not previously identified which they are currently administering.

(c) Executive agencies administering such mandates shall be responsible for their assessment consistent with the relevant sections of this Executive Order.

(d) No mandate shall be subject to assessment by any agency until it has been in effect for a minimum of two years.

5. Reassessment of Mandates

(a) No mandate that has been assessed or reassessed by any agency through the assessment period concluding in April 2007 shall again be subject to reassessment unless such reassessment is requested by the Commission on Local Government after the Commission has duly considered input from local governments, state agencies, interest groups and the public.

(b) No mandate shall be subject to reassessment more than once every four years unless such mandate has been so substantially modified as to create a new mandate. Any mandate so modified shall not be subject to assessment by any agency until it has been in effect in its modified form for a minimum of two years.

(c) All reassessments of mandates shall be scheduled and conducted consistent with the relevant sections of this Executive Order.

This Executive Order rescinds Executive Memorandum 1-98 issued on October 29, 1998.

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 11th day of October, 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER FIFTY-NINE (07)

THE GOVERNOR'S COMMISSION ON CLIMATE CHANGE

The Intergovernmental Panel on Climate Change's Fourth Assessment Report stated, with an increased confidence level over previous reports, that most of the observed increase in globally averaged temperatures since the mid-20th century is "very likely due" to the increased anthropogenic greenhouse gas concentrations. Energy consumption is the largest manmade contributor to greenhouse gas emissions. States across the nation are acting to study the effects of climate change and limit their greenhouse gas emissions.

Carbon dioxide emissions rose in Virginia by approximately 34 percent from 1990 to 2004, a rate nearly twice the national average. This increase results, in part, from growth in Virginia's economy and development patterns that have produced sprawl and long commutes. Virginia ranked in the top ten states with a 30 percent increase in gasoline-powered cars during this period.

Over the long term, climate change will affect Virginia's population, wildlife, and economy. The Virginia Institute for Marine Science estimates that the mid-Atlantic sea-level will rise between four and twelve inches by 2030, threatening coastal islands and low-lying areas. Air and sea temperature changes would cause more frequent tropical storms with increased damage to Virginia communities. The Chesapeake Bay is particularly susceptible to damage caused by climate change. Changing rain and temperature patterns would disrupt agriculture and forestry.

This administration recently released a first-ever comprehensive energy plan for the Commonwealth. The Virginia Energy Plan was prepared pursuant to legislation that was enacted in 2006, and covers all aspects of energy production and consumption in Virginia: fuel demand and supply, infrastructure, impacts of energy use on the environment, and energy research and development capabilities. The Plan identifies four overall goals, and one of these is to reduce greenhouse gas emissions by 30 percent by 2025, bringing emissions back to 2000 levels. This goal will be partially achieved through energy conservation and renewable energy actions identified in the Plan. Further study will be required to formulate a plan to fully achieve the goal, and the Energy Plan recommends the creation a Commission on Climate Change to prepare a Climate Change Action Plan.

Accordingly, in this order I establish a Governor's Commission on Climate Change.

While Virginia has taken some steps to combat climate change such as legislatively establishing a voluntary renewable portfolio standard, joining the Climate Registry, and aggressively pursing energy conservation and efficiency in the Virginia Energy Plan and Executive Order 48, additional tools and resources are needed. Accordingly, based on the consultation with the Secretary of Natural Resources, I am hereby formally establishing the Governor's Commission on Climate Change to prepare a Climate Change Action Plan for Virginia that identifies the additional steps that must be taken to achieve the goal of reduce greenhouse gas emissions by 30 percent by 2025.

The Governor's Commission on Climate Change shall be chaired by the Secretary of Natural Resources. Recognizing that these efforts will require the work of individuals across a broad spectrum of professions and expertise, the Commission shall include representatives of the General Assembly and local government; scientific and land use experts; representatives of the following industries:

transportation, energy, green building and agriculture/forestry; and representatives of environmental organizations. The Governor shall appoint members of the Commission and the members shall serve at his pleasure. In addition, the Senior Advisor to the Governor on Energy Policy and the Secretaries of Transportation and Commerce and Trade will serve as ex officio members of the Commission.

Staff support for the commission will be provided by the Office of the Secretary of Natural Resources, Office of the Secretary of Transportation, the Office of the Governor, the Department of Environmental Quality, the Department of Mines, Minerals and Energy, and other agencies as may be designated by the Governor. All executive branch agencies shall cooperate fully with the Commission and provide any assistance necessary, upon request of the Commission or its staff.

The Commission is charged with preparing a Climate Change Action Plan that will:

1. Inventory the amount of and contributors to Virginia's greenhouse gas emissions, and projections through 2025,
2. Evaluate expected impacts of climate change on Virginia's natural resources, the health of its citizens, and the economy, including the industries of agriculture, forestry, tourism, and insurance,
3. Identify what Virginia needs to do to prepare for the likely consequences of climate change,
4. Identify the actions (beyond those identified in the Energy Plan) that need to be taken to achieve the 30% reduction goal,
5. Identify climate change approaches being pursued by other states, regions and the federal government.

This Executive Order shall be effective upon its signing and shall remain in force and effect until January 1, 2009 unless amended or rescinded by further executive order. The Commission shall submit a report with its recommendations by December 15, 2008.

Given under my hand and under the seal of the Commonwealth of Virginia this 21st day of December 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY (07)

PROMULGATION OF THE COMMONWEALTH OF VIRGINIA EMERGENCY OPERATIONS PLAN

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 promulgate and issue the Commonwealth of Virginia Emergency Operations Plan ("the Plan") dated 2007. The Plan provides for state government's response to emergencies and disasters 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 consistent 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 Plan adopted December 2004, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended) 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).

In accordance with the duties and responsibilities assigned in the Plan, the head of each designated state department or agency shall appoint a lead and at least one alternate Emergency Coordination Officer for the agency. The Emergency Coordination Officer is assigned the following responsibilities:

1. Coordinate with the Department of Emergency Management on emergency preparedness, response, and recovery issues;

2. Prepare and maintain designated parts of the Plan for which the agency is responsible;

3. Prepare and maintain internal plans and procedures to fulfill the responsibilities designated in the Plan;

4. Maintain a roster of agency personnel to assist in disaster operations and ensure that persons on the roster are accessible and available for training, exercises, and activations of the Plan;

5. Coordinate appropriate training for agency personnel assigned to disaster operations;

6. Prepare and maintain internal emergency preparedness, response, and recovery plans for the agency's resources (facilities, personnel, and assets) that outline a comprehensive and effective program to ensure continuity of essential state functions under all circumstances;

7. Assure the State Coordinator of Emergency Management that preparedness plans for its facilities are coordinated with the applicable local emergency management agency.

This Executive Order rescinds Executive Order Number Sixty Five (65) issued on April 1, 2004, by Governor Mark Warner and Executive Order Number Forty One (41) issued on May 17, 1999, by Governor James Gilmore.

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

Given under my hand and under the Seal of the Commonwealth of Virginia, this 21st day of December 2007.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-ONE (08)

CHIEF WORKFORCE DEVELOPMENT OFFICER COORDINATION OF WORKFORCE DEVELOPMENT AND ACCOUNTABILITY, CROSS-CABINET COLLABORATION AND THE ROLE OF THE VIRGINIA COMMUNITY COLLEGE SYSTEM

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

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby assign authority for carrying out the state's responsibilities under Chapter 4.2 of Title 2.2, Sections 2.2-2669, 2.2-2670, 2.2-2674.1, 2.2-435.6 and 2.2-435.7, and under Chapter 16 of Title 23, Section 23-215, regarding the coordination of workforce development and workforce training as set forth herein.

Background

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

A skilled workforce is central to Virginia's continued economic prosperity. It is the policy of the Commonwealth that there be a dynamic and substantive relationship between workforce development, P-16 and economic development. Furthermore, it is essential that workforce development strategies embody skilled training and education and the purposeful development of the Commonwealth's human resources. The skill development of the Commonwealth's human resources must achieve parity in areas of the state where individual skill levels do not meet the demands of employers and the economy in sufficient numbers

On June 23, 2006, Executive Order Twenty-Five (2006) was issued to ensure that initial transition steps occurred to implement the 2006 legislation. This Executive Order rescinds and replaces Executive Order Twenty-Five (2006) and is issued to ensure that the next phase of transition occurs and that appropriate responsibilities and duties are specified.

Authority and Responsibility of the Chief Workforce Development Officer

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

1. Serve as chief advisor to the Governor on all workforce matters and articulate the Governor's policy direction for workforce.
2. Chair and convene the Workforce Sub Cabinet. The Workforce Sub Cabinet is established to ensure Cabinet collaboration regarding workforce development as required by state and federal statute (Code of Virginia §2.2-435.7(4); P.L. 105-220, §112(b)(8)(A). Members of the Workforce Sub Cabinet shall be: the Officer; the Secretaries of Administration, Commerce and Trade, Education, Finance, Health & Human Resources and Public Safety; the Deputy Chief of Staff; the Director of Policy; a staff member assigned to workforce from the Governor's Policy Office; the Deputy Workforce Advisor; the Superintendent of Public Instruction; the Virginia Community College Chancellor; and the Executive Director of the State Council of Higher Education. In consultation with the Workforce Sub Cabinet, the Officer shall advise the Governor regarding the expenditures of the 15% Governor's statewide Workforce Investment Act (WIA) discretionary funds and the 25% statewide rapid response funds, to ensure that the Governor's workforce priorities are addressed. The

Governor may modify the membership and duties of the Workforce Sub Cabinet at any time. The Workforce Sub Cabinet shall meet monthly at a minimum.

3. Establish the means, proportionately and fiscally, and work with the respective Cabinet Secretaries, to support the development and implementation of a seamless and integrated One Stop workforce service delivery system. This shall include a system building staffing and resource pattern, which crosses Secretarial areas to carry out workforce development activities.

4. In the event of the existence of unresolved problems to support proportionately and fiscally the development and implementation of the one stop workforce system among the respective Cabinet Secretaries, the Officer shall report to the Governor and recommend appropriate action. The Governor shall have the ultimate responsibility for resolving any workforce system building problems regarding staffing and resource patterns that cross Secretarial areas.

5. Oversee, in cooperation with the Secretaries of Administration, Commerce and Trade, Education and Finance the transition of the WIA from the Virginia Employment Commission (VEC) to the Virginia Community College System (VCCS) to ensure the Commonwealth's compliance with federal and state laws and regulations.

6. Coordinate with the VCCS and the U.S. Department of Labor in the development of the appropriate waivers to improve the effectiveness of the workforce delivery system and to assist the VCCS in its role as coordinator of workforce training.

7. Monitor and implement the Governor's Workforce Development Strategic Plan.

8. Provide an annual forecast of occupational and skill demands of employers relative to the Commonwealth of Virginia's workforce, in coordination with agencies and entities charged with an aspect of occupational and educational forecasting. These agencies and entities may include the following: the Virginia Workforce Council, the State Council for Higher Education in Virginia, the Virginia Employment Commission, the Department of Health Professions and the Virginia Economic Development Partnership and private entities that provide such services.

9. Direct and conduct annual net impact and other evaluations of state workforce program outcomes. In cooperation with the Governor's P-16 Education Council initiatives and the Workforce Sub Cabinet, develop options for a data repository to support and contain agency data for evaluation purposes.

10. Represent the Governor on workforce development matters and on the Virginia Workforce Council. This includes the authority to vote on the Governor's behalf and serving on the Executive Committee of the Virginia Workforce Council.

11. Oversee the implementation of the development of comprehensive integrated seamless local One Stop workforce service delivery systems in cooperation with the Workforce Sub Cabinet

12. Maximize the education and training role of the VCCS at the One Stop level, contingent on available resources.

13. Enter into a Memorandum of Understanding (MOU) with the VCCS for staff support for the Officer to be funded by the WIA Governor's statewide discretionary funds.

14. At the direction of the Governor and in cooperation with the Virginia Community College System and the Workforce Sub Cabinet, the Officer shall establish a network of regional workforce planning and implementation representatives to work with businesses in the Commonwealth to plan for and respond to regional workforce needs. Such representatives will work with regions in the state, in cooperation with the Virginia Community College System, local one-stop partners, and local and regional economic development agencies for the purpose of being the focal point for anticipating and filling business workforce needs.

Duties of the Cabinet Secretaries

1. The Secretary of Commerce and Trade shall ensure coordination in the development of the Economic Development Strategic Plan and the Workforce Development Strategic Plan.

2. The Secretaries shall enter into a State Memorandum of Understanding (MOU) with the Officer, which sets forth the terms of agreement for cooperation and consultation with regard to the implementation of the workforce development system in Virginia and provides a model for local implementation of workforce systems and comprehensive integrated seamless One Stop workforce service delivery centers. This MOU shall also address support of funding of the staff of the Virginia Workforce Council. Unresolved problems among the Cabinet Secretaries regarding the entering into and implementation of the MOU shall be resolved according to the process in item number four under "Authority and Responsibility of the Chief Workforce Development Officer."

3. The Secretary of Commerce and Trade shall work with the Officer to ensure the phasing in of all local VEC offices, except for the central office and call centers, into the comprehensive workforce One Stop centers.

4. The respective Deputies and other designees of the Workforce Sub Cabinet shall meet regularly to coordinate and respond to workforce issues.

5. The Secretary of Education, in cooperation with the Officer, shall establish a panel of state and national experts and stakeholders to develop a plan for addressing the education, skill and workforce needs of adults without a high school diploma or equivalent. A report shall be presented to the Governor by September 1, 2008.

6. The Secretary of Education, in consultation with the Virginia Board of Education and the Virginia Community College System Board, shall recommend to the Governor strategies for the inclusion of the Virginia Community College System on the State Board for Career and Technical Education.

7. The Secretary of Health and Human Resources (HHR) will work with the Workforce Sub Cabinet to expand career mobility programs to meet HHR sector needs.

8. No later than July 1, 2008, the Senior Advisor, in cooperation with the Secretaries of Education and Commerce and Trade, the VCCS and the VEC shall develop and sign a MOU that shall include comprehensive coordinated transition plans for moving the WIA from the VEC to the VCCS. This MOU shall include provisions for all WIA grants, leading to final reports from the sixteen Workforce Investment Areas and their subcontractors and other agencies funded with WIA statewide funds and WIA National Emergency Grants (NEG) and Workforce Innovation in Regional Economic Development (WIRED) grants. The transition plan shall be developed in consultation with the Department of Accounts, the Department of Planning and Budget and the Department of Human Resources Management. The transition plan shall include provisions for records retention as required by federal law, regulation and guidance. The Officer shall report any problems in effecting this transition in the weekly report to the Governor and expeditious means shall be employed to ensure problem resolution and compliance with federal and state law and regulations.

Workforce System Program Performance and Accountability

1. The Officer shall oversee workforce system accountability and performance and articulate standards for net impact evaluation.

2. State workforce programs will be evaluated annually according to the following outcome performance measures: short and long-term employment rate; short and long-term earnings; and credential completion rate. The workforce programs to be evaluated are: Apprenticeship (DOLI); Postsecondary Career & Technical Education, WIA Youth, Adult & Dislocated Worker Programs (VCCS); Senior Community Services Employment Program (VDA); Vocational Rehabilitation (DRS & DBVI); Career & Technical Education Programs (DOC); Adult Education & Family Literacy (DOE); Youth Industries and Institutional Work Programs (DJJ); Food Stamp Employment & Training Program & Virginia Initiative for Employment Not Welfare (DSS); Employment Service, Trade

Adjustment Assistance and Jobs for Veterans Program (VEC) and Workforce Services Virginia Jobs Investment Program (DBA). An administrative cost limit of 10% will be imposed on all state administered workforce programs. The Workforce Sub Cabinet may recommend the addition or deletion of programs as needs change over time.

3. The Officer, in collaboration with the Workforce Sub Cabinet and the Chief of Staff, will develop guidelines for what constitutes "administrative costs."

4. The Governor may include additional measures for evaluation of workforce programs.

5. The Officer shall report evaluation results to the Governor and provide a report to the Virginia Workforce Council and the General Assembly.

6. The Officer, after consultation with the Workforce Sub Cabinet shall make recommendations to the Governor on the allocation and reallocation of workforce resources based on the results of the evaluation and cost benefit analysis.

7. The Officer shall direct the development of a state workforce program participant data repository for the following purposes:
(a)To satisfy the workforce program and system evaluation requirements of §2.2-435.7 (9) and (11) of the Code of Virginia.

(b)To allow state workforce programs to transfer participant demographic, service, outcome, funding and related information to the state agency where the workforce program data repository is located.

(c)To allow the matching of participant data files within the data repository for evaluation purposes.

(d)To allow the application of various research methods in evaluating program outcomes, performance and cost-benefit.

Duties of the Virginia Community College System (VCCS)

1. Effective July 1, 2008, the VCCS will be the designated state agency for the WIA, including that of grant recipient and fiscal and administrative agency.

2. The VCCS shall make recommendations to the Governor, in consultation with the Workforce Sub Cabinet, on the expenditures of the Governor's 15% WIA statewide discretionary funds and the 25% statewide rapid response funds in accordance with Item number 2 under the Authority and Responsibility of the Chief Workforce Development Officer section of this Executive Order.

3. The VCCS will administer the WIA rapid response program from such funds as shall be made available.

4. The VCCS may staff the regional workforce, education and economic development partnerships established by the Governor from such funds as shall be made available. The VCCS shall report annually to the Officer and the Governor on accomplishments regarding regional cooperation and ways to improve regional cooperation.

5. The Office of the Chancellor of the Virginia Community College system will have the responsibility of providing strategic guidance and staff support to the Virginia Workforce Council, subject to legislative approval and from such funds as shall be made available.

The Virginia Workforce Council (VWC)

1. The Officer shall work closely with the VWC in articulating the Governor's policy direction and views on workforce development and system building.

2. The VWC shall recommend criteria to evaluate the support provided by mandated partner programs in the development of the integrated seamless one stop system through cash and

in-kind contributions and other measures to improve the effectiveness of the One Stop Centers. The Officer shall work with the VWC regarding the evaluation of the effectiveness of Virginia Workforce Network Centers.

3. The VCCS will work with the VWC in the development of statewide policy and leadership for the One Stop service delivery system.

4. In consultation with local Workforce Investment Boards, the Council will establish a set of goals and performance measurements for local Workforce Investment Boards that expand the common measures issued by the U.S. Department of Labor and promotes a well-trained, well-educated, highly skilled and qualified workforce that meets the current and future needs of Virginia employers If a local area fails to meet required levels of performance relating to WIA indicators for a program for any program year, the Governor shall provide technical assistance. If a local area fails performance for a second consecutive year, the Council shall recommend sanctions to the Governor and advise the Governor to take corrective actions as stipulated by the WIA.

5. The Council will develop a robust set of incentives and corresponding metrics to encourage Workforce Investment Boards to establish regions that reflect labor markets, commuting patterns and other strategic economic demands to meet worker and employer needs.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2010, unless sooner amended or rescinded by further executive order. This Executive Order rescinds Executive Order Twenty-Five (2006).

Given under my hand and under the Seal of the Commonwealth of Virginia this 4th day of January 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-TWO (08)

ESTABLISHING THE COMMONWEALTH CONSORTIUM FOR MENTAL HEALTH/ CRIMINAL JUSTICE TRANSFORMATION

National surveys have shown that 16% of all jail inmates have some form of mental illness. The 2005 Virginia Jail Survey yielded a similar prevalence in the Commonwealth of jail inmates with mental illness. These findings suggest that persons with mental illness are far too often subject to arrest and incarceration in Virginia for minor "nuisance" offenses related to their symptoms, and that many jail inmates with mental illness do not receive adequate mental health treatment in our jails, or when they return to the community. This lack of treatment access can lead to continuing acute illness or relapse, as well as engagement in criminal activity, including violent acts.

During the past decade, Virginia lawmakers and Executive Branch agencies have spearheaded efforts at identifying the needs of persons with mental illness who become involved with the criminal justice system. It is imperative that Virginia address the pressing public safety and treatment access challenges posed by the lack of adequate mental health treatment for persons with mental illness in the criminal justice system. Doing so will require that there be a coordinated effort across all branches of

state government, as well as the active and direct development of community-based solutions to this serious social problem.

By virtue of the authority invested in me by Article V of the Constitution of Virginia and Section 2.2-134 of the Code of Virginia, I hereby direct the Office of the Secretary of Health and Human Resources and the Office of the Secretary of Public Safety to lead the Commonwealth Consortium for Mental Health/Criminal Justice Transformation, with the dual purpose of preventing unnecessary involvement of persons with mental illness in the Virginia criminal justice system, and promoting public safety by improving access to needed mental health treatment for persons with mental illness for whom arrest and incarceration cannot be prevented.

The Commonwealth Consortium shall be chaired by the Secretary of Health and Human Resources and the Secretary of Public Safety, or their designees. The Office of the Attorney General and the Secretary of Finance shall provide key leadership and guidance to the Consortium. The Virginia General Assembly and the Supreme Court of Virginia have been invited to participate as partners in the Consortium. Membership of the Consortium shall include Commissioners or Directors of the following state government agencies (or their designees) that have a current or potential central role in improving access to treatment for persons with mental disorders in the criminal justice system:

- Board for People with Disabilities
- Commonwealth Attorney's Services Council
- Department of Corrections
- Department of Correctional Education
- Department of Education
- Department of Health
- Department of Housing & Community
- Department of Juvenile Justice
- Department of Medical Assistance Services
- Department of Planning & Budget
- Department of Health Professions
- Department of Rehabilitation Services
- Department of Social Services
- Department of Veterans Services
- Governor's Office for Substance Abuse Prevention
- Office of the Comprehensive Services Act (CSA)
- Virginia Criminal Sentencing Commission
- Virginia Employment Commission
- Virginia Indigent Defense Commission
- Virginia Office of Protection and Advocacy (VOPA)
- Virginia State Crime Commission
- Virginia State Police

The following additional organizations shall be invited to serve as members of the Commonwealth Consortium:

- Mental Health America of Virginia (MHAV)

- NAMI Virginia and its state regional affiliates
- University of Virginia, Institute of Law, Psychiatry and Public Policy
- Virginia Association of Chiefs of Police
- Virginia Association of Community Services Boards (VACSB)
- Virginia Association of Counties
- Virginia Association of Regional Jails
- Virginia Bar Association
- Virginia Community Criminal Justice Association (VCCJA)
- Virginia Council on Juvenile Detention
- Virginia Municipal League
- Virginia Sheriffs' Association
- Virginia Hospital and Healthcare Association
- VOCAL Virginia

The Consortium shall have the following goals:

Goal I: **Transformation planning**

The Consortium shall evaluate the viability of jail diversion models for persons with mental illness, and develop recommendations for improving access to mental health treatment for persons with mental illness who cannot be diverted from arrest and incarceration. Representatives from relevant stakeholder groups in each locality, including Community Criminal Justice Boards, Law Enforcement, Local and Regional Jails, Community Services Boards and Local Community Corrections, Mental Health Services Consumers, and other public and private organizations shall be invited to participate in comprehensive transformation planning for their regions.

Goal II: **Establish a Criminal Justice/Mental Health Training Academy for the Commonwealth**

The Academy will provide an integrative locus for coordinating the training activities of currently disparate state and local, public and private organizations into a concerted program of cross-training for criminal justice and mental health personnel.

This Executive Order shall be effective upon its signing and shall remain in full force and effect until December 31, 2009, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 23rd day of January 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-THREE (08)

DECLARATION OF A STATE OF EMERGENCY ARISING FROM HEAVY WINDS AND BRUSH FIRES OR THE POTENTIAL THEREOF THROUGHOUT THE COMMONWEALTH OF VIRGINIA

On February 10, 2008, I verbally declared a state of emergency to exist within the Commonwealth of Virginia due to the existence of heavy winds and very dangerous and widespread brush fires throughout Virginia. These conditions have and may continue to pose a significant threat to public health and safety. I specifically authorized immediate placement of Virginia National Guard assets for deployment to assist the Virginia Department of Forestry, upon its request, in fighting and mitigating the effects of fires.

Furthermore, I directed state agencies to provide assistance in dealing with potential or actual wind and brush fire issues to the extent required by the State Coordinator of Emergency Management in consultation with the Secretary of Public Safety, the Adjutant General of Virginia, the State Forester, the Superintendent of the Virginia State Police and others as required.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate these wind and fire-related conditions. I find that these conditions have created occurrences which constitute an actual or potential disaster wherein human life and public and private property are imperiled, as described in §44-75.1.A.4 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 do hereby confirm, ratify, and memorialize in writing my verbal orders issued February 10, 2008, wherein I proclaimed that a state of emergency exists in the Commonwealth and direct that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate any conditions resulting from wind and fire. Pursuant to §44-75.1.A.3 and A.4 of the *Code of Virginia*, I also hereby direct that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid, to the extent required by the State Coordinator of the Department of Emergency Management, in coordination with the Secretary of Public Safety, the Adjutant General of Virginia, and the State Forester.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and to 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 full 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. I hereby direct evacuation of areas threatened or stricken by brush fires. Following a declaration of 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.l7(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 I misdemeanor.

C. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact, and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental

agreements, pursuant to §44.l46.18 (E) 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.*

D. 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.

E. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to all carriers transporting emergency relief supplies in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

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

Loads are restricted to a maximum of 12 feet wide provided they follow the hauling permits regulations and safety guidelines as published in the Virginia Hauling Permit Manual.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles en-route and returning to their home base. The above-cited agencies shall communicate the 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 the 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 60 days from the onset of the disaster, or until emergency relief is no longer necessary, whichever is earlier, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation.

F. Members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission

assignments are, in the performance of those assignments, designated as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the *Code of Virginia.*

G. The following conditions apply to said 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 and with the approval of the Secretary of Public Safety shall make available, on state active duty, such units and members of the Virginia National Guard and the Virginia Defense Force and such equipment as may be necessary or desirable to assist in alleviating both the potential and actual human suffering and damage to property as a result of the effects caused by the winds and brush fires.

2. In all instances, members of the Virginia National Guard and the 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 the state or local governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of Forestry or Emergency Management or state or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

3. 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. In the event of such injury or death as a result of service under this executive order, termination of this executive order is not intended to terminate entitlement to benefits as provided herein. 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 the injury or death which- ever produces the greater benefit amount. Pursuant to §44-14 of the *Code of Virginia*, and subject to the concurrence of the Board of Military Affairs, 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.

H. 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.

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC as defined herein and in §44-146.28 of the *Code of Virginia,* other than costs defined in Item 5 of the paragraph above pertaining to the Virginia National Guard and the Virginia Defense Force, shall be paid from available state funds. In addition, up to $700,000 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.

This executive order shall be effective February 15, 2008, upon its signing, and shall remain in full force and effect until June 30, 2008, unless sooner amended or rescinded by further executive order. That portion providing for benefits for members of the National Guard and Virginia Defense Force in the event of injury or death shall continue to remain in effect after termination of this executive order as a whole.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 15th day of February 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-FOUR (08)

DECLARATION OF A STATE OF EMERGENCY ARISING FROM HEAVY WINDS AND SEVERE STORMS THROUGHOUT THE COMMONWEALTH OF VIRGINIA

On March 5, 2008, I verbally declared a state of emergency to exist within the Commonwealth of Virginia due to the effects of heavy winds and severe storms throughout Virginia. These conditions have posed a significant threat to public health and safety.

I direct state agencies to provide assistance in dealing with wind and storm impacts to the extent required by the State Coordinator of Emergency Management in consultation with the Secretary of Public Safety, the Superintendent of the Virginia State Police, the Department of Corrections, the Department of Forestry and others as required.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate these conditions. I find that these conditions have created occurrences which constitute an actual or potential disaster wherein human life and public as well as private property are imperiled, as described in §44-75.1.A.4 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 do hereby confirm, ratify, and memorialize in writing my verbal orders issued March 5, 2008, wherein I proclaim that a state of emergency exists in the Commonwealth and direct that appropriate assistance be rendered by agencies of both state and local governments to prevent and alleviate any conditions resulting from wind and storms

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this situation and to 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 full 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. 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.

C. Members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments are, in the performance of those assignments, designated as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the *Code of Virginia.*

Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC as defined herein and in §44-146.28 of the *Code of Virginia,* shall be paid from available state funds. In addition, up to $50,000 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.

This executive order shall be effective March 5, 2008, and shall remain in full force and effect until June 30, 2008, 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 March 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-FIVE (08)

DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO SEVERE WEATHER THROUGHOUT THE COMMONWEALTH

On April 28, 2008, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on high winds, flash flooding, and tornadoes throughout the state. These conditions have caused significant property damage and personal injury.

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 situation constitute a natural disaster wherein human life and public and private property were imperiled, as described in § 44-146.16 of the *Code of Virginia*.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued April 28, 2008 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 respond to the impacts of the situation, to alleviate any conditions resulting from significant damages, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible.

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

A. The full implementation by agencies of the state and local governments of Volume 1 (Basic Plan), and Volume 2 (Disaster Recovery Plan) of the Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. Full activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) employees. Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The 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 §§ 44-146.18(E) 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*.

D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential 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 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 the vehicles en route and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

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

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

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

F. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste storage or treatment prior to proper disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the *Code of Virginia*, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

G. The authorization of a maximum of $100,000 for matching funds for the Individuals and Households 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*.

I. Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.28 of the Code of Virginia, in performing these missions shall be paid from state funds. In addition, up to $150,000 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.

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, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

This Executive Order shall be effective April 28, 2008 and shall remain in full force and effect until June 30, 2009 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 April, 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-SIX (08)

THE GOVERNOR'S ADVISORY BOARD ON NATIONAL AND COMMUNITY 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 work collaboratively with Virginia Corps and the Citizen Corps initiative to promote volunteerism and public service throughout the Commonwealth.

5. To collaborate with the Virginia Department of Social Services and other public and private entities to recognize and call attention to the significant community service contributions of Virginia citizens and organizations.

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

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

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

The 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 Virginia Department of Social Services, and any other executive branch agencies having definitely and closely related purposes, as the Governor may designate. An estimated 2000 hours of staff time will be required to support the work of the 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 $20,000. 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 on July 1, 2008 and shall remain in force and effect until June 30, 2009, unless amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia this 13th day of May 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-SEVEN (08)

DECLARATION OF A STATE OF EMERGENCY WITHIN THE COMMONWEALTH OF VIRGINIA AS A MEASURE FOR UNINTERRUPTED PETROLEUM DISTRIBUTION

On May 30, 2008, I verbally declared a state of emergency to exist for the Commonwealth of Virginia in order to ensure the uninterrupted availability of gasoline for consumers in all parts of the Commonwealth and in accordance with my authority contained in § 44-146.17 of the *Emergency Services and Disaster Laws.*

With the rising price of fuel exceeding in many instances four dollars a gallon and the fact that many retailers of petroleum products with pumps that are mechanically unable to display accurately the current price of their petroleum product and have placed orders for upgrades to their pumps, I have taken this action in order to allow retailers the ability to display the half gallon price at the pump and make adjustment to the full price at the register.

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 order the temporary waiver by the Department of Agriculture and Consumer Services of enforcement of the provisions of §3.1-949 of the Code of Virginia for retailers of petroleum products whose pumps are mechanically unable to display accurately the current price of petroleum products. This limited waiver shall be effective for a period of 120 days from the effective date of this executive order and shall apply only to retailers whose pumps are mechanically unable to display accurately the current price of petroleum products due to the age and design of the pump. The Commissioner of Agriculture and Consumer Affairs, in consultation with the Secretary of Agriculture and Forestry, shall forthwith develop and issue guidelines allowing such retailers to use a "half pricing" technique for the sale of petroleum products. Any such retailer shall be required to display the actual price of the petroleum product on any applicable signage or advertisements in accordance with these guidelines. The Commissioner and Secretary shall consult with affected stakeholders in the development of such guidelines and shall make available appropriate technical assistance to affected retailers as well as appropriate consumer education.

This Executive Order shall be effective May 30, 2008 and shall remain in full force and effect until September 30, 2008 unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 30th Day of May, 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-EIGHT (08)

DESIGNATION OF THE DIRECTOR OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AS THE DELEGATE OF THE GOVERNOR TO MAKE THE CERTIFICATIONS REQUIRED BY SECTION 149(E)(2)(F) OF THE INTERNAL REVENUE CODE

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 of the Code of Virginia, and under Title 26 Code of Federal Regulations Section 1.149(e)-1(b)(2) and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby designate the Director of the Department of Housing and Community Development as the delegate of the Governor for the purpose of making the certifications required by Section 149(e)(2)(F) of the Internal Revenue Code of 1986, as amended (the "Code"), that private activity bonds (as defined in Section 141 of the Code) meet the requirements of Section 146 of the Code relating to the cap on private activity bonds.

This Executive Order shall be effective July 1, 2008 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 6th day of June 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SIXTY-NINE (08)

SUSTAINABLE COMMUNITY INVESTMENT

Over the past decade, the Commonwealth has lost over 60,000 acres per year, or approximately 165 acres a day, to development. Virginia's population is projected to grow over 23% in between now and 2030, which has the potential to accelerate development even further. The rapid pace of land consumption in Virginia demands that we address environmental and economic sustainability for ourselves and for future generations.

In addition to the loss of open space and other environmental impacts, sprawling development increases traffic congestion, lengthens commutes, discourages walking and biking, and diminishes our quality of life. Since land use patterns affect our transportation network, our solutions must strive to link planning efforts in transportation and land use more closely together. Striving for sustainable development is a crucial endeavor, and working toward this goal will demand that while providing for the present, we are also preserving resources for the needs of the future.

Through the smart use of investment and conservation, the Commonwealth must encourage a long-term approach to development in Virginia. To achieve this goal, various state agencies must better coordinate their work and find ways to provide incentives and technical assistance to localities. To fully realize the objective of sustainable development, members of the Cabinet must work with each other and within their respective departments to make it a priority. They must ensure that agency investments are directed to areas with existing infrastructure, encourage compact and mixed-use development, create diverse housing opportunities, and promote innovation.

By the power vested in me by Article V of the Constitution of Virginia, and Section 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 establish a Sub-Cabinet on Community Investment and direct the Governor's Secretaries and all executive branch agencies and institutions to work with the Sub-Cabinet on Community Investment to make investment decisions.

Sub-Cabinet on Community Investment

There is hereby established the Sub-Cabinet on Community Investment to provide advice to the Commonwealth on the use of existing state discretionary funds to ensure that investment decisions promote economically and environmentally sustainable communities.

The Governor's Sub-Cabinet on Community Investment shall be chaired by the Secretary of Natural Resources. The Sub-Cabinet shall meet monthly and consist of the Secretaries of Natural Resources, Administration, Commerce and Trade, Finance, and Transportation. The Sub-Cabinet's responsibilities shall include the following:

1. Promote the Governor's Principles of Sustainable Community Investment.

2. Ensure that state investments are directed to projects that are consistent with the principles and recommend new criteria for discretionary spending programs that affect development patterns.

3. Collaborate on initiatives to continue to better link land use with transportation and to conserve open space.

Principles of Sustainable Community Investment

Sustainable development requires there to be economic growth in communities where economic needs are not being met. By properly maintaining and making more efficient use of existing infrastructure we can save money and conserve resources. The Commonwealth should be investing in projects that promote compact development, consume less land, conserve open space, and minimize the negative social, economic, and environmental consequences of dispersed land development patterns. Virginia's diverse waters, landscapes and other natural resources are key to the Commonwealth's economic prosperity, identity and the quality of life of its citizens. However, if used appropriately and sparingly, Virginia's abundant natural resources can provide the foundation for a sustained healthy economy.

Investment decisions should be based on the following basic principles:

1. Invest in innovation.

    - Inspire human ingenuity and financial capital and deploy it to ensure that communities' development desires are met in ways that are fiscally prudent and promote economic goals and citizens' quality of life.

    - Strengthen natural resource-based businesses, such as energy production, agriculture, forestry, fisheries, recreation and tourism, that are pioneers in the use of sustainable practices.

- Assist emerging research and industries in their burgeoning early stages, and encourage efforts of existing industries to become more sustainable.

2. Invest in existing infrastructure.

   - Encourage the rehabilitation and adaptive re-use of existing infrastructure, giving preference to preservation and reuse of historic structures, rehabilitation of existing housing and schools, and redevelopment of brownfields.

   - Focus efforts to increase job opportunities on companies that are located near existing or planned water and sewer infrastructure, housing, existing workforce and transportation access.

3. Invest in compact development.

   - Create walkable, mixed-use districts within communities.

   - Ensure that the Commonwealth's decisions regarding the placement of infrastructure and state facilities and buildings encourages compact development and contributes to revitalization of urban centers.

4. Invest in the protection and restoration of Virginia's natural resources.

   - Protect and restore ecologically sensitive lands, wildlife habitat, recreational and cultural resources, and the working landscapes upon which our agriculture and forestry depend.

   - Improve water quality of Virginia's rivers, streams and the Chesapeake Bay.

   - Improve air quality in our urban and industrial areas and reduce greenhouse gas emissions from all sources throughout the Commonwealth.

5. Conserve our limited natural resources.

   - Eliminate waste of water, energy and materials.

   - Plan and construct buildings and infrastructure to use land, energy, water, and materials efficiently.

   - Increase the supply of renewable sources of energy.

6. Invest in diverse housing opportunities.

   - Coordinate the provision of housing with the location of jobs, transportation options, and public services.

   - Encourage development of energy-efficient housing and expand the use of innovative building materials.

7. Invest in transportation choices.

   - Make alternatives to automobile travel – such as rail, transit, teleworking, walking, and bicycling – available and attractive, and provide intermodal connections.

8. Take a long-term view.

   - Look beyond immediate short-term capital costs so as to take account of future operational, maintenance, and other value savings.

It is important to assess development decisions in light of economic, social, and environmental productivity and sustainability. In applying these principles, the Commonwealth must ensure that fair consideration is given to rural projects that may have less existing infrastructure, workforce and jobs than urban and suburban areas, but that offer sustainable development benefits to a defined rural community. The Commonwealth should promote equitable sharing of the benefits and burdens of development.

Applying the Principles

Agencies of the Commonwealth shall make decisions about the use of discretionary funds consistent with the principles of sustainable community development established in this Executive Order, and shall make quarterly reports to the Governor of how their use of such funds have aligned with the principles.

The Department of Planning and Budget shall establish a list of agencies and discretionary funds that shall be subject to the reporting requirement.

Agencies' initial reports shall include a review of the criteria used to evaluate grant applications to determine the extent which the criteria support the Principles of Sustainable Community Investment identified in this Executive Order. Based on this review, the agency shall either (1) revise the grant criteria to better reflect the Principles of Sustainable Community Investment or (2) provide a detailed explanation of why such a revision is not feasible, including state or federal statutory constraints. By October 1, 2008, agencies shall provide a report on their review of their grant criteria to the Department of Planning and Budget and to the Sub-Cabinet on Community Investment.

Thereafter, agencies shall submit quarterly, beginning January 1, 2009, a report on how the grants awarded actually advance the Principles of Sustainable Community Investment to the Department of Planning and Budget and to the Sub-Cabinet on Community Investment.

This Executive Order shall become effective upon its signing and shall remain in full 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 11th day of June, 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY (08)

CONTINUING CERTAIN EXECUTIVE ORDERS

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 I have previously issued until June 30, 2009;

- Executive Order 15, creating Virginia's Interagency Gang Workgroup, issued on June 2, 2006;

- Executive Order 18, creating the Virginia Citizen Soldier Support Council, issued on June 5, 2006;

- Executive Order 40, Continuing the P-16 Education Council, issued on October 13, 2006;
- Executive Order 52, creating the Public Safety Memorial Commission, issued on June 13, 2007;

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 20th day of June 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY- ONE (08)

AUTHORIZING THE ARMY NATIONAL GUARD TO REMOVE THE STRANDED HELICOPTER AT ROANOKE MEMORIAL HOSPITAL FROM THE HELOPAD

I hereby authorize the Army National Guard to initiate the removal of the stranded helicopter from the helopad at the Roanoke Memorial Hospital. The helicopter became stranded due to mechanical failures and is unable to be removed except with the direct intervention of the Army National Guard and their access to equipment to remove the helicopter to a safe location where it can be repaired.

This Executive Order shall be effective June 27, 2008 and shall remain in full force and effect until June 30, 2009 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 27th Day of June 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY- TWO (08)

AUTHORITY AND RESPONSIBILITY UNDER THE FEDERAL SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION ACT: A LEGACY FOR USERS (SAFETEA-LU) AND SUBSEQUENT FEDERAL REAUTHORIZATION LEGISLATION

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 always to my continuing and ultimate authority and responsibility to act in such matters, I hereby affirm and delegate to the Secretary of Transportation the powers and duties set out below as necessary for the Commonwealth to fulfill the requirements of the SAFETEA-LU and subsequent federal reauthorization legislation.

The following are the duties set out to the Secretary of Transportation:

1. Approve metropolitan transportation improvement programs.

2. Develop requests to the federal Secretary of Transportation to designate additional areas as transportation management areas.

3. Provide reasonable opportunities for comments on the State Transportation Improvement Program to citizens, affected public agencies, representatives of transportation agency employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transit, and other interested parties.

4. Establish and update agreements with local governments as needed including the designation and redesignation of metropolitan planning organizations and the determination of metropolitan area boundaries.

5. Be responsible for the coordination of transportation planning in multi-state metropolitan areas.

6. Designate recipients of Federal Transit Administration grants and transfer funds in accordance with the provisions of 49 USC 5307, 49 USC 5310, 49 USC 5311, 49 USC 5316, and 49 USC 5317.

7. Submit annual certifications to the Federal Transit Administration regarding intercity bus service needs in accordance with the provisions of 49 USC 5311(f).

This executive order rescinds Executive Order Number Fifty-seven (1999), Authority and Responsibility under the Federal Transportation Equity Act for the 21st Century, issued by Governor James Gilmore on October 1, 1999.

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 1st day of July 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY- THREE (08)

THE GOVERNOR'S COMMISSION ON IMMIGRATION

The foreign-born population in Virginia has been growing significantly over the past two decades. Between 1990 and 2000 there was an 83% increase in the foreign-born population living in Virginia. As of 2005, the Commonwealth's foreign-born population reached 677,400 people accounting for 8.95% of Virginia's total population. Additionally, Virginia ranks eleventh in the nation for the size of their foreign-born population.

When examining the issue of illegal immigration it is important that we enforce the laws of the nation and the Commonwealth, while also addressing the fiscal and public safety consequences. It is equally important to recognize the many positive benefits of legal immigration to the Commonwealth's economy, culture, and quality of life. Additionally, some of Virginia's largest industries, such as agriculture, are dependent on immigrant workers. It must be ensured that legislative actions do not punish law-abiding business owners or hurt their ability to grow and create jobs.

It is challenging to maintain a manageable system of allowing legal immigration without undue delays, and to avoid overbroad solutions that stigmatize entire communities and hurt Virginia's economy. That the federal government has failed in their duty to adequately address illegal immigration is certain. No one disputes that policies governing United States citizenship are best handled by the federal government.

Mindful of the importance of gaining a better understanding of how this growing population is affecting 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 authorize the creation of the Governor's Commission on Immigration.

The Commission shall be classified as an advisory commission within the meaning of § 2.2-2100 in the executive branch of state government.

The Commission shall study the costs and benefits that immigration is having on the Commonwealth. Areas of study shall include, but not be limited to the impact immigration has on the economy, public benefits, education, public safety, employment, health care, and law enforcement. All findings shall be reported to the Governor and the General Assembly.

Additionally, the Commission shall examine the effect federal immigration laws have on the Commonwealth, and address the Virginia Congressional Delegation on what issues have been identified that need to be addressed that are federally preempted. Furthermore, public hearings in various regions of the Commonwealth will be held to solicit input from Virginia's citizens on the impact immigration is having in their communities. Finally, the Commission shall examine the tax contributions of the immigrant population on both the state and federal levels.

The Commission shall consist of 20 members who meet the following criteria: five members of the House of Delegates; three members of the Senate of Virginia; two citizen representatives with business, education, health care or law enforcement experience; a naturalized citizen who is a resident of the Commonwealth; a resident of the Commonwealth who holds a permanent resident visa issued by the United States Department of State; a representative of a faith-based organization providing services to immigrants; a small business owner; a representative of a local school division with a significant enrollment of students in English as a Second Language programs; a health care provider; a representative of a local law enforcement agency; a person with knowledge and expertise in immigration law; a current or former member of a federal law-enforcement agency with jurisdiction over terrorism or homeland security issues; and a representative of a local social services agency or health department. Members of the Commission shall serve at the pleasure of the Governor. The Commission will be overseen by the Secretary of Health and Human Resources.

This Executive Order shall be effective upon its signing and shall remain in force and effect until June 30, 2009, 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 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY- FOUR (08)

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 I have previously issued until June 30, 2009;

- **Executive Order 54** – Declaration of State of Emergency to Assist Rockbridge County and Town of Goshen due to a Critical Water Shortage, issued on June 20, 2007;

- **Executive Order 57** – Declaration of State of Emergency Arising from Drought and for Fire or the Potential Thereof Throughout Virginia, issued on October 19, 2007;

- **Executive Order 64** – Declaration of State of Emergency Arising from Heavy Winds and Severe Storms Throughout Virginia, issued on March 5, 2008

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 3rd day of July 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY- FIVE (08)

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

On August 29, 2008, I verbally declared a state of emergency to exist for the Commonwealth in support of the Emergency Management Assistance Compact (EMAC), of which the Commonwealth

of Virginia is a member, to assist the Gulf Coast States respond to and recover from the impact of Hurricane Gustav. In accordance with § 44-146.28:1, the Commonwealth will provide assistance to the fullest extent possible to the impacted states that suffer significant damages from Hurricane Gustav. Moreover, Hurricane Gustav could have far ranging effects throughout the nation, including the Commonwealth.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued August 29, 2008, wherein I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of the state government to respond to needs in the impacted states to alleviate adverse conditions created by the hurricane. Pursuant to §44-75.1.A.3 and A.4 of the *Code of Virginia*, I directed that the Virginia National Guard be called forth to state duty to assist in providing such aid. This shall include such functions as the State Coordinator of Emergency Management, the Adjutant General, 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 measures:

A. The limited 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. Limited activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to the impacted Gulf states. I am directing that the VEOC and VERT coordinate state operations in support of the EMAC agreement, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.

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

D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination.

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

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

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

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

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

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

E. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the *Code of Virginia*, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

F. 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.

G. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

H. I hereby authorize the Superintendent of Public Instruction to issue such guidance to local school divisions as may be necessary to facilitate enrollment of students displaced by Hurricane Gustav.

I. The temporary waiver, for a period of 90 days, of the enforcement by the Board of Pharmacy of statutory and regulatory provisions which, in the judgment of the Director of the Department of

Health Professions, impede the ability of Virginia pharmacies to provide assistance to patients who have been displaced by the effects of Hurricane Gustav.

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid from state funds.

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 Attorney General and appropriate local officials.

L. I hereby authorize the heads of executive branch agencies, acting when appropriate on behalf of their regulatory boards, to waive any state requirement or regulation for which the federal

government has issued a waiver of the corresponding federal or state regulation based on the impact of Hurricane Gustav.

M. I hereby authorize the presidents of colleges and universities in the Commonwealth to waive the requirements of any state law or regulation for good cause to facilitate enrollment of students displaced by Hurricane Gustav.

N. A state of emergency exists for the Commonwealth in support of the proper management, care and support of persons who may be displaced by Hurricane Gustav, evacuated from states impacted by Hurricane Gustav, and relocated to the Commonwealth (Evacuees). These evacuees will require a variety of services including, but not limited to health and medical care, social services, transportation and security services. I hereby order the following measures:

1. Designation of physicians, nurses, and other licensed and non-licensed health care providers and other individuals as well as hospitals, nursing facilities and other licensed and non-licensed health care organizations and other private entities by agencies of the Commonwealth, including but not limited to the Department of Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Emergency Management, Department of Transportation, Department of State Police, Department of Motor Vehicles, and Department of Social Services, as representatives of the Commonwealth engaged in emergency services activities, at sites designated by the Commonwealth, within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their disaster-related mission assignments.

2. During the next 120 days, The Director of the Department of Heaalth Professions shall issue temporary licenses, registrations, and certifications to practice in the Commonwealth, for a period not to exceed one year, to qualified health care practitioners who are displaced residents of Hurricane Gustav affected states, who hold like unrestricted licenses, registrations, or certifications in their resident states, and who may be unable to furnish or have furnished on their behalf complete documentation of their credentials and license status as otherwise required by Virginia law or regulation. The Director shall also have authority to defer the payment of licensing fees. Any license, registration or certification so issued may be revoked by for cause without a hearing by the Director.

O. 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 §44-146.24 of the *Code of Virginia*, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard, in performing these missions shall be paid out of the sum sufficient appropriation or other funding as approved by DPB for Disaster Planning and Operations contained in the Appropriation Act. In addition, up to $25,000 shall be made available to VDEM for Response and Recovery Operations with the Department of Planning and Budget overseeing the release of these funds.

This Executive Order shall be effective August 29, 2008, and shall remain in full force and effect until June 30, 2009, 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 4th day of September, 2008.

Governor

Attest:

Katherine K. Hanley

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY- SIX (08)

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

On September 4, 2008, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on current forecasts that indicate that Hurricane Hanna could cause damaging high winds, flash flooding, and possible tornadoes throughout the eastern and southeastern portion of the state. The National Weather Service forecasts that Hanna will follow a north-northwest track and affect much of Virginia during the next 48 hours resulting in the potential for significant rainfall causing river flooding and high wind damage in Virginia.

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

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued September 4, 2008, wherein I proclaim that a state of emergency exists and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant flooding, and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions insofar as possible. Pursuant to §44-75.1.A.3 and A.4 of the *Code of Virginia*, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

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

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

B. Full activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT). Furthermore, I am directing that the VEOC and VERT coordinate state operations in support of potential affected localities and the Commonwealth, to include issuing mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

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

intelligence and warning capabilities for the event, pursuant to §44-146.18 of the Code of Virginia.

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

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to §§ 44-146.17(5) and 44-146.28:1 of the *Code of Virginia*, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State 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-Semi trailer (4 Axles)	64,500 Pounds
Tractor-Semi trailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All over width loads, up to a maximum of 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 the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

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

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

G. 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.

H. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the *Code of Virginia*, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

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

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

K. Upon my approval, the costs incurred by state agencies and other agencies in performing mission assignments through the VEOC of the Commonwealth as defined herein and in Section 44-146.24 of the Code of Virginia, in performing these missions shall be paid out of the sum sufficient appropriation for Disaster Planning and Operations contained in Item 54, Chapter 879, 2008 Acts of Assembly.

L. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

M. The temporary waiver, for a period of 90 days, of the enforcement by the Board of Pharmacy of statutory and regulatory provisions which, in the judgment of the Director of the Department of Health Professions, impede the ability of Virginia pharmacies to provide assistance to patients who have been displaced by the effects of Hurricane Hanna.

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 Attorney General and appropriate local officials.

O. I hereby authorize the heads of executive branch agencies, acting when appropriate on behalf of their regulatory boards, to waive any state requirement or regulation for which the federal government has issued a waiver of the corresponding federal or state regulation based on the impact of Hurricane Hanna.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs and the Virginia Defense Force in performing these missions shall be paid from state funds.

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

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

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

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

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

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

This Executive Order shall be effective September 4, 2008 and shall remain in full force and effect until June 30, 2010 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 4th Day of September, 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY-SEVEN (08)

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

On September 10, 2008, I expanded the state of emergency declared on August 29, 2008 for the Commonwealth in support of the Emergency Management Assistance Compact (EMAC), of which the Commonwealth of Virginia is a member, to assist the Gulf Coast States respond to and recover from the impact of Hurricane Gustav and Hurricane Ike. In accordance with § 44-146.28:1, the Commonwealth will provide resources and assistance to the fullest extent possible to the impacted states that suffer significant damages from Hurricane Gustav and Hurricane Ike.

To increase the availability of gasoline in the Commonwealth of Virginia following the disruption in the normal flow of petroleum products caused by Hurricanes Gustav and Ike, on September 16, 2008, I further ordered the waiver of the Class C-3 gasoline volatility specifications in table 4 of ASTM D4814, Standard Specification for Automotive Spark Ignition Engine Fuel, as referenced in 2 VAC 5-420, Regulations for the Enforcement of the Virginia Gasoline and Motor Fuel Law, and allow the

sale of gasoline meeting Class D-4 volatility specifications. This waiver shall be in effect immediately and through midnight on September 30, 2008.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the *Code of Virginia*, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by §44-75.1 of the *Code of Virginia*, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued August 29, 2008, wherein I proclaimed that a state of emergency exists and directed that appropriate assistance be rendered by agencies of the state government to respond to needs in the impacted states to alleviate adverse conditions created by the hurricane. Pursuant to §44-75.1.A.3 and A.4 of the *Code of Virginia*, I directed that the Virginia National Guard be called forth to state duty to assist in providing such aid. This shall include such functions as the State Coordinator of Emergency Management, the Adjutant General, 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 measures:

A. The limited 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. Limited activation of the Virginia Emergency Operations Center (VEOC) and Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to the impacted Gulf States. I am directing that the VEOC and VERT coordinate state operations in support of the EMAC agreement, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and other measures that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide assistance for the preservation of life, protection of property, and implementation of recovery activities.

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

D. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, over width, registration, or license exemptions to all carriers transporting essential commodities in and through any area of the Commonwealth in order to support the emergency conditions, regardless of their point of origin or destination.

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

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

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

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

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

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

E. This state of emergency constitutes a major medical emergency under the Rules and Regulations of the Board of Health Governing Emergency Medical Services, pursuant to Article 3.01 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1, of the *Code of Virginia*, Statewide Emergency Medical Services System and Services, and exemptions specified in the Rules and Regulations regarding patient transport and provider certification in disasters apply.

F. 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.

G. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, and others identified and tasked by the State Coordinator of Emergency Management for specific disaster-related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of §44-146.23 (a) of the *Code of Virginia*, in the performance of their specific disaster-related mission assignments.

H. I hereby authorize the Superintendent of Public Instruction to issue such guidance to local school divisions as may be necessary to facilitate enrollment of students displaced by Hurricane Gustav and Ike.

I. The temporary waiver, for a period of 90 days, of the enforcement by the Board of Pharmacy of statutory and regulatory provisions which, in the judgment of the Director of the Department of Health Professions, impede the ability of Virginia pharmacies to provide assistance to patients who have been displaced by the effects of Hurricane Gustav and Ike.

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

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and such equipment as may be necessary or desirable to assist in alleviating the human suffering and damage to property.

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

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

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

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

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

5. The costs incurred by the Department of Military Affairs in performing these missions shall be paid from state funds.

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 Attorney General and appropriate local officials.

L. I hereby authorize the heads of executive branch agencies, acting when appropriate on behalf of their regulatory boards, to waive any state requirement or regulation for which the federal government has issued a waiver of the corresponding federal or state regulation based on the impact of Hurricane Gustav and Ike.

M. I hereby authorize the presidents of colleges and universities in the Commonwealth to waive the requirements of any state law or regulation for good cause to facilitate enrollment of students displaced by Hurricane Gustav and Ike.

N. A state of emergency exists for the Commonwealth in support of the proper management, care and support of persons who may be displaced by Hurricane Gustav and Ike, evacuated from states impacted by Hurricane Gustav and Ike, and relocated to the Commonwealth (Evacuees). These evacuees will require a variety of services including, but not limited to health and medical care, social services, transportation and security services. I hereby order the following measures:

1. Designation of physicians, nurses, and other licensed and non-licensed health care providers and other individuals as well as hospitals, nursing facilities and other licensed and non-licensed health care organizations and other private entities by agencies of the Commonwealth, including but not limited to the Department of Health, Department of Mental Health, Mental Retardation and Substance Abuse Services, Department of Emergency Management, Department of Transportation, Department of State Police, Department of Motor Vehicles, and Department of Social Services, as representatives of the Commonwealth engaged in emergency services activities, at sites designated by the Commonwealth, within the meaning of the immunity provisions of §44-146.23 (a) of the Code of Virginia, in the performance of their disaster-related mission assignments.

2. During the next 120 days, The Director of the Department of Health Professions shall issue temporary licenses, registrations, and certifications to practice in the Commonwealth, for a period not to exceed one year, to qualified health care practitioners who are displaced residents of Hurricane Gustav and Ike affected states, who hold like unrestricted licenses, registrations, or certifications in their resident states, and who may be unable to furnish or have furnished on their behalf complete documentation of their credentials and license status as otherwise required by Virginia law or regulation. The Director shall also have authority to defer the payment of licensing fees. Any license, registration or certification so issued may be revoked by for cause without a hearing by the Director.

O. 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 §44-146.24 of the *Code of Virginia*, other than costs defined in Item 5 of the paragraphs above pertaining to the Virginia National Guard, in performing these missions shall be paid out of the sum sufficient appropriation or other funding as approved by DPB for Disaster Planning and Operations contained in the Appropriation Act. In addition, up to $50,000 shall be made available to VDEM for Response and Recovery Operations with the Department of Planning and Budget overseeing the release of these funds.

This Executive Order shall be effective September 10, 2008, and shall remain in full force and effect until June 30, 2009, 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 September, 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY-EIGHT (08)

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

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Chapter 1 of Title 2.2 and Section 15.2-5005 of the Code of Virginia and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby direct that the additional tax exempt housing bond authority provided to the Commonwealth of Virginia under the federal Housing and Economic Recovery Act of 2008 be distributed as follows:

1. An amount equal to 76 percent of Virginia's additional housing bond authority will be divided between local housing authorities and the Virginia Housing Development Authority. The bond issuing authority to these issuers shall be distributed as follows:

Recipient	Portion of Additional Housing Bond Authority
Local Housing Authorities	19 percent
Virginia Housing Development Authority	57 percent
Total	76 percent

2. An amount equal to 24 percent of Virginia's additional housing bond authority will be distributed to the "State Allocation", an amount set aside for bond issuing authorities for allocations for housing purposes as determined by the Governor.

The Housing and Economic Recovery Act (the "Act"), adopted by the United States Congress and signed by the President, authorizes a temporary additional amount of tax-exempt housing bond authority for each state to use for single-family and multifamily housing purposes. The Act imposes a ceiling on the aggregate amount of the additional housing bond authority each state may allocate to qualified housing projects.

All other laws of the Commonwealth relating to the issuance of private activity bonds, including but not limited to Chapter 50 of Title 15.2 of the Code of Virginia and Executive Order Number 68, and private activity bond guidelines administered by the Department of Housing and Community Development shall remain in effect.

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 7th day of October, 2008.

Governor

Attest:

Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER SEVENTY-NINE (08)

CONTINUING THE STATEWIDE AGENCIES RADIO SYSTEM (STARS)

It is essential that a statewide system of integrated radio and wireless data communication be developed 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 pose 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, an implementation and operation unit must be established to manage, maintain, and operate a 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 42, 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").

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.

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, and Finance 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.

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 development of 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.

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 planning, design, establishment, 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 development 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.

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 (Section 11-35 et seq. of the *Code of Virginia*) to the Governor and General Assembly by January 1 of each year.

This Executive Order rescinds Executive Order One Hundred One (2005) issued by Governor Mark R. Warner.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until October 25, 2011, unless amended or rescinded by further Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 24th day of October 2008.

Governor

Attest:

Secretary of the Commonwealth

WRITS

COMMONWEALTH of VIRGINIA

Office of the Governor

Timothy M. Kaine
Governor

October 23, 2007

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE COUNTIES OF CAROLINE, ESSEX, FAUQUIER, GLOUCESTER, JAMES CITY, KING AND QUEEN, KING GEORGE, KING WILLIAM, LANCASTER, MATHEWS, MIDDLESEX, NORTHUMBERLAND, PRINCE WILLIAM, RICHMOND, SPOTSYLVANIA, STAFFORD, WESTMORELAND, AND YORK; AND CITIES OF FREDERICKSBURG, HAMPTON, NEWPORT NEWS, POQUOSON, AND WILLIAMSBURG:

WHEREAS, a vacancy has occurred in the United States House of Representatives from the First Congressional District of Virginia, composed of the Counties of Caroline (part), Essex, Fauquier (part), Gloucester, James City (part), King and Queen, King George, King William, Lancaster, Mathews, Middlesex, Northumberland, Prince William (part), Richmond, Spotsylvania (part), Stafford, Westmoreland, and York; and the Cities of Fredericksburg, Hampton (part), Newport News (part), Poquoson, and Williamsburg occasioned by the death of the Honorable Jo Ann S. Davis;

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in your said County or City on Tuesday, December 11, 2007, for a member of the United States House of Representatives to fill the vacancy. The last day for filing as a candidate for such office in said election shall be Tuesday, November 13, 2007, at 5:00 p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 23rd day of October, two thousand and seven, and in the 232nd year of the Commonwealth.

Timothy M. Kaine

By the Governor of Virginia

Katherine K. Hanley

Katherine K. Hanley
Secretary of the Commonwealth

Patrick Henry Building • 1111 East Broad Street • Richmond, Virginia 23219
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COMMONWEALTH of VIRGINIA

Office of the Governor

Timothy M. Kaine
Governor

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE COUNTIES OF CAROLINE, KING GEORGE, LANCASTER, NORTHUMBERLAND, RICHMOND, AND WESTMORELAND:

WHEREAS, a vacancy has occurred in the House of Delegates of Virginia from the Ninety-Ninth House District, composed of the Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland occasioned by the resignation of the Honorable Robert J. Wittman upon his election to represent the First Congressional District of Virginia in the United States House of Representatives;

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in your said County on Tuesday, February 19, 2008, for a member of the House of Delegates of Virginia to fill the vacancy. The last day for filing as a candidate for such office in said election shall be Tuesday, January 22, 2008, at 5:00 p.m.

Given under my hand as Governor of Virginia, and under the Lesser Seal of the Commonwealth, at Richmond, this 21st day of December, two thousand and seven, and in the 232nd year of the Commonwealth.

Timothy M. Kaine
Governor of Virginia

By the Governor of Virginia

Katherine K. Hanley
Secretary of the Commonwealth

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