

Gubernatorial Documents

REPORT OF THE SECRETARY OF THE COMMONWEALTH

EXECUTIVE ORDERS

EXECUTIVE ORDER NUMBER EIGHTY-FOUR (05)

CONTINUING THE OLMSTEAD INITIATIVE

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Sections 2.2-103, 2.2-134, and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Olmstead Initiative, which was established through Executive Order 61 (2004).

The Community Integration Oversight Advisory Committee 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. Its specific duties and responsibilities remain as stated in Executive Order 61 (2004), with the funding sources and amounts of staff and financial support originally estimated, subject to additional duties and responsibilities as noted herein.

The Community Integration Implementation Team's specific duties and responsibilities remain as stated in Executive Order 61 (2004), with the funding sources and amounts of staff and financial support originally estimated, subject to additional duties and responsibilities as noted herein.

The Director of Community Integration for People With Disabilities' specific duties and responsibilities remain as stated in Executive Order 61 (2004), with the funding sources originally estimated, subject to additional duties and responsibilities as noted herein.

The Committee and the Team shall collaborate and, using a strategic planning process, shall update and prioritize the recommendations in the Task Force Report. The reports submitted by the Implementation Team to the Oversight Advisory Committee and the Oversight Advisory Committee to the Governor shall include recommendations for:

- Increasing membership of people with disabilities, family members, and surrogate decision-makers on state and local boards and commissions.
- Establishing and maintaining a waiting list of residents, by disability, who are appropriate for discharge, who want to be discharged, from nursing facilities and assisted living facilities.
- Assuring an appropriate statewide system for reporting of allegations of abuse, neglect, serious injuries and deaths by providers of community services and supports to people with disabilities.
- Developing a statewide system of consistent rights notification that includes a means by which the quality of information given to such individuals, and the consistency with which information is given, are tracked.
- Monitoring the quality and coordination of services provided to persons with disabilities, including a process by which complaints relating to the denial, quality and coordination of services provided to persons with disabilities may be made by or on behalf of individuals with disabilities and resolved.
- Developing a coordinated reporting system across agencies to monitor the effectiveness of efforts to improve the quality and coordination of services provided to persons with disabilities consistent with the Americans with Disabilities Act and recommendations in the Task Force Report, including a system to measure and evaluate the performance of the Commonwealth.

The Director shall serve as a resource upon request of any agency to assist in developing and implementing agency policies and regulatory changes required. The Director shall report annually to the Governor regarding the status of efforts to improve the quality and coordination of services and supports received by individuals with disabilities.

GUBERNATORIAL DOCUMENTS

This executive order shall be effective January 14, 2005, and shall remain in full force and effect until January 14, 2006, 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 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rimpler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTY-FIVE (05)

CONTINUING THE COMMISSION ON HIGHER EDUCATION BOARD APPOINTMENTS

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, 2.2-134, and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Commission on Higher Education Board Appointments, which was established through Executive Order 63 (2004).

This commission is classified as a gubernatorial advisory commission in accordance with Sections 2.2-2-134 and 2.2-2100 of the Code of Virginia. Its specific duties and responsibilities remain as stated in Executive Order 63 (2004), with the funding sources and amounts of staff and financial support originally estimated.

This executive order shall be effective immediately upon its signing and shall remain in full force and effect until January 21, 2006, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 21st day of January, 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rimpler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTY-SIX (05)

THE GOVERNOR'S COMMISSION ON COMMUNITY AND NATIONAL SERVICE

Mindful of the importance of national and community 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 continue the Governor's Commission on Community and National Service, which was created in 2002.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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, and the Commissioner of the Department of Social Services 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, and the Commissioner of the Department of Social Services 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 Governor's 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.

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 \$10,000. 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.

GUBERNATORIAL DOCUMENTS

This Executive Order shall be effective upon its signing and shall remain in force and effect until May 24, 2006, 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 May, 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTY-SEVEN (05)

**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 declare the following executive orders effective through June 30, 2007, and retroactive to July 1, 2004, for the purposes of continuing disaster recovery operations:

- **Executive Order 59** (2003), "Declaration of a State of Emergency for Localities in Southwest Virginia Due to the Affects of Significant Flooding"
- The measures in paragraphs A through E and G through K of **Executive Order 56** (2003), "Declaration of a State of Emergency for the Commonwealth of Virginia Due to the Threat of Significant Flooding and Wind Damage Caused by Hurricane Isabel."

In addition, I hereby continue the states of emergency declared in the following executive orders for the purposes of continuing disaster recovery operations, effective July 1, 2005:

- **Executive Order 60** (1999), "Declaration of a state of emergency for the entire Commonwealth due to Hurricane Floyd," as continued in Executive Orders 69 (2000), 19 (2002) and 51 (2003)
- **Executive Order 63** (2000), "Declaration of a state of emergency for the entire Commonwealth due to winter storms," as continued in Executive Orders 69 (2000) and 19 (2002) and 51 (2003)
- **Executive Order 82** (2001), "Declaration of a State of Emergency for Certain Localities in the Commonwealth of Virginia due to Significant Rains and Flooding in Southwest Virginia," as continued in Executive Orders 19 (2002) and 51 (2003)
- **Executive Order 83** (2001), "Declaration of a State of Emergency due to Terrorist Attack on the Pentagon in Arlington County, Virginia," as continued in Executive Orders 19 (2002) and 51 (2003).
- **Executive Order 10** (2002), "Declaration of a State of Emergency For The Commonwealth of Virginia Due to Significant Rainfall and Flooding throughout Southwest Virginia" as continued in Executive Orders 19 (2002) and 51 (2003).
- **Executive Order 13** (2002), "Declaration of a State of Emergency Due to Severe Weather Damage Across the Commonwealth," as continued in Executive Orders 19 (2002) and 51 (2003)

REPORT OF THE SECRETARY OF THE COMMONWEALTH

- **Executive Order 43** (2003), “Declaration of a State of Emergency Throughout the Commonwealth Due to a Severe Winter Storm and Declaration of a Postponement of an Election in Greene County,” as continued by Executive Order 51 (2003)
- **Executive Order 48** (2003), “Declaration of a State of Emergency Due to Tornado and Severe Storm Damage Across the Commonwealth,” as continued by Executive Order 51 (2003)
- **Executive Order 56** (2003), “Declaration of a State of Emergency for the Commonwealth Due to the Threat of Significant Flooding and Wind Damage Caused by Hurricane Isabel”
- **Executive Order 59** (2003), “Declaration of a State of Emergency for Localities in Southwest Virginia Due to the Affects of Significant Flooding”
- **Executive Order 73** (2004), “Declaration of a State of Emergency for the Counties of Tazewell and Russell due to the Affects of Significant Flooding”
- **Executive Order 74** (2004), “Inclusion of Lee County in the Declaration of a State of Emergency for the Counties of Tazewell and Russell due to the Affects of Significant Flooding”
- **Executive Order 79** (2004), “Declaration of a State of Emergency for Central Virginia Due to Significant Flooding Caused by Tropical Depression Gaston”
- **Executive Order 82** (2004), “Declaration of a State of Emergency for the Commonwealth Due to Significant Flooding and Tornadoes Caused by Hurricane Jeanne.”

This Executive Order shall be effective July 1, 2005, and shall remain in full force and effect until June 30, 2007, unless sooner amended or rescinded by further executive order.

Given under my hand and under the seal of the Commonwealth of Virginia, this 22nd day of June, 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTY-EIGHT (05)

A CONTINUATION AND MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE COMMONWEALTH OF VIRGINIA DUE TO THE SIGNIFICANT FLOODING AND WIND DAMAGE CAUSED BY HURRICANE ISABEL

On September 16, 2003, I issued **Executive Order Fifty-Six** (2003) declaring a state of emergency to exist for the entire Commonwealth of Virginia based on forecasts that indicated that Hurricane Isabel could cause damaging high winds, flash flooding, and possible tornadoes throughout the state. On September 18 and 19, 2003, Hurricane Isabel did in fact cause significant damage through much of the Commonwealth.

On October 13, 2003, I issued **Executive Order Fifty-Eight** (2003), a modification of the Declaration of a State of Emergency declared in Executive Order Fifty-Six (2003). Executive Order Fifty-Eight authorized the Marine Resources Commissioner to act on behalf of the Commission in issuing permits pursuant to Chapter 12 of Title 28.2 of the Code of Virginia when, in the judgment of the

GUBERNATORIAL DOCUMENTS

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. Executive Order Fifty-Eight further stated that no permits for encroachments over state-owned submerged lands shall be required to replace previously permitted structures that conform to stated criteria, which included the requirement that reconstruction activities must be initiated prior to December 31, 2003 and completed prior to June 30, 2004. On April 7, 2004, I extended the time frame for these provisions in **Executive Order Sixty-Six** (2004).

The devastation caused by Hurricane Isabel was so profound that a few Virginia residents, particularly those in coastal or tidal areas, have been engaged in major home reconstruction activities and have been unable to begin reconstruction of structures over state-owned submerged lands. Therefore, I hereby extend the provisions of Executive Order Fifty-Eight and Sixty-Six for one additional year and require that reconstruction activities authorized under Executive Order Fifty-Eight be initiated by December 31, 2005 and completed by June 30, 2006. Moreover, the requirement of Executive Order Fifty-Eight that the pre-existing structure must be previously authorized shall not apply to any structure constructed prior to 1910.

This Executive Order shall be retroactive to January 1, 2004 and shall remain in full force and effect until June 30, 2006, unless sooner 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 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER EIGHTY-NINE (05)

PURCHASE, ASSIGNMENT AND USE OF STATE-OWNED VEHICLES

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to §§ 2.2-120 and 2.2-121, and Chapter 11 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 establish policies and procedures for the purchase, assignment, use and maintenance of state-owned vehicles registered with the Department of Motor Vehicles, hereinafter referred to as "vehicles".

PREAMBLE

The Commonwealth of Virginia today owns more than 8,000 passenger-type vehicles to assist State agencies and institutions in fulfilling their missions. Approximately half of these vehicles are leased to agencies through the centralized vehicle fleet; individual institutions and agencies own the remainder. Rules governing the appropriate use of centralized fleet vehicles are specified in the Code of Virginia and through rules promulgated by the Department of General Services.

The people of Virginia have a right to expect use of such vehicles to be strictly limited to the necessary performance of official business. Vehicles are not to be purchased by agencies or permanently assigned to agencies from the "centralized fleet" (as defined in Chapter 11 of Title 2.2 of the Code of Virginia) for reasons of convenience or perquisite. The purchase, assignment, use and maintenance of such vehicles are to be determined solely according to whether it will promote safety, efficiency and economy in state government.

Efficient vehicle utilization implies that use of a state-owned vehicle is less costly than personal reimbursement for mileage traveled in personal vehicles, or where the use of a vehicle is the only or most cost-efficient means to satisfy a business or operational need. Efficient operations also demand

REPORT OF THE SECRETARY OF THE COMMONWEALTH

that inventory be properly recorded, that vehicles are replaced when it is no longer cost-effective to maintain them, and that vehicle maintenance, operations, and purchases are based on best business practices. The Joint Legislative Audit and Review Commission (2004) and the Auditor of Public Accounts (2004) have reviewed the Commonwealth's policies and practices and have recommended steps to improve over-sight and management of the significant Commonwealth resource and investment in vehicles.

To eliminate unnecessary expense associated with excessive use of state-owned vehicles and to effectively manage these resources in accordance with best business practices, I hereby establish new policies and procedures governing the purchase, maintenance, assignment, and use of vehicles.

SPECIFIC DIRECTIVES

1. The authority of the Director of the Department of General Services under § 2.2-1180 of the Code of Virginia to promulgate regulations governing the centralized fleet shall extend to all vehicles owned by the Commonwealth. The Director of the Department of General Services shall develop a consistent, efficient, and cost-effective fleet management program for all vehicles owned by the Commonwealth that considers each agency and institution's needs and usage. Thus, all vehicles in the central fleet as well as those directly purchased and maintained by specific agencies and institutions shall be operated in accordance with policies and procedures that comply with the Code of Virginia, this Executive Order and DGS Rules and Regulations. The Department of General Services shall prepare and submit a report on the performance of the statewide fleet management program to the Governor and General Assembly by October 1, following the close of each fiscal year.

2. The head of each and every agency or institution of the Commonwealth shall limit authorization of commuting in vehicles to those employees whose job duties meet the requirements set forth in the Code of Virginia as well as policies and procedures established by direction of this Executive Order. The Director of the Department of General Services shall develop and publish uniform regulations for this purpose. Use of state-owned vehicles for commuting shall be authorized only when it is the most cost-effective or practical alternative, or as an employee's job duties affecting public health, safety and emergency response may require. For the purpose of this Executive Order and as used in § 2.2-1179 of the Code of Virginia, "commuting" shall mean driving between home and office where such driving is not connected to a departure for, or return from, a trip on official state business.

3. Notwithstanding the foregoing paragraph, no appointee serving at the pleasure of the Governor shall use a state-owned vehicle for commuting. Such appointees may use a state-owned vehicle for driving between home and office only when connected to a departure for, or return from, a trip on official state business. The limitation of this paragraph shall not apply to the Secretary of Public Safety, the Superintendent of State Police, nor to those appointees who, in the judgment of the Secretary of Public Safety, need access to state-owned vehicles for the purpose of responding to job-related emergencies from their residence.

4. The head of each and every agency or institution of the Commonwealth shall be directly responsible for ensuring compliance with this Executive Order and all applicable statutes and regulations governing the purchase, assignment, use and maintenance of state-owned vehicles, including the requirement that such vehicles be used strictly for official business. The Director of the Department of General Services shall develop policies and procedures providing criteria for agencies and institutions to apply when making a decision regarding the assignment of a state-vehicle from the centralized fleet or purchase of an agency vehicle. Agencies and institutions shall report annually to the Department of General Services on their use of assigned and owned vehicles in accordance with such criteria. This report requirement will cause agencies and institutions to evaluate annually, at a minimum, vehicle requirements to support their mission and otherwise meet the vehicle use criteria set forth in the Code of Virginia and the Governor's financial and administrative management standards. Vehicles that no longer meet the criteria will be managed in accordance with established surplus property policies and procedures. Each agency and institutional head shall ensure that due consideration is given to the economy of reimbursing employees for mileage incurred by using personal vehicles in lieu of state-owned vehicles, and shall assist the Director of the Department of General Services in eliminating the use of state-owned vehicles where such use does not advance the goals of efficient and economical operation of state government.

5. The Commissioner of Motor Vehicles shall by October 1, 2005 assess the use of blind tags on state-owned vehicles, and shall restrict such use to law enforcement vehicles and to such other vehicles as he determines are regularly used in the course of official business, the effective performance of which

GUBERNATORIAL DOCUMENTS

makes blind tags essential. The Commissioner of Motor Vehicles, in consultation with the Department of General Services, shall develop policies and procedures for registration, transfer and disposal of state-owned vehicles.

This Executive Order rescinds **Executive Order Number Twenty** (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 amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 12th day of July, 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY (05)

**IMPROVING STREAM HEALTH AND WATER QUALITY BY RESTORING STREAMS
THROUGHOUT THE COMMONWEALTH**

Stewardship of rivers and streams is essential to meeting the goals of restoring water quality throughout the Commonwealth. Improving stream channel function and structure through stream channel restoration is a critical component for the continued health of rivers and streams throughout the Commonwealth.

Virginia is experiencing diminished stream health due to incompatible practices on land or changes in land uses. These impacts to stream health can be mitigated through stream channel restoration, preservation and enhancement of streams and their riparian buffers. While mitigation is required for permitted impacts to streams, currently there is no formal inter-agency arrangement within the Commonwealth to track and identify both regulatory and non regulatory losses, as well as areas of opportunities for stream mitigation.

The range of possible stream restoration activities include in-stream engineered practices to rehabilitate unstable stream segments, stream bank stabilization practices to minimize bank erosion, improvements to fish and aquatic habitats, maintenance of healthy riparian corridors, and storm water retrofits and watershed management to minimize flood damage.

The Chesapeake 2000 agreement called for stream restoration under the Water Quality Protection and Restoration, Vital Habitat Protection and Restoration and Sound Land Use commitments.

The Chesapeake Bay Program's Forestry Work Group, under direction from the Chesapeake Bay Nutrient Subcommittee, crafted a new goal for establishing riparian forest buffers and stream restoration utilizing federal, state, and local government as well as non-government expertise. The Chesapeake Executive Council signed Directive 03-01 on December 9, 2003.

The following programmatic and policy goal regarding stream restoration is included in the signed Chesapeake Executive Council Directive 03-01:

...seek to increase contiguously forested stream corridors, protect headwater streams, target high nitrogen source areas, and integrate forest buffer restoration with fish passage, stream restoration, and living resource objectives.

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 Title 2.2 of the Code of

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Stream Restoration Initiative to actively promote and coordinate stream restoration in the Commonwealth and reduce stream corridor degradation through proper watershed planning and targeted restoration activities.

THE VIRGINIA STREAM ALLIANCE

As part of this initiative, I hereby create the Virginia Stream Alliance (hereinafter called the Alliance) to formalize and coordinate a Stream Restoration Initiative for the Commonwealth of Virginia. This Alliance is created to facilitate cooperation among both government and non-government entities to effectively promote stream restoration activities at the state and local levels.

COMPOSITION OF THE VIRGINIA STREAM ALLIANCE

The Alliance shall operate under the direction of the Secretary of Natural Resources in consultation with the Secretary of Agriculture and Forestry, Secretary of Transportation, and Secretary of Commerce and Trade. The Chair of the Alliance shall initially be appointed by the Secretary of Natural Resources from a participating state agency. The Chair shall then rotate annually among the other state agencies represented on the Alliance as determined by the Alliance and approved by the Secretary.

The Alliance shall consist of staff from the following state agencies and institutions:

- The Department of Agriculture and Consumer Services
- The Department of Conservation and Recreation
- The Department of Environmental Quality Division of Water Quality
- The Department of Forestry
- The Department of Game and Inland Fisheries
- The Department of Mines and Minerals
- The Institute of Marine Science at the College of William and Mary
- The Marine Resources Commission
- The Virginia Department of Transportation
- The School of Agriculture, Science and Technology at Virginia State University
- The College of Natural Resources at Virginia Polytechnic Institute and State University
- Virginia Commonwealth University Center for Environmental Studies

In response to letters from the Secretary of Natural Resources requesting staff representation for the Alliance, the heads of these Commonwealth's agencies and institutions shall appoint members of their respective staffs to serve on the Alliance.

In addition, the Secretary of Natural Resources may invite representatives from the following agencies and institutions to participate in the Alliance:

- United States Fish and Wildlife Service
- United States Army Corps of Engineers, Norfolk District
- United States Department of Agriculture's Natural Resources Conservation Service
- United States Forest Service

GUBERNATORIAL DOCUMENTS

- Virginia Cooperative Extension Service at Virginia Tech and Virginia State University
- Region III of the United States Environmental Protection Agency, including the Chesapeake Bay Program

Furthermore, owing to the collaborative nature of this effort any local government or non-governmental entity participating in stream restoration efforts may be invited by the Secretary of Natural Resources.

I authorize state agencies to consider lands under state management for appropriate stream restoration, identify impacted stream segments, and implement restoration activities with resources provided by the respective agency, the Alliance, or other available sources.

The Alliance shall report to the Governor yearly by November 1 through the Secretary regarding the Commonwealth's statewide progress and, in particular, improvements in the process of identifying impacted stream segments, the methodology for instituting restoration activity, and the number of miles of streams restored in the Commonwealth. All agencies directed by this Order will cooperate to provide technical assistance to local projects, as appropriate and practicable, and to direct available financial resources to such projects.

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

Given under my hand and under the seal of the Commonwealth of Virginia on this 14th day of July 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-ONE (05)

PRESERVING WATER QUALITY BY ESTABLISHING RIPARIAN BUFFERS IN THE CHESAPEAKE BAY WATERSHED

Stewardship of rivers and streams is essential to meeting the goals of restoring water quality throughout the Commonwealth. Riparian buffers - areas of trees, shrubs, or other vegetation adjacent to streams - play a significant role in conserving living resources and protecting water quality by filtering runoff, removing excess nutrients and sediments, protecting the shoreline from erosion, moderating flood damage, and providing food and habitat for living plant and animal species.

Recognizing these environmental benefits, the Chesapeake Bay Executive Council adopted several goals and policy recommendations in 1996 to enhance riparian stewardship. Specifically, those goals called for conserving existing riparian buffers and restoring 2,010 miles of new riparian forest buffers within the Chesapeake Bay watershed by the year 2010. The Commonwealth's commitment was to restore 610 miles of new riparian forest buffers within Virginia's portion of the Chesapeake Bay watershed. During 2002, Virginia met the 610-mile goal nearly eight years early, a tribute to effective collaborative efforts, targeted and substantial landowner cost-sharing, and strong stakeholder commitment.

The most recent Chesapeake Bay Agreement, Chesapeake 2000, called for a new riparian buffer goal to be developed by September 2003. The Forestry Work Group of the Chesapeake Bay Program, under direction from the Chesapeake Bay Nutrient Subcommittee, crafted a new goal for establishing riparian forest buffers. Public meetings were held across the Commonwealth's portion of the Bay watershed to gather diverse views. A new Bay-wide cumulative goal of at least 10,000 miles by 2010

REPORT OF THE SECRETARY OF THE COMMONWEALTH

was established, with Virginia's portion amounting to 3,200 additional miles. The Tributary Strategy Process occurring in the Bay states will increase this buffer implementation goal.

The riparian buffer goal and a series of other actions related to the establishment, maintenance, and conservation of riparian buffers and urban trees are contained in Chesapeake Executive Council Directive 03-01, adopted on December 17, 2003.

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 2.1-39 and 2.1-41.1 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish an initiative to accomplish the goals of Chesapeake Bay Program Directive 03-01 and the revised Virginia Riparian Buffer Implementation Plan (hereinafter called the Implementation Plan) to restore and conserve riparian buffers along streams and rivers in the Commonwealth.

VIRGINIA RIPARIAN WORKING GROUP

I hereby continue the Virginia Riparian Working Group (hereinafter called the Working Group) that was originally established pursuant to Executive Order 48 (99) to encourage voluntary establishment or restoration of riparian buffers by private landowners throughout the Commonwealth generally and within the Commonwealth's portion of the Chesapeake Bay watershed specifically.

A. Composition of the Working Group

The Working Group shall operate under the direction of the Secretary of Natural Resources in consultation with the Secretary of Agriculture and Forestry, the Secretary of Transportation, and the Secretary of Commerce and Trade. The State Forester shall serve as Chair of the Working Group. The Chair shall set meetings and direct the activities of the Group.

The Working Group shall consist of staff from the following agencies and institutions:

- Department of Conservation and Recreation
- Department of Environmental Quality
- Department of Forestry
- Chesapeake Bay Local Assistance Department
- Department of Agriculture and Consumer Services
- Department of Game and Inland Fisheries
- Virginia Institute of Marine Science
- Marine Resources Commission
- Department of General Services
- Department of Corrections
- Virginia Department of Transportation
- School of Agriculture, Science and Technology at Virginia State University
- College of Forestry and Wildlife at Virginia Polytechnic Institute and State University
- Virginia Commonwealth University
- Virginia Outdoors Foundation

GUBERNATORIAL DOCUMENTS

In response to letters from the State Forester requesting staff representation on the Working Group, the heads of these Commonwealth's agencies and institutions listed above shall appoint members of their respective staffs to serve on the Working Group.

In addition, staff from the following agencies and institutions may be invited by the State Forester to participate.

- Virginia Association of Soil and Water Conservation Districts
- Chesapeake Bay Commission
- U.S. Army Corps of Engineers
- U.S. Department of Agriculture's Natural Resources Conservation Service
- U.S. Forest Service
- U.S. Fish and Wildlife Service
- U.S. Geological Survey
- Virginia Cooperative Extension at Virginia Tech and Virginia State University
- Chesapeake Bay Program of the United States
- Environmental Protection Agency

The Secretary of Natural Resources or the State Forester may invite any non-government organization working in riparian restoration and protection to participate in the Working Group.

B. Duties of the Working Group

The Working Group shall:

1. Promote and facilitate the voluntary establishment or restoration of riparian buffers by private landowners throughout the Commonwealth;
2. Coordinate implementation of the actions recommended in the revised Implementation Plan to establish or restore riparian buffers throughout the Commonwealth and to establish and restore at least an additional 3200 miles of riparian forest buffers within the Commonwealth's portion of the Chesapeake Bay watershed by 2010;
3. Establish calendar date checkpoints in the Implementation Plan to review progress towards these goals and report on their progress;
4. Provide the Secretary of Natural Resources with an estimate of the costs and opportunities for funding the restoration or establishment of riparian buffers;
5. Integrate the initiatives of private landowners with those of state agencies and institutions of higher education to create a unified improvement plan for riparian buffers along significant, environmentally threatened or degraded rivers and streams;
6. Review existing applicable laws regarding riparian protection and make recommendations for strengthening and/or revising;
7. Coordinate and promote riparian research efforts to increase planted buffer survival, increase knowledge of nutrient uptake, and investigate buffer impacts on in-stream water quality; and
8. Update and keep the Implementation Plan current as necessary, and recommend changes to the Implementation Plan to the Secretary of Natural Resources.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

The Working Group shall report to me yearly by November 1 through the Secretary regarding the Commonwealth's progress statewide and, in particular, the progress toward meeting its commitment to restore or establish at least 3200 additional miles of riparian forest buffers within the Commonwealth's portion of the Chesapeake Bay watershed.

RESPONSIBILITY OF STATE AGENCIES OWNING LAND

State agencies owning, leasing, and/or managing state lands for the public good have the responsibility to be good stewards of that land. As a part of good land stewardship, the health and management of riparian areas is critical to ecosystem function and health. I hereby call on all land-holding state agencies, including public institutions of higher education, to demonstrate leadership in this initiative by working to conserve existing riparian buffers and develop new riparian buffers on state-owned property throughout the Commonwealth, particularly in the Chesapeake Bay watershed.

Specifically, I hereby direct all land-holding state agencies and institutions of higher education to participate in the restoration of riparian buffers by taking the following steps:

1. Identify on the land owned by the agency or institutions those significant or environmentally sensitive stream miles suitable for restoration or establishment of riparian buffers;
2. Develop measurable indicators for riparian buffer conservation, restoration, and establishment, consistent with the revised Implementation Plan and site-specific conditions, in an agency-specific plan;
3. Coordinate each respective agency plan with the state's ongoing Tributary Strategy development process;
4. Establish or restore riparian buffers to the extent possible on state lands by July 15, 2010; and
5. Create a funding line item in your respective agency budget to meet the stated goals of this Executive Order.

The State Forester shall provide technical assistance, within the extent of resources available, to the various land-holding state agencies and institutions that have identified stream miles available for restoration or establishment.

Upon request from the State Forester and with approval from the Secretary of Public Safety, the Department of Corrections shall provide labor for the planting and construction of those riparian buffers on state-held lands.

This Executive Order rescinds and replaces Executive Order 48 (1999), "Preserving Water Quality in the Chesapeake through Establishment of Riparian Buffers along Streams throughout the Commonwealth," issued by Governor James S. Gilmore, III, on June 28, 1999.

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

Given under my hand and under the seal of the Commonwealth of Virginia on this 14th day of July 2005.



Attest:

Anita A. Rindler
Secretary of the Commonwealth

Mark R. Warner
Governor

GUBERNATORIAL DOCUMENTS

EXECUTIVE ORDER NUMBER NINETY-TWO (05)

CONTINUING THE GOVERNOR'S COMMISSION ON ARMENIAN AFFAIRS

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, 2.2-134, and 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby continue the Governor's Commission on Armenian Affairs, which was established through Executive Order 70 (2004).

This commission is classified as a gubernatorial advisory commission in accordance with Sections 2.2-2-134 and 2.2-2100 of the Code of Virginia. Its specific duties and responsibilities remain as stated in Executive Order 70 (2004), with the funding sources and amounts of staff and financial support originally estimated.

This executive order shall be effective retroactive to May 18, 2005, and shall remain in full force and effect until May 17, 2006, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this the 14th day of July 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-THREE (05)

COMMISSION ON VIRGINIA MILITARY BASES

IMPORTANCE OF THE COMMONWEALTH TO OUR NATION'S MILITARY

For well over a century the Commonwealth of Virginia has served this great nation by providing an unparalleled array of military installations and commands, including the Pentagon in Arlington and the world's largest naval base in Norfolk. The military has become an integral part of our Commonwealth, of great importance to our security, our economy, and our civic life. Accordingly, it is with the utmost seriousness that Virginians participate in and work with the current round of the federal Base Realignment and Closure Commission (BRAC).

The federal government, charged with a statutory mandate to optimize efficiency throughout our national security establishment, is reviewing the current and future efficacy of military installations throughout the country for potential closure or realignment. Given the critical mission of Virginia's military installations, their proximity to the Nation's Capital at this unique juncture in history, and our homeland security imperative, the importance of Virginia to the nation's national security has never been greater. It is therefore incumbent upon the Commonwealth to ensure that the BRAC Commission and Congress fully understands why, under applicable BRAC statutory standards, the nation continues to be served by Virginia's current military installations and why this state, along with the military missions currently based here, is strategically ideal for the hosting and performance of additional military missions and commands.

To accomplish this, in accordance with the authority vested in me by Article V of the Constitution of Virginia and by Section 2.2-134 of the Code of Virginia, I hereby create the Commission on Virginia Military Bases to follow-up on the actions taken by the Commission on Military Bases established under Executive Order Number Forty-nine (2003) and continued under Executive Order Number Seventy-two (2004).

REPORT OF THE SECRETARY OF THE COMMONWEALTH

THE COMMISSION

The Commission on Virginia Military Bases will be chaired by the Honorable Owen Pickett and the Honorable Joe Reeder. It will consist of members appointed by the Governor and serving at his pleasure. Initial appointments to the Commission will include 25 members. The Governor may appoint additional persons to the Commission at his discretion.

The Commission's responsibilities shall include the following:

1. Coordinate and facilitate statewide, strategic activities to support Virginia-based military installations throughout the BRAC 2005 process.
2. Identify appropriate opportunities for relocating additional military commands and missions in the Commonwealth.
3. Recommend, as appropriate, additional reasons why, under applicable law, the Commonwealth should retain its existing military installations and commands.
4. Support and foster collaboration among local and regional entities working in response to the base closure process.
5. Provide quality technical assistance regarding the base closure and realignment process timetables, processes, and requirements.
6. Assist Virginia's Congressional Delegation in developing and presenting statutorily relevant facts that underscore the strategic, homeland security, and economic importance of Virginia's military installations to the nation.
7. Inform BRAC 2005 members, and other key federal officials as to state and local facilities and activities that enhance quality-of-life for the military community of Virginia and the entire National Capital Region.
8. Fully inform the Governor in a timely manner on all pertinent findings and recommendations.

COMMISSION STAFFING AND FUNDING

Necessary staff support for the Commission's work during its existence shall be furnished by the Office of the Secretary of Commerce and Trade and other offices and agencies as requested by the Secretary of Commerce and Trade, the Virginia Economic Development Partnership, 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, as well as the Economic Contingency Fund. Estimated direct costs for this Commission are \$100,000.

Commission members 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 Co-Chairs. The Commission shall report annually to the Governor and shall issue such other reports and recommendations as necessary or as requested by the Governor.

This Executive Order shall be effective upon its signing and shall remain in force and effect until July 13, 2006, unless amended or rescinded by further executive order.

GUBERNATORIAL DOCUMENTS

Given under my hand and under the Seal of the Commonwealth of Virginia, this 14th day of July 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rimler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-FOUR (05)

WORKPLACE SAFETY AND EMPLOYEE HEALTH

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and the laws of the Commonwealth, including but not limited to 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 reestablish and revise the Workplace Safety and Employee Health Initiative established under Executive Order Number Fifty-two (1999). This initiative will ensure a safe and healthy workplace for state employees, reduce the incidence of work-related accidents and illnesses occurring in state agencies, and assist employees in returning to work from both work-related and non-work related illnesses and injuries.

Injuries and illnesses cause considerable pain and hardship for employees and their families and hinder the effective operation of state agencies. Human resource, risk management and safety professionals report that many of these injuries and illnesses can be reduced or prevented. In addition lost productivity for the employee and employer can be lessened by transitional employment and job modification.

Keeping our government workers safe, whole, healthy and, whenever possible, employed is the duty of every state agency. This can only be accomplished with the full commitment of agency management working in partnership with all employees. All state agencies have an important role to play not only in reducing work-related injuries but also in improving return-to-work services for all injured or ill employees.

All executive branch departments, agencies, and institutions of higher education shall:

- Cooperate with the Department of Human Resource Management State Employee's Workers' Compensation Program (DHRM) by implementing initiatives to reduce work-related injuries and improve services to injured employees;
- Ensure that job expectations are clearly defined in the employee work profile to include physical requirements;
- Submit the First Report of Accident to the State Employee Workers' Compensation Program within 10 days of the injury;
- Identify trends and the impact on the agency;
- Evaluate the work-related injuries and illnesses that occurred in FY 2005 and each subsequent fiscal year in order to establish goals and strategies to reduce them and to enhance workplace safety;
- Include in managers' performance expectations, when appropriate, goals to encourage a safer work environment and reduction in work-related employee time lost; and

REPORT OF THE SECRETARY OF THE COMMONWEALTH

- Report by October 1st of each year to the State Employee Workers' Compensation Program the agency's loss control goals, strategies, and results to minimize the risk of work-related injuries and illnesses.

Utilizing the foundation developed under **Executive Order Number Fifty-two (1999)** to establish and develop strategies and practices that support safety in the workplace, all executive branch departments, agencies and institutions of higher education shall:

- Evaluate and modify the agency's Workers' Compensation return-to-work policy to include non-work related periods of disability;
- Cooperate with the Department of Human Resource Management and the Virginia Sickness and Disability Program of the Virginia Retirement System to establish return-to-work opportunities appropriate for the individual employee and agency;
- Include in managers' performance expectations goals to reduce employee work-related and non-work related time;
- Establish strategies and practices to reduce lost time and to support the safe resumption of work for state employees;
- Evaluate annually those cases where employees were unable to return to work in a transitional and/or permanent capacity; and
- Report by April 1st of each year to the Virginia Retirement System and the Department of Human Resource Management agency goals and strategies to reduce lost time.

In order to support agency Workplace Safety and Health initiatives and goals, the Virginia Retirement System and Department of Human Resource Management shall:

- Review agency goals and strategies;
- Provide training, consultation, and support for agency initiatives; and
- Report non-compliance with the provisions of this Executive Order, and report annually to the Governor on progress made in improving workplace safety and returning employees to work.

This Executive Order rescinds and replaces Executive Order Number Fifty-two (1999), Workplace Safety and Health, issued by Governor James S. Gilmore, III, on October 1, 1999.

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 14th day of July 2005.



Attest:

Anita A. Rimpler
Secretary of the Commonwealth

Mark R. Warner
Governor

GUBERNATORIAL DOCUMENTS

EXECUTIVE ORDER NUMBER NINETY-FIVE (05)

DESIGNATION OF THE SECRETARY OF THE COMMONWEALTH AS THE OFFICER CHARGED WITH THE DUTY OF AUTHENTICATING ALL OFFICIAL DOCUMENTS AND RECORDS UNDER PROVISIONS ADOPTED BY THE 1961 HAGUE CONVENTION

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, 2.2-135 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby rescind Executive Order Number Fifty-two (1981) and redesignate the Secretary of the Commonwealth as the Officer charged with the duty of authenticating all official documents to be used by attorneys, private individuals and other interested parties in foreign countries subject to the provisions of the Hague Convention of October 5, 1961.

1. The Secretary of the Commonwealth shall employ in the authentication of official records the form designated by the Hague Convention. The certificate shall meet all the requirements of Articles 3, 4 and 5 of the Convention.
2. The Secretary shall keep a record for verification purposes of all authentications made by the office pursuant to Article 7 of the Convention.
3. The Secretary shall charge the fee established for testimonials, including seal tax, by Section 2.2-409 of the Code of Virginia, amended.

This Order is to be liberally construed to carry out the purposes of the aforementioned Convention.

This Executive Order shall be effective immediately 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 14th day of July 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-SIX (05)

ESTABLISHING 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

For example, in April 1951, the students of Robert Russa Moton High School in Farmville, Virginia, led by 16-year-old Barbara Johns, held a strike to protest unequal conditions in their school system. The protest led to a federal court case, *Davis v. County School Board of Prince Edward County*, which was eventually consolidated with four other cases from Delaware, South Carolina, Kansas, and Washington, D.C. The five consolidated lawsuits culminated in one of the most important decisions ever rendered by the United States Supreme Court, *Brown v. Board of Education of Topeka*. This landmark decision helped spark the Civil Rights Movement and subsequent events in Virginia that influenced the evolution of civil rights in both the Commonwealth and the nation.

The bravery of these students and other 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.

At my request, the 2005 General Assembly overwhelmingly approved House Joint Resolution 790, which requests the Governor to establish a memorial commission on civil rights.

CREATION 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 establish the Civil Rights Memorial Commission. The Commission shall consist of eight 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 member of the House of Delegates (appointed by the Speaker of the House of Delegates), the Chairman of the Senate Committee of Rules, and three other members appointed by the Governor.

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

CHARGE FOR THE COMMISSION

I hereby direct the Commission 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 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 Governor and such other agencies as may be designated by the Governor.

The Commission shall submit a report of its findings and recommendations, including an appropriate executive summary, to the General Assembly and to me by December 31, 2005.

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 1, 2006, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of July 2005.



Mark R. Warner
Governor

Attest:
Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-SEVEN (05)

**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**

(Revised September 23, 2005)

On September 23, 2005, I am expanding the state of emergency declared on August 31, 2005 for Hurricane Katrina to include support for states impacted by Hurricane Rita. Through the Emergency Management Assistance Compact, of which the Commonwealth of Virginia is a member, and in accordance with § 44-146.28:1, the Commonwealth will provide resources and assistance to the fullest extent possible to the impacted states, and will directly assist evacuees who arrive in Virginia from the states that have suffered from either or both of these devastating storms.

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 31, 2005, 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 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 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, overwidth, 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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 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 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.

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. 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 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.

GUBERNATORIAL DOCUMENTS

H. The temporary waiver by the Department of Agriculture and Consumer Services, and all other applicable state and local agencies, of enforcement of the provisions of § 3.1-949 of the Code of Virginia for retailers of petroleum products whose pumps are too antiquated to display accurately the current price of petroleum products. This limited waiver shall be effective for a period of 90 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, 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.

I. 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.

J. 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 Katrina or Hurricane Rita.

K. The temporary waiver, for the period that the applicable waiver from the federal government is in effect, of enforcement by the Department of Motor Vehicles and other applicable agencies of the prohibition on use of dyed fuel for on-road use. Nothing in this provision shall change any tax liability due from any person or entity.

L. 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 Katrina or Hurricane Rita.

M. 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 Virginia Defense Force 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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

N. The activation of the statutory provisions in § 59.1-525 et. seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible after a natural disaster. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials.

O. 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 Katrina or Hurricane Rita.

P. 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 Katrina or Hurricane Rita.

Q. A state of emergency exists for the Commonwealth in support of the proper management, care and support of persons who have been displaced by Hurricane Katrina or Hurricane Rita, evacuated from states impacted by Hurricane Katrina or Hurricane Rita, and relocated to the Commonwealth (Evacuees). These evacuees will require a variety of emergency 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, 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 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 Katrina or Rita-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

GUBERNATORIAL DOCUMENTS

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.

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. In addition, up to \$50,000 shall be made available for operation of the Emergency Operation Center.

This Executive Order shall be effective August 31, 2005, and shall remain in full force and effect until June 30, 2006, 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 23rd day of September 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rimpler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-EIGHT (05)

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/HURRICANE OPHELIA

On September 12, 2005, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on current forecasts that indicate that Tropical Storm/Hurricane Ophelia could cause damaging high winds, flash flooding, and possible tornadoes throughout the state. The National Weather Service forecasts that Tropical Storm/Hurricane Ophelia will follow a north-northeast track over the Outer Banks of North Carolina and affect eastern and central Virginia during the next 72 hours resulting in the potential for significant rainfall causing river flooding and high wind damage in central and southeast Virginia.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help prepare, and if needed, alleviate the conditions caused by this situation. The potential effects of Tropical Storm /Hurricane Ophelia could constitute a natural disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued September 12, 2005, 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, if any occurs, and to implement recovery and mitigation operations and activities, if required, 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 direct that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing any aid, as needed. 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

In order to marshal all public resources and appropriate preparedness, response and potential recovery measures to meet this potential threat and recover from its possible 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 potential 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 possible 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. If the storm results in a natural disaster, 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. If the storm results in a natural disaster, 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 essential emergency relief supplies in and through any area of the Commonwealth in order to support any 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

GUBERNATORIAL DOCUMENTS

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

All 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, if appropriate, carriers may also be 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 potential 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 potential 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. If the storm results in a natural disaster, 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. If the storm results in a natural disaster, this state of emergency may constitute 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 any disaster related activities of state agencies.

K. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol

REPORT OF THE SECRETARY OF THE COMMONWEALTH

(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 preparedness or recovery 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 preparedness or recovery 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 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, as deemed 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 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;

GUBERNATORIAL DOCUMENTS

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. In addition, up to \$50,000 shall be made available for operation of the Emergency Operation Center.

This Executive Order shall be effective September 12, 2005, and shall remain in full force and effect until June 30, 2006, 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 12th day of September 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rimpler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER NINETY-NINE (05)

DECLARATION OF A STATE OF EMERGENCY TO ASSIST WISE COUNTY AND THE TOWN OF BIG STONE GAP DUE TO A CRITICAL WATER SHORTAGE

On October 7, 2005, I verbally declared a state of emergency to exist for the Wise County and the Town of Big Stone Gap to assist these localities in responding to a critical water shortage. 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 verbal orders issued October 7, 2005, 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 Wise County and the Town of Big Stone Gap 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 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:

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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 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 §§ 44-146.19(D) 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 in route and returning

GUBERNATORIAL DOCUMENTS

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 secretaries.

F. 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 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

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.

I. 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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 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 state funds.

J. 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.

K. I hereby direct all state agencies in the affected area to implement the highest possible level of water conservation consistent with public health and safety.

L. I hereby impose an open burning ban on Wise County and the Town of Big Stone Gap, effective immediately and continuing until such time as local officials advise me it should be lifted.

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 October 7, 2005, and shall remain in full force and effect until February 28, 2006, 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 October 2005.



Attest:

Anita A. Rimpler
Secretary of the Commonwealth

Mark R. Warner
Governor

GUBERNATORIAL DOCUMENTS

EXECUTIVE ORDER NUMBER ONE-HUNDRED (05)

CREATING THE P-16 EDUCATION COUNCIL

IMPORTANCE OF THE INITIATIVE

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 19 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, and eight 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. Serve as a steering committee for oversight of the state's education reform activities as part of the NGA Honor States Grant.
3. Develop approaches to improve transitions among levels of education, promote student success, and encourage students to continue their education.
4. Consider strategies for data systems that provide information about students at all educational levels.
5. Make any other recommendations as may seem appropriate.

The Council shall make a report of its activities by October 1, 2006. 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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 October 15, 2005, and shall remain in full force and effect until October 14, 2006, unless sooner amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 19th day of October 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ONE HUNDRED AND ONE (05)

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 poses considerable challenges. To meet the needs of all potential users, the managing entity must establish and provide formal communication avenues for users of the system to report system problems and to provide valuable input to the design of the system and its efficient operations and troubleshooting.

In order to be effective, a statewide radio system must meet the needs of a diverse group of agencies and localities. Therefore, appropriate entities, composed of Secretarial representation for each of the participating agencies, must be established and empowered to oversee policy and direction for the system. Also, 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).

STARS CONTINUED

Pursuant to Chapter 3, Title 42, of the Code of the 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 or county level. As part of this initiative, I hereby continue the STARS Management Group (hereinafter called the "Management Group"), the STARS Project Management Team (hereinafter called the "Management Team"), and the User Agency Requirements Committee (hereinafter called "UARC").

GUBERNATORIAL DOCUMENTS

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 Alcoholic Beverage Control,
Division of Capitol Police,
Department of Charitable Gaming,
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 Technology 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, Administration, 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.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

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 and 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 shall not enter into any contract for implementation of STARS without 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, shall oversee the review of proposals and the development of any contract for such a radio communication system, including the financing of the system.

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.

GUBERNATORIAL DOCUMENTS

This Executive Order rescinds Executive Order Twenty-Eight (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 October 31, 2008, unless amended or rescinded by further Executive Order.

Given under my hand and the Seal of the Commonwealth of Virginia on this 1st day of November 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rimler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ONE HUNDRED AND TWO (05)

ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM AND USE OF THE NATIONAL PREPAREDNESS GOAL FOR THE PREVENTING, RESPONDING TO AND RECOVERING FROM CRISIS EVENTS IN THE COMMONWEALTH

Ensuring the health, safety, welfare and security of citizens is government's most profound duty. Emergencies and disasters of all kinds - originating from nature, accidents and man-caused actions to include terrorism, have the potential to threaten the health, safety and welfare of our citizens, disrupt our economy and commerce and undermine the stability of society and good order. To ensure the most effective management of risks facing the Commonwealth it is necessary and desirable to maintain a single clear incident management structure to ensure the prompt communication, coordination and control of prevention and relief activities among all levels of government and with the private sector.

The National Incident Management System (NIMS) has been adopted nationally and is being implemented in Virginia as the federally required incident management system by which communities, states and the federal government will ensure full integration of activities in response to threatened and actual emergencies and disasters of all kinds. The NIMS has been mandated nationally for integrated local, state, tribal, territorial and federal prevention, response and recovery activities in accordance with criteria set forth in Homeland Security Presidential Directive 5 (HSPD 5). When implemented in consonance with the National Response Plan, and other federal, state and local emergency plans, NIMS, with its compliant Incident Command System, provides the established framework to effectively integrate operations at all levels, including but not limited to the implementation of a standardized Incident Command System for any size or scope of event. The National Response Plan (NRP), using NIMS, is an all-hazards plan that provides the structure and mechanisms for national-level policy and operational coordination for domestic incident management.

In accordance with HSPD 5, the Secretary of Homeland Security is the Principal Federal Official responsible for domestic incident management through NIMS.

The Governor is the Principal State Official responsible for incident management in the Commonwealth and will do so through the adoption of NIMS. The Governor shall accomplish these responsibilities in accordance with existing statutory authorities and through established organizations and structures set forth for these purposes. This designation in no way alters or impedes the authority of local officials, state agencies, private relief and business organizations, or federal agencies to perform responsibilities set forth by law.

Homeland Security Presidential Directive 8 - National Preparedness delineates the roles and responsibilities of the federal government to provide assistance to states and communities in the development of preparedness activities to deter, prevent, mitigate, respond and recover from emergencies and disasters through an "all hazards" approach. This directive authorized development of a National Preparedness Goal to assist states and communities with targeting preparedness efforts.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby adopt the National Incident Management System (NIMS) and the National Preparedness Goal for use by localities and state agencies in all preparedness activities in the Commonwealth of Virginia including but not limited to deterrence, prevention, response, recovery and mitigation efforts.

Furthermore, I hereby establish the following requirements.

1. 1. The State Coordinator of the Virginia Department of Emergency Management is responsible for NIMS implementation. The Executive Director of the Virginia Department of Fire Programs is designated as the executive agent responsible for coordination of NIMS compliant Incident Command System training activities among state agencies and to local governments. This lead coordination shall not remove responsibility for or inhibit delivery of training by any state agency to its normally defined constituency.
2. The State Coordinator shall, cooperatively with the Executive Director of the Virginia Department Fire Programs and in coordination with the Superintendent of the Virginia State Police, Commissioner of the Virginia Department of Health, Commissioner of the Virginia Department of Transportation, Adjutant General of the Virginia National Guard, Director of the Virginia Department of Criminal Justice Services and State Forester shall, in consultation with the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Public Safety, the Secretary of Health and Human Resources, the Secretary of Transportation, The Secretary of Agriculture and Forestry and others the State Coordinator deems appropriate, ensure an annual process for delivery of training and education to support NIMS implementation and continuation among localities and state agencies in Virginia.
3. All emergency plans and procedures shall be developed in consonance with NIMS, the National Response Plan and in accordance with the National Preparedness Goals.
4. All emergency and disaster drills conducted annually in the Commonwealth, in accordance with Homeland Security Presidential Directive 8 - National Preparedness, will test and evaluate the ability of local, state, federal and private organizations to operate in a unified and coordinated manner under NIMS and in accordance with the National Response Plan, Commonwealth of Virginia Emergency Operations Plan (COVEOP) and local Emergency Operations Plans (EOPs) and other relevant federal, state and local plans.
5. Consistent with federal guidance beginning in October 2005, any state agency, local government, quasi-governmental entity, private relief organization or other public and private entity eligible for and desiring federal preparedness funding passed through agencies of the Commonwealth from the U.S. Department of Homeland Security or U.S. Department of Health and Human Services shall be required to certify their adoption of NIMS and Incident Command System models for management of emergencies and disasters. Failure of an organization or entity to meet this certification requirement shall preclude the award of federal funding by the Commonwealth.
6. Within six month's of the signing of this Executive Order or sooner, the State Coordinator of Emergency Management shall, cooperatively with the Executive Director of the Virginia Department of Fire Programs, and in coordination with the Superintendent of the Virginia State Police, Commissioner of the Virginia Department of Health, Commissioner of the Virginia Department of Transportation, Adjutant General of the Virginia National Guard, and the Director of the Virginia Department of Criminal Justice Services, and in consultation with the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Public Safety, the Secretary of Health and Human Resources, the Secretary of Transportation and others deemed appropriate, prepare and furnish to all recipients of federal emergency and disaster preparedness funding passed through agencies of the Commonwealth from the U.S. Department of Homeland Security or U.S. Department of Health and Human Services, performance measures for assessing and measuring compliance with adopting the National Incident Management System. Recipients of these

GUBERNATORIAL DOCUMENTS

sources of federal emergency and disaster preparedness funding shall be required to measure performance annually.

- 7. The National Preparedness Goal shall be considered a baseline for guiding preparedness activities in Virginia. Within six month's of the signing of this Executive Order or sooner, the State Coordinator of Emergency Management, in coordination with the Executive Director of the Virginia Department of Fire Programs, Superintendent of the Virginia State Police, Commissioner of the Virginia Department of Health, Commissioner of the Virginia Department of Transportation, Adjutant General of the Virginia National Guard, Director of the Virginia Department of Criminal Justice Services and the State Forester and others the State Coordinator deems appropriate, shall review the National Preparedness Goal and recommend to the Governor through the Assistant to the Governor for Commonwealth Preparedness, the Secretary of Public Safety, the Secretary of Health and Human Resources, the Secretary of Transportation and the Secretary of Agriculture and Forestry, the addition of any needed elements to this national goal that strengthen its application in supporting the Commonwealth of Virginia's preparedness activities, based on any higher probability risks inherent to the Commonwealth.

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 the Seal of the Commonwealth of Virginia on this 1st day of November 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ONE HUNDRED AND THREE (05)

PROMOTING DIVERSITY AND EQUAL OPPORTUNITY FOR SMALL, WOMAN- AND MINORITY-OWNED BUSINESS ENTERPRISES IN STATE PROCUREMENT

BACKGROUND

Securing the economic health and vitality of all of the Commonwealth's businesses is critical to the future of Virginia and to the quality of life of all Virginians. Promoting and helping to grow the Commonwealth's enterprises is an integral part of Virginia's overall economic development mission, supporting its efforts toward job creation, community empowerment and economic revitalization.

An important element of expanding economic opportunities to all Virginians lies in providing opportunities for small businesses, including businesses owned by women and minorities, to participate in the purchasing programs of the state.

The Commonwealth acknowledges that historically, businesses owned by women and minorities have not sufficiently benefited from such commercial opportunities. Despite this history, Virginia is fully committed to the principals of equal opportunity.

The Commonwealth's commitment has been evidenced, in part, by Executive Order 29 (EO 29) and the accompanying guidelines to all state agencies and public bodies. EO 29 enhances the equal opportunity and nondiscrimination requirements set forth in the Virginia Public Procurement Act (VPPA). The Commonwealth's commitment has also been evidenced by our Small, Woman, and Minority Business (SWAM) Procurement initiative, designed to improve the participation of these businesses in the purchasing programs of the state. This effort has yielded improved results over the last year: both minority and woman-owned business participation levels have grown from the combined 1.27 percent level documented by the Commonwealth's Procurement Disparity Study to an

REPORT OF THE SECRETARY OF THE COMMONWEALTH

approximate level of 2 percent for minorities and 2.4 percent for women. Prior to EO 29, erroneously reported totals for minority business participation typically averaged 5-7 percent. Though improved, both levels remain substantially below our targets for minority-owned businesses and for businesses owned by women.

In addition, small business participation in state contracting, formerly held to be approximately 20 percent, has been, in fact, a mere 8-10 percent. Combined SWAM business participation, despite our progress, hovers below 15 percent, significantly less than the established statewide goal of 40 percent.

SWAM purchasing reports have shown that small businesses, including businesses owned by women and minorities, continue to lag behind in their participation in the state's purchasing initiatives. These businesses, representing nearly 99 percent of all Virginia businesses, are the backbone of the state's economy and they represent the Commonwealth's best hope for a prosperous future. Consequently, the policy of promoting small businesses, including businesses owned by women and minorities, will benefit all members of the Virginia family.

Diversifying the state's contracting is a challenging effort that takes more than four years. This objective transcends gubernatorial administrations, and thereby requires a long-term institutional commitment.

INITIAL EFFORTS

During my Administration, we have undertaken a number of efforts that have begun to change course. These actions include:

1. Summer 2002: We issued Executive Order Number 29 (2002) directing all Cabinet members and heads of all state agencies and public bodies to implement the equal opportunity and nondiscrimination requirements set forth in the Virginia Public Procurement Act ("VPPA"), § 2.2-4310(A), Code of Virginia (2005), which prohibits all public bodies from discriminating in government contracts on the basis of race, religion, color, sex, or national origin, and requires them to include in solicitations companies included in a list assembled by the Department of Minority Business Enterprise (DMBE).
2. Fall 2002: We discovered and rectified significant errors in the database causing the historical over-reporting of expenditures with small, woman and minority firms.
3. Winter/Spring 2003: We championed the need for a study of disparities in the state's procurement programs and won unanimous legislative passage of S.J. 359.
4. January 2004: We released the Procurement Disparity Study of the Commonwealth of Virginia (the "Study") after an accelerated and detailed investigation. The Study found that total Commonwealth spending with woman- and minority-owned business enterprises in fiscal years 1998-2002 (study period) was very low at a combined level of 1.27 percent of total spending.
5. Winter/Spring 2004: We collaborated with the General Assembly to unanimously pass HB 1145 amending the VPPA to authorize and encourage the Governor and localities to implement remedial programs when a rational basis for small business enhancement exists or analysis documents statistically significant disparity between the availability and utilization of woman- and minority-owned businesses. The legislation took effect July 2004.
6. July 2004: We developed and implemented the Commonwealth's Remediation Plan for all executive branch agencies and institutions. The Plan established the overall aspirational objective of 40 percent for small business participation, directed all state agencies and institutions to develop purchasing programs by September 1, 2004, and established within DMBE a certification program for all Small Business Enterprises, Minority Business Enterprises, and Woman Business Enterprises participating in the remediation program.
7. Fall 2004: We allowed agencies and institutions to set aside up to 30 percent of their discretionary funds for contracts with small businesses in accordance with their respective SWAM Plans.
8. Spring 2005: We unveiled an On-Line Certification Service at DMBE to provide an easy and convenient method for SWAM and DBE certifications.

GUBERNATORIAL DOCUMENTS

9. Summer 2005: We began weekly reporting by secretariat, with the Director of the Department of Minority Business Enterprise attending and presenting at every cabinet meeting.

10. Fall 2005: Quarterly results were the best measured to date.

On the strength of these efforts, the participation levels of SWAM businesses in state contracting awards have improved significantly. However, the actual awards are still disappointing compared to the representation of these businesses in Virginia's economy.

CONTINUING EFFORTS

It is clear that the Commonwealth must continue on its course toward affording small businesses the opportunity to compete equitably for the Commonwealth's business. The following directives currently in place are therefore hereby continued:

1. The statewide aspirational goal of 40 percent of the Commonwealth's discretionary spending in combined prime and sub contracts for small businesses including businesses owned by women and minorities.
2. The annual written action plan required of agencies and institutions to facilitate the participation of small businesses, including businesses owned by women and minorities. The plans shall be developed and submitted to DMBE and the appropriate Cabinet Secretary on September 1 of each Fiscal Year.
3. The requirement that each agency and institution designate, yearly, a Procurement Champion to ensure nondiscrimination in the solicitation and awarding of contracts.
4. The requirement for DMBE certification of small businesses and of woman-owned and minority-owned businesses to ensure reliable and consistent reporting of their participation in the Commonwealth's purchasing programs.
5. The definitions established and incorporated in the certification procedures of DMBE for small business enterprise (SBE), women's business enterprise (WBE), and minority business enterprise (MBE). Also continued is the definition established for a disadvantaged business enterprise (DBE).
6. The requirement that the Department of General Services (DGS) and the Virginia Information Technology Agency promulgate guidance on SWAM purchasing in all relevant purchasing manuals and make available to all purchasing officials.
7. The implementation of small business enhancement tools, including, but not limited to, the small business set-aside, unbundling of selected State contracts, small procurements under \$5,000, and early posting of potential contract awards.
8. The requirement that each prime contractor whose procurement bid included a SWAM participation component submit evidence and certification of compliance with the SWAM Procurement Plan on or before the request for final payment. Final payment, under the contract, may be withheld until such certification is delivered and, if necessary, confirmed by the agency or institution, or other appropriate penalties may be assessed in lieu of withholding such payments.
9. The requirement that each contracting or certifying agency or institution, in cooperation with DMBE and DGS, contractually provide for appropriate auditing of vendors and contracts in order to assure compliance with certification requirements, SWAM subcontracting plans, and other required provisions. Such audits shall include the right to make on-site audits and review documents at any time during the term of the applicable contract or certification.
10. The inclusion of progress toward achievement of SWAM objectives as an evaluation criteria for the chief executive officer for each agency and institution. Also continued is the use of said criteria in the evaluation of senior management and procurement personnel by the agency head or chief executive officer.
11. The requirement that state agencies and institutions work together with DMBE and the Department of Business Assistance to seek to increase the number of qualified minority and woman-owned businesses who are available to do business with the Commonwealth.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

12. The updating by DMBE of statistics of SWAM participation, by gender and ethnicity, in relevant purchasing categories according to the findings identified in periodic statistical analyses of the availability and utilization of SWAM businesses in the purchasing programs of the Commonwealth, and submission of recommendations to the Governor. DMBE shall be responsible for making information on trends in SWAM participation available to the Cabinet and to the agencies, in order that current information on the state's progress toward remediating the disparity identified with woman-owned and minority-owned businesses is made available to decision-makers.

NEW DIRECTIVES

I hereby direct the following:

1. Include all certified woman-owned and minority-owned firms in the definition of certified small business when said definition is utilized for procurement actions;
2. Require a Small Business Subcontracting Plan in all contracts over \$100,000;
3. Direct purchasing officers to modify evaluation criteria that prevent qualified companies from being excluded from state business based on narrow definitions of prior experience;
4. Require all applicable purchasing manuals to fully incorporate the new SWAM procedures, including all agencies, institutions, colleges and universities and political subdivisions subject to the VPPA;
5. Require all agencies, institutions, colleges, and universities to post future procurement opportunities on a new section of the eVA web site for the public to see at anytime and encourage all public bodies to post on this web site;
6. Require certified small business participation in every RFP for professional and non-professional services (with allowance for good faith efforts which shall be prescribed by DMBE in cooperation with the Department of General Services and the Virginia Information Technology Agency and incorporated in the relevant purchasing manuals);
7. Allow small business participation plan(s) to be used as weighted criteria to evaluate proposals;
8. Allow award to a qualified, reasonably priced, certified small business even if it is other than the lowest bidder or most successful offeror for all procurements, including construction; and
9. Include SWAM payment data and eVA commitments in VITA's new statewide management system.

These SWAM directives are designed to increase the overall pool of qualified vendors and thereby expand competitive access. They allow agencies and institutions to continue to seek quality products and services at competitive prices while at the same time advancing the Commonwealth's objectives of promoting small businesses and providing equal opportunity in state purchasing.

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and the laws of the Commonwealth, including but not limited to Title 2.2 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, Executive Order Number 29 (2002) is hereby rescinded. I direct the Cabinet and the heads of all executive branch agencies and public bodies to implement and advance this Executive Order to promote diversity and equal opportunity in state procurement activities for Virginia's small businesses, including businesses owned by women and minorities.

GUBERNATORIAL DOCUMENTS

This Executive Order shall be effective upon its signing and shall remain in full force and effect until June 30, 2006, 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 December 2005.



Mark R. Warner
Governor

Attest:

Anita A. Rindler
Secretary of the Commonwealth

EXECUTIVE ORDER NUMBER ONE HUNDRED AND FOUR (05)

CREATING THE GOVERNOR'S MOTORCYCLE ADVISORY COUNCIL

IMPORTANCE OF THE INITIATIVE

Motorcycling is an increasingly popular form of transportation and recreation and a significant contributor to the marketplace. Tourism, business development, and charitable fundraising throughout the Commonwealth benefit significantly each year from the motorcycling community. There are over a quarter million licensed motorcyclists in Virginia, and over nine million motorcyclists nationwide, many of whom travel to Virginia to enjoy riding in the Commonwealth. Responsible riding by motorcyclists and the general driving public's awareness of motorcyclists in their midst create important transportation safety issues. More than 9,000 Virginians enroll in motorcycle safety training classes each year.

In 2004 the Commonwealth's Secretaries of Commerce and Trade, Public Safety, and Transportation initiated the "MotorcycleVIRGINIA!" initiative to explore ways to promote motorcycle related tourism, business development, and safety in the Commonwealth. The working group leading this effort has been composed of representatives of relevant state agencies from those secretariats and stakeholders in the tourism, business, and motorcycle communities. The working group has produced and distributed more than 50,000 "Watch for Motorcycles" awareness bumper stickers and has initiated a Web site funded by a National Highway Traffic Safety Administration grant and donations to promote its goals (www.motorcycleva.com). The Governor's Motorcycle Advisory Council is created to perpetuate and expand upon the success of the working group.

THE COUNCIL

The Council membership shall be appointed by the Governor and serve at his pleasure, and shall include a chairman designated by the Governor. 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 Authority. The Council shall include one representative from among Virginia's sheriffs, one representative from among its police chiefs, and one member representing the Board of Transportation Safety. There shall be sixteen citizen members, reflecting, but not exclusive to, the hospitality and tourism industry, motorcycle related business, motorcycle safety training organizations, and motorcycling advocacy groups. The Secretaries of Commerce and Trade, Public Safety, and Transportation shall serve as ex officio members.

The Council's responsibilities shall include the following:

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

REPORT OF THE SECRETARY OF THE COMMONWEALTH

2. Promote 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. Promote motorcycle related business entrepreneurship, including two-wheeled aspects of the Virginia Motorsports Initiative;
4. Serve as a liaison between the motorcycling community and state agencies whose policies may affect motorcycling;
5. Function as a venue for shared imagination and discussion regarding the future role of motorcycling in Virginia's transportation scheme economically, environmentally, and culturally.

The Council shall make a report of its activities by October 1, 2006. The Council shall meet at the call of the chairman.

COUNCIL STAFFING AND FUNDING

Necessary staff support for the Council's work during its existence 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 funding shall be necessary to support the Council. Other financial support shall be developed from grants and donations.

This Executive Order shall be effective December 15, 2005, and shall remain in full force and effect until December 15, 2006, 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 15th day December, 2005.



Attest:

Anita A. Rinker
Secretary of the Commonwealth

Mark R. Warner
Governor

GUBERNATORIAL DOCUMENTS

WRITS

WRIT OF DECEMBER 9, 2005

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE COUNTIES OF CAROLINE, ESSEX, HANOVER, KING AND QUEEN, KING WILLIAM, MIDDLESEX, AND SPOTSYLVANIA:

WHEREAS, a vacancy has occurred in the Senate of Virginia from the Fourth Senate District, composed of the Counties of Caroline, Essex, Hanover, King and Queen, King William, Middlesex, and Spotsylvania (part), occasioned by the resignation of The Honorable William T. Bolling;

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, January 3, 2006, for a member of the Senate of Virginia to fill the vacancy. The last day for filing as a candidate for such office in said election shall be Friday, December 16, 2005, at 5:00 p.m.



By the Governor of Virginia

Anita A. Rimler

Anita A. Rimler
Secretary of the Commonwealth

Given under my hand as Governor of Virginia, and under the Lessor Seal of the Commonwealth, at Richmond, this 9th day of December in the year of our Lord, two thousand and five, and in the 230th year of the Commonwealth.

Mark R. Warner

Mark R. Warner
Governor of Virginia

WRIT OF DECEMBER 9, 2005

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE COUNTIES OF BUCHANAN, RUSSELL, AND TAZEWELL:

WHEREAS, a vacancy has occurred in the House of Delegates of Virginia from the Third House District, composed of the Counties of Buchanan, Russell (part), and Tazewell, occasioned by the resignation of The Honorable Jackie T. Stump;

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, January 3, 2006, 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 Friday, December 16, 2005, at 5:00 p.m.

REPORT OF THE SECRETARY OF THE COMMONWEALTH

Given under my hand as Governor of Virginia, and under the Lessor Seal of the Commonwealth, at Richmond, this 9th day of December, two thousand and five, and in the 230th year of the Commonwealth.



By the Governor of Virginia

Anita A. Rimler

Anita A. Rimler
Secretary of the Commonwealth

Given under my hand as Governor of Virginia, and under the Lessor Seal of the Commonwealth, at Richmond, this 9th day of December in the year of our Lord, two thousand and five, and in the 230th year of the Commonwealth.

Mark R. Warner

Mark R. Warner
Governor of Virginia

WRIT OF DECEMBER 16, 2005

TO THE SECRETARY OF THE ELECTORAL BOARDS OF THE CITY OF LYNCHBURG AND THE COUNTY OF AMHERST:

WHEREAS, a vacancy has occurred in the House of Delegates of Virginia from the Twenty-third House District, composed of the City of Lynchburg and the County of Amherst (part), occasioned by the resignation of The Honorable L. Preston Bryant, Jr.;

NOW THEREFORE, in the name of the Commonwealth, you are hereby required to cause an election to be held in your said City or County on Tuesday, January 10, 2006, 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 Thursday, December 22, 2005, at 5:00 p.m.



By the Governor of Virginia

Anita A. Rimler

Anita A. Rimler
Secretary of the Commonwealth

Given under my hand as Governor of Virginia, and under the Lessor Seal of the Commonwealth, at Richmond, this 16th day of December in the year of our Lord, two thousand and five, and in the 230th year of the Commonwealth.

Mark R. Warner

Mark R. Warner
Governor of Virginia