

STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER: 03-3**

**FOR:** EXTENDING AN ENERGY EMERGENCY IN THE STATE OF INDIANA DUE TO THE EXTREMELY COLD WEATHER AND FOR THE PURPOSE OF ALLOWING THE PROPANE TRANSPORT INFRASTRUCTURE TO KEEP UP WITH DEMAND

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS:** On January 24, 2003, conditions existed constituting an energy emergency in relation to the delivery of propane.

**WHEREAS:** Those conditions, detailed in Executive Order 03-01 issued January 24, 2003, included extremely cold weather; unusually high demand for winter heating fuels; long lines and waiting times at propane distribution centers in both Northern and Southern Indiana; high demand for propane at Indiana distribution centers; shortages of propane at some distribution centers; limitation on propane drivers' time to make deliveries because of long waits for distribution at terminals; further limitations on drivers' ability to make deliveries because of the 70-hour federal limit on hours propane drivers may drive in any 8-day period; and a threat that some customers will not receive propane because of these conditions.

**WHEREAS:** These conditions constituted an energy emergency sufficient to justify waiver of the 70-hour limit, and this limit was waived by Executive Order 03-01, which expired at midnight, January 28, 2003. On January 28, 2003, those conditions persisted, justifying a 24-hour extension of the energy emergency through midnight on January 29, 2003 in Executive Order 03-02.

**WHEREAS:** Additional conditions now exist justifying continuation of the emergency through January 31, 2003. During the weekend of January 25-26, 2003, the Griffith and Huntington terminals ran out of propane supply and were not dispensing propane for three days. The Lima, Ohio terminal has not dispensed propane for several days. Additionally, the Lemont and Morris terminals in Illinois experienced intermittent electrical problems leading to the suspension of loadings for several hours. These terminal outages and problems have meant that drivers who would normally use those facilities must drive further to other terminals, continuing the problem of long lines at the state and regional terminals that remain in service. Also, a significant snowfall fell across Indiana on the night of Saturday, January 25, further slowing the progress of propane transports. The extreme cold of mid- and late-January resulted in the need for propane retailers to accelerate their schedules for replenishing the tanks of "keep full" customers. Normal but still cold weather has remained in Indiana since the issuance of Executive Order 03-01. These temperatures have made for continuing demand upon retailer propane dealers and an inability to replenish reserve storage capacity. Weather forecasts for Indiana indicate high temperatures in the 30's over the course of January 30 and 31, with 30's and 40's forecast for the weekend of February 1-2. These temperatures will reduce consumer demand and mitigate the present emergency conditions.

**WHEREAS:** There is ample heating fuel available in the region, but the propane transport infrastructure is currently unable to keep up with the demand generated by the unusual cold over so wide a region of the country. By declaring an emergency and waiving the federal restriction on driver hours, propane transports will be able to continue operating until the predicted warming trend arrives.

**WHEREAS:** Title 49 CFR Part 390.23 of the Federal Motor Carrier Safety Regulation provides that a Governor of a State may declare an emergency thereby exempting motor carriers or drivers operating a commercial vehicle from parts 390 through 399 of the Federal Motor Carrier Safety Regulations.

**NOW, THEREFORE,** I, Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana as well as Indiana Code 10-4-1-7.1 and 49 CFR Part 390.23 do hereby:

**DECLARE:** A State of Energy Emergency exists in Indiana relating to the delivery of propane; and

**ORDER:** An exemption is provided to 49 CFR 395.3(b) of the Federal Motor Carrier Safety Regulations for the motor carriers while providing propane to customers in Indiana during the emergency. The provisions of 49 CFR 395.3(a) remain in effect. This exemption applies only to those motor carriers providing direct assistance to the emergency relief effort. Direct assistance terminates when a driver or commercial motor vehicle is used in interstate commerce to transport cargo not destined for the emergency relief effort or when the carrier dispatches such driver to another location to begin operations in commerce.

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## Executive Orders

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Nothing contained in this declaration shall be construed as an exemption from the Controlled Substances and Alcohol Use and Testing requirements (49 CFR 382), the Commercial Drivers License requirements (49 CFR 383), the Financial Responsibility requirements (49 CFR 387), applicable Size and Weight requirements, or any other portion of the regulations not specifically identified.

This declaration of a State of Energy Emergency is in effect beginning at 12:01 a.m. Thursday, January 29, 2003, and shall remain in effect for the duration of the emergency (as defined in 49 CFR Part 390.5) or until midnight, Friday, January 31, 2003, whichever is earlier.

IN TESTIMONY WHEREOF, I, Frank O'Bannon, have hereinto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 29<sup>th</sup> day of January 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-4

**FOR:** MICHAEL SCHRADER

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, MICHAEL SCHRADER was convicted in the St. Joseph County Court for the crime of Armed Robbery on October 22, 1990 and received a sentence of four years; and

**WHEREAS**, the petitioner in this case requests a pardon to improve his employment opportunities; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in this case, recommend that a pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to MICHAEL SCHRADER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-5**

**FOR: WILLIAM BOWMAN**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, WILLIAM BOWMAN was convicted in the Marion County Superior Court on February 1, 1968 for the crime of Second Degree Burglary and received a sentence of 9 months; and

**WHEREAS**, the petitioner in this case has earned the confidence and support from his peers in the community; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the petitioner in this case requests a pardon to improve his employment opportunities; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to WILLIAM BOWMAN.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-6**

**FOR: WILLIAM J. FOGERTY**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, WILLIAM J. FOGERTY was convicted in the Grant County Circuit Court on January 13, 1972 for the crime of Second Degree Burglary and received a sentence of 2 - 5 years, suspended to 2 years probation; and

**WHEREAS**, the petitioner in this case has been crime free for over 30 years; and

**WHEREAS**, the petitioner was 19 years of age at the time of the offense; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case recommend that this pardon be granted.

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**Executive Orders**

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**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to WILLIAM J. FOGERTY.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-7**

**FOR:** NATHAN COLBERT, JR.

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, NATHAN COLBERT JR. was convicted in the Marion County Criminal Court on June 26, 1967 for the crime of Robbery and he received a sentence of 6 months (minor statute); and

**WHEREAS**, the petitioner was 19 years of age at the time of the offense; and

**WHEREAS**, the petitioner served his country honorably for 21 years in the Marine Corp; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to NATHAN COLBERT, JR.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-8**

**FOR:** JAMES WEAVER

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, JAMES WEAVER was convicted in the Wayne Circuit Court on August 23, 1984 for the crime of Vehicle Theft and received a sentence of 2 years probation; and

**WHEREAS**, the petitioner requests a pardon to improve his employment opportunities; and

**WHEREAS**, the petitioner has earned the confidence and support from his peers in the community; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JAMES WEAVER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-9

**FOR:** JEFFREY D. THOMAS

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, JEFFREY D. THOMAS was convicted in the Marion County Superior Court on January 14, 1988 for the crime of Armed Robbery and received a sentence of 2 years; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the petitioner in this case request a pardon to clear his name and improve his employment opportunities; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JEFFREY D. THOMAS.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

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**Executive Orders**

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SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-10**

**FOR: ANTHONY HIGGS**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, ANTHONY HIGGS was convicted in the Hammond City Court on April 12, 1989 for the crime of Battery on Law Enforcement and received a sentence of 364 days, suspended, one year probation, \$500.00 fine, court costs; and

**WHEREAS**, the petitioner in this case has earned the confidence and support from his peers in the community; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to ANTHONY HIGGS.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-11**

**FOR: LAWANA WESTMORELAND**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, LAWANA WESTMORELAND was convicted in the Marion County Municipal Court on February 6, 1991 for the crime of Possession of Cocaine and received a sentence of one year, suspended to probation. Petitioner was convicted on July 17, 1995 for the crime of Prostitution and received a sentence of 365 days suspended, 180 days suspended. On February 5, 1996 petitioner was convicted of Possession of Cocaine and received a sentence of 365 days suspended to probation; and

**WHEREAS**, the petitioner has earned a Bachelor of Arts Degree; and

**WHEREAS**, the petitioner has earned the confidence and support from her peers in the community; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to LAWANA WESTMORELAND.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-12

**FOR:** DAVID PEARSON

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, DAVID PEARSON was convicted in the Putnam County Circuit Court on February 6, 1970 for the crime of Escape and received a sentence of one to five years; and

**WHEREAS**, the petitioner has earned the confidence and support from his peers in the community; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the petitioner was 17 years of age at the time of the offense; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to DAVID PEARSON.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 20th day of March 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**Executive Orders**

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STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-13

**FOR:** DARLENE FAYE LEONARD

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS,** DARLENE FAYE LEONARD was convicted in the Marion County Criminal Court on September 5, 1985 for the crime of Possession of Marijuana under 10 grams and received a sentence of one year probation, 40 hours community service with five days executed; and

**WHEREAS,** the petitioner in this case has no other criminal history; and

**WHEREAS,** the petitioner has earned the confidence and support from her peers in the community; and

**WHEREAS,** the petitioner has several letters of recommendation to grant a pardon; and

**WHEREAS,** the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE,** I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to DARLENE FAYE LEONARD.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of May 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-14

**FOR:** JEFFREY D. LEONARD

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS,** JEFFREY D. LEONARD was convicted in the Marion County Criminal Court on July 24, 1985 for the crime of Fleeing Law Enforcement and he received a sentence of 3 days in jail, 1 year probation; 2) petitioner was convicted in the Hamilton County Court on Jan. 6, 1986 for the crime of Possession of Marijuana, Class D felony and received a sentence of 2 years suspended to probation; and 3) petitioner was convicted in the Jay County Court on Feb. 10, 1994 for the crime of Battery Resulting in Bodily Injury and received a sentence of 1 year, suspended to 60 days; and

**WHEREAS,** the petitioner has earned the confidence and support from his peers in the community; and



**WHEREAS**, the petitioner has several letters of recommendation to grant a pardon; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JEFFREY D. LEONARD.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of May 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-15

**FOR:** MARY ELIZABETH COOK

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, MARY ELIZABETH COOK was convicted in the Marion County Criminal Court on June 22, 1981 for the crime of Forgery, Class C Felony and received a sentence of two years suspended, one year probation; and

**WHEREAS**, the petitioner in this case has been crime free for over 21 years; and

**WHEREAS**, the petitioner has letters of recommendation to grant a pardon; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to MARY ELIZABETH COOK.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of May 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**Executive Orders**

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STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-16

**FOR:** JACK HARPER

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS,** JACK HARPER was convicted in the Marion County Superior Court on July 20, 1982 for the crime of Forgery, Class C Felony, two counts and received a sentence of two years, five years probation; and

**WHEREAS,** the petitioner has no other criminal history; and

**WHEREAS,** the petitioner in this case has been crime free for over 20 years; and

**WHEREAS,** the petitioner requests a pardon to clear his name; and

**WHEREAS,** the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE,** I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JACK HARPER.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of May 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-17

**FOR:** THE CREATION OF THE NATIVE AMERICAN INDIAN AFFAIRS COMMISSION

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS,** there continues to be a need for a forum for the discussion of issues pertaining to Native American citizens of Indiana, their traditions, beliefs, values, and ideas; and

**WHEREAS,** the Native American Council, created by Executive Order 97-24, has provided that forum in the past; and

**WHEREAS,** the General Assembly enacted SEA 337 in 2003 to establish a Native American Indian Affairs Commission to study problems common to Native Americans in Indiana and to make recommendations to relevant governmental bodies regarding issues of health, employment, culture, economic development, Native American archaeological sites, and other matters; and

**WHEREAS,** SEA 337 was vetoed because, as drafted, it restricted participation to members of federally recognized tribes, thereby

inadvertently excluding significant groups of Native Americans in Indiana.

**NOW THEREFORE**, I, Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana by the Constitution and laws of this state, do hereby **ORDER** that:

1. The Native American Indian Affairs Commission is established.
2. The commission consists of seventeen (17) voting members and two (2) nonvoting members appointed by the Governor. The voting members of the commission consist of the following:

- (a) Seven (7) Native American Indians;
- (b) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues;
- (c) The commissioner of the Department of Correction or the commissioner's designee;
- (d) The commissioner of the Commission for Higher Education or the commissioner's designee;
- (e) The commissioner of the State Department of Health or the commissioner's designee;
- (f) The secretary of the Office of Family and Social Services or the secretary's designee;
- (g) The director of the Department of Natural Resources or the director's designee;
- (h) The state Superintendent of Public Instruction or the superintendent's designee;
- (i) The commissioner of the Department of Workforce Development or the commissioner's designee;
- (j) The director of the Indiana Historical Bureau or the director's designee.

One of the voting members of the commission, selected by the Governor, shall serve as chairperson. The nonvoting members of the commission consist of the following:

- (a) One (1) member of the House of Representatives appointed by the speaker of the House of Representatives.
- (b) One (1) member of the Senate appointed by the president pro tempore of the Senate.

3. As used in this Executive Order, "Native American Indian" means an individual who is at least one (1) of the following:

- (a) An Alaska native as defined in 43 U.S.C. 1602(b);
- (b) An Indian as defined in 25 U.S.C. 451b(d);
- (c) A native Hawaiian as defined in 20 U.S.C. 7912(1); or
- (d) A person who has demonstrated membership in a tribe that:
  - a. is located in Indiana; and
  - b. has established documented historical recognition.

Indiana associations that represent Native American Indians may nominate individuals for the commission.

4. The affirmative votes of at least nine (9) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

5. The Department of Workforce Development and Department of Natural Resources shall provide staff and administrative support for the commission.

6. The commission shall study issues common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

- (a) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care;
- (b) Cooperation and understanding between the Native American Indian communities and other communities throughout Indiana;
- (c) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships;
- (d) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum;
- (e) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences;
- (f) Programs to encourage the growth and support of Native American Indian owned businesses;
- (g) Public awareness of issues affecting the Native American Indian communities;
- (h) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of Native American Indians; and
- (i) Measures that could facilitate easier access to state and local government services by Native American Indians.

The commission should examine whether the problems and solutions to the matters listed above differ as between Native American Indians residing in Indiana who are members of federally recognized tribes and those who are not members of federally recognized tribes. It should also examine whether and how the problems and solutions are unique to Native American Indians residing in Indiana as compared with other groups in the population.

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## Executive Orders

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7. The commission may not study or make recommendations regarding negotiations between a tribe and the state or federal government concerning tribal sovereignty or gaming on tribal land.
8. If a Native American Indian burial ground is discovered, the Department of Natural Resources shall as soon as possible provide notice to the Native American Indian Affairs Commission. If Native American Indian human remains are removed from a burial ground, the department shall provide to the Native American Indian Affairs Commission any written findings or reports that result from the analysis and study of the human remains and written notice to the Native American Indian Affairs Commission that the analysis and study of the human remains are complete. After receiving written notice as required in the previous sentence, the Native American Indian Affairs Commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.
9. In order to carry out its work, the commission shall meet no fewer than four times per year. Its meetings shall be public and advertised in an effort to maximize participation by affected populations in the commission's deliberations.
10. The commission shall report on its activities to the Governor at least annually.
11. Executive Order 97-24, which created the Native American Council, is revoked.

IN TESTIMONY WHEREOF, I, Frank O'Bannon, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 25th Day of June, 2003

Frank O'Bannon, Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-18

**FOR:** DECLARING A DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO SEVERE STORMS FLOODING.

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, a series of severe storms swept through the northern two-thirds of Indiana commencing on July 4, 2003 and are continuing; and

**WHEREAS**, record flood levels have been reported on numerous rivers and streams; and

**WHEREAS**, the severe weather caused extensive damage to homes, businesses and public facilities over much of Indiana; and

**WHEREAS**, at least three lives were lost to these storms; and

**WHEREAS**, all state resources available are being directed to assist victims of this intemperate weather;

**NOW, THEREFORE**, I, Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby

**DECLARE**, a state of disaster emergency exists in Central and Northern Indiana; and

**ORDER** the state Emergency Management Agency, having already implemented the State Emergency Plan, to provide needed emergency services to the damaged areas of Indiana affected by the storms and to coordinate assistance with appropriate federal and state agencies.

This declaration of disaster emergency was in effect beginning July 4, 2003, and continues.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Indiana on this 8th day of July 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-19**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, FRANKLIN EARL PATTERSON, AKA: BUDDY EARL PATTERSON was convicted in Delaware County Circuit Court on April 3, 1974, and was sentence to a term of 1-10 years for Theft, suspended.

**WHEREAS**, the petitioner has earned the confidence and support from his peers in the community; and

**WHEREAS**, the petitioner has had no previous criminal history and has remained crime free for over 29 years; and

**WHEREAS**, the petitioner has several letters of recommendation to grant a pardon; and

**WHEREAS**, the petitioner has been recently elected as a Madison County Councilman and desires a pardon to be able to serve his term; and

the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW, THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to FRANKLIN EARL PATTERSON, AKA: BUDDY EARL PATTERSON.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 14th day of August 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-20**

**FOR: PARDON**

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## Executive Orders

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### TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

**WHEREAS**, THOMAS JACKSON, was convicted on Commission of a Felony While Armed with a Deadly Weapon on September 9, 1977, and was sentence to 10 years, suspended, and 1 year of weekends served in the Madison County Jail and probation.

**WHEREAS**, the petitioner has been very involved in his community, founded Youth Need Prime Time, which he is Executive Director of and has been a positive role model and spokesman for this organization; and

**WHEREAS**, the petitioner has a strong reputation as a community leader in the city of Anderson, Indiana, and Madison County where he was recently elected as a Madison County Councilman; and

**WHEREAS**, the petitioner has numerous letters and testimonials of support for recommendation to grant a pardon; and

**WHEREAS**, the petitioner requests a pardon "to erase my past, help my future and to continue as I have been doing for the past 17 years, letting young people know that crime does not pay and illustrate though positive life styles that your past can be rectified."

the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Frank O'Bannon, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to THOMAS JACKSON.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 14th day of August 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-21

**FOR:** DECLARING A DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO SEVERE STORMS AND FLOODING

### TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS**, a series of severe storms swept through the North Central, Central and South Central parts of Indiana commencing on August 28, 2003, and are continuing; and

**WHEREAS**, flooding was reported in numerous areas that had never experienced floodwaters; and

**WHEREAS**, many roads in North Central Indiana were made impassable, several water rescues were necessitated and hundreds of homes were affected by flood waters and:

**WHEREAS**, Central Indiana recorded a record deluge in a single day; and

**WHEREAS**, the highest river levels since 1913 are expected in South Central Indiana as waters from flooded land continues to flow into those rivers; and

**WHEREAS**, at least one life was lost to these storms; and

**WHEREAS**, all state resources available are being directed to assist victims of this intemperate weather;

**NOW, THEREFORE**, I, Frank O'Bannon, by virtue of the power vested in me as Governor of the State of Indiana, do hereby

**DECLARE**, a state disaster emergency exists in North Central, Central and South Central Indiana; and

**ORDER** the state Emergency Management Agency, having already implemented the State Emergency Plan, to provide needed emergency services to the damaged areas of Indiana affected by the storms and to coordinate assistance with appropriate federal and state agencies.

This declaration of disaster emergency was in effect beginning August 28, 2003, and continues.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 2nd day of September 2003.

BY THE GOVERNOR: Frank O'Bannon  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER: 03-22**

**FOR: THE CREATION OF THE NATIVE AMERICAN INDIAN AFFAIRS COMMISSION**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, there continues to be a need for a forum for the discussion of issues pertaining to Native American citizens of Indiana, their traditions, beliefs, values, and ideas; and

**WHEREAS**, the Native American Council, created by Executive Order 97-24, has provided that forum in the past; and

**WHEREAS**, the General Assembly enacted SEA 337 in 2003 to establish a Native American Indian Affairs Commission to study problems common to Native Americans in Indiana and to make recommendations to relevant governmental bodies regarding issues of health, employment, culture, economic development, Native American archaeological sites, and other matters; and

**WHEREAS**, SEA 337 was vetoed because, as drafted, it restricted participation to members of federally recognized tribes, thereby inadvertently excluding significant groups of Native Americans in Indiana.

**NOW THEREFORE**, I Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana by the Constitution and laws of this state, do hereby **ORDER** that:

1. The Native American Indian Affairs Commission is established.
2. The commission consists of seventeen (17) voting members and (2) nonvoting members appointed by the Governor. The voting members of the commission consist of the following:
  - (a) Seven (7) Native American Indians;
  - (b) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues;
  - (c) The commissioner of the Department of Correction or the commissioner's designee;
  - (d) The commissioner of the Commission for Higher Education or the commissioner's designee;

## Executive Orders

- (e) The commissioner of the State Department of Health or the commissioner's designee;
- (f) The secretary of the Office of Family and Social Services or the secretary's designee;
- (g) The director of the Department of Natural Resources or the director's designee;
- (h) The state Superintendent of Public Instruction or the superintendent's designee;
- (i) The commissioner of the Department of Workforce Development or the commissioner's designee;
- (j) The director of the Indiana Historical Bureau or the director's designee.

One of the voting members of the commission, selected by the Governor, shall serve as chairperson. The nonvoting members of the commission consist of the following:

- (a) One (1) members of the House of Representatives appointed by the speaker of the House of Representatives.
- (b) One (1) member of the Senate appointed by the president pro tempore of the Senate.

3. As used in this Executive Order, "Native American Indian" means an individual who is at least one (1) of the following:

- (a) An Alaska native as defined in 43 U.S.C. 1602(b);
- (b) An Indian as defined in 25 U.S.C. 451b(d);
- (c) A native Hawaiian as defined in 20U.S.C. 7912(1); or
- (d) A person who has demonstrated membership in a tribe that:
  - i. is located in Indiana; and
  - ii. has established documented historical recognition.

Indiana associations that represent Native American Indians may nominate individuals for the commission.

4. The affirmative votes of at least nine (9) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

5. The Department of Workforce Development and Department of Natural Resources shall provide staff and administrative support for the commission.

6. The commission shall study issues common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

- (a) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care;
- (b) Cooperation and understanding between Native American Indian communities and other communities throughout Indiana;
- (c) Cultural barriers to the educational system, including barriers to higher education and opportunities throughout Indiana;
- (d) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum;
- (e) Measure to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences;
- (f) Programs to encourage the growth and support of Native American Indian owned businesses;
- (g) Public awareness of issues affecting the Native American Indian communities;
- (h) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of native American Indians; and
- (i) Measures that could facilitate easier access to state and local governmental services by Native American Indians.

The commission should examine whether the problems and solutions to the matters listed above differ as between Native American Indians residing in Indiana who are members of federally recognized tribes and those who are not members of federally recognized tribes. It should also examine whether and how the problems and solutions are unique to Native American Indians residing in Indiana as compared with other groups in the population.

7. The commission may not study or make recommendations regarding negotiations between a tribe and the state or federal government concerning tribal sovereignty or gaming on tribal land.

8. If a Native American Indian burial ground is discovered, the Department of Natural Resources shall as soon as possible provide notice to the Native American Indian Affairs Commission. If Native American Indian human remains are removed from a burial ground, the department shall provide to the Native American Indian Affairs Commission any written finding or reports that result from the analysis and study of the human remains and written notice to the Native American Indian Affairs Commission that the analysis and study of the human remains are complete. After receiving written notice as required in the previous sentence, the Native American Indian Affairs Commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.

9. In order to carry out its work, the commission shall meet no fewer than four times per year. Its meetings shall be public and advertised in an effort to maximize participation by affected populations in the commission's deliberations.



10. The commission shall report on its activities to the Governor at least annually.
11. This Executive Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-23

**FOR:** CONTINUATION OF THE GOVERNOR'S PLANNING COUNCIL FOR PEOPLE WITH DISABILITIES

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, disability will occur at some point in the lives of most people or in the lives of their family members; and

**WHEREAS**, people with disabilities are people first with capabilities, competence, personal and community needs and preferences; and

**WHEREAS**, families, neighbors, co-workers and friends can play a central role in enhancing the lives of people with disabilities when appropriate support and opportunities can be made available; and

**WHEREAS**, such support and opportunities are increasingly available in communities across Indiana; and

**WHEREAS**, people with disabilities deserve to fully participate in the economic, social, civic and spiritual life of the community; and

**WHEREAS**, the experience and understanding of all citizens is strengthened through this full participation; and

**WHEREAS**, since 1970, the Governor's Planning Council for People with Disabilities has developed plans to promote positive attitudes, support and changes in the system of service delivery; and

**WHEREAS**, the Council has striven to ensure the presence of a unified voice for people with disabilities within state government.

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

1. The Governor's Planning Council for People with Disabilities is reestablished and continued.
2. The Council's responsibilities will be to:
  - (a) carry out the mandates and mission as established under the Developmental Disability Assistance and Bill of Rights Act;
  - (b) provide leadership in the implementation of the federal Americans with Disabilities Act;
  - (c) promote and encourage necessary changes in public policies that call for the independence, productivity and integration into society of all people with disabilities, and make recommendations to the Governor, Legislature, State and local agencies and the citizens of the State of Indiana regarding disability issues;
  - (d) provide grants to encourage the development and implementation of these policies and programs that promote the efficient delivery of services to people with disabilities;

- (e) develop and implement three-year plans in accordance with, but not limited to, P.L.101-496;
- (f) promote a network of community-based citizen groups in an effort to engage communities in activities which support the mission of the Council;
- (g) monitor, evaluate and assist in the coordination of the service delivery system in Indiana that serves people with disabilities;
- (h) provide individuals and organizations with information, programs and recognition that promote positive attitudes toward people with disabilities;
- (i) receive grants from the federal government and philanthropic foundations and other private sources.

3. The Council shall be composed of not more than thirty-three (33) members. Of the members, at least fifty-one percent (51%) shall be persons with developmental disabilities, or the parents, immediate relatives, or guardians of persons with developmental disabilities. The membership of the Council shall be composed as follows:

- (a) the Executive Director of Protection and Advocacy or the Director's Designee; the Executive Director of the University Affiliated Programs or the Director's Designee; the Superintendent of the Department of Education or the Superintendent's Designee; the Director of the Bureau of Developmental Disabilities or the Director's Designee representing the Family and Social Services Administration in its entirety; the Director of the Department of Commerce or the Director's Designee; and the Commissioner of the Department of Health or the Commissioner's Designee.
- (b) twenty-seven (27) members to be appointed by the Governor. Of these twenty-seven (27) members, seventeen (17) shall be persons with developmental disabilities or the parents, immediate relatives or guardians or persons with developmental disabilities. Before each is appointed to the Council, each of these seventeen (17) shall have demonstrated an active involvement in the development of disability policy and in advocacy activities on behalf of persons with disabilities.

Of these seventeen (17) members:

- (1) five (5) shall be individuals with developmental disabilities.
- (2) five (5) shall be parents of children with developmental disabilities or immediate relatives or guardians of adults with mentally impairing developmental disabilities, one of whom is living in or has previously lived in an institution; and,
- (3) seven (7) members shall be a combination of persons with developmental disabilities or parents, immediate relatives or guardians of persons with developmental disabilities. Three (3) of these seven (7) shall be graduates of the Partners in Policymaking Program.
- (c) Of the remaining ten (10) appointed members who are not required to be persons with developmental disabilities or parents or guardians of persons with developmental disabilities:
  - (1) two (2) shall have disabilities and represent local community or statewide organizations whose stated mission includes the goals of fostering the productivity, inclusion, and independence of people with disabilities;
  - (2) two (2) members shall represent businesses, of which one shall employ fifty (50) or fewer employees, and of which one shall employ (50) or more employees. These businesses shall have demonstrated a commitment to implementing the Americans with Disabilities Act, but shall not be engaged in businesses directly serving people with disabilities.
  - (3) one (1) member shall represent local government.
  - (4) three (3) members shall represent providers of services of people with disabilities, including: special education programs, independent living centers, community-based programs, health care, and preschool or early intervention programs; and
  - (5) two (2) members shall represent local community or statewide organizations. These two (2) members need not have disabilities.

4. Members appointed by the Governor shall serve terms of three (3) years, and a member may not serve more than two consecutive terms.

5. Members who are not representatives of state agencies shall be entitled to receive a minimum salary per diem as provided under IC 4-10-11-2.1(b) while performing the duties of their offices. Each member of the Council shall be entitled to the reimbursement of travel expenses and other expensed actually incurred in connection with their duties as provided in state travel rules and in accordance with other applicable law.

6. The Council shall develop and implement policies, procedures, and plans for people with disabilities, which include the developmental disabilities state plan required by the Developmental Disabilities Assistance and Bill of Rights Act.

7. The Council shall prepare, approve and implement a budget using federal funds provided under the Developmental Disabilities Assistance and Bill of Rights Act to finance and implement all programs, projects, and activities including:

- (a) conducting such hearings and forums that the Council may determine to be necessary to carry out the duties of the Council.

- (b) supervising and evaluating the Executive Director and maintaining sufficient numbers and types of staff, and obtaining the services of professional, consulting, technical, and clerical personnel that the Council determines to be necessary to carry out its functions.
8. The Council shall direct the expenditure of funds for grants, contracts, interagency agreements, and other activities authorized by the approved state plan.
  9. The Council shall advocate on behalf of people with disabilities by providing information and advice to state and local officials, the Governor, state legislators, and Congress.
  10. The Council shall promote private and public sector partnerships which advance the Americans with Disabilities Act, the Fair Housing Act and other legislation which protects and benefits people with disabilities and their families.
  11. The Council shall develop and advocate for the adoption of public polices which will guide and improve the state service system, and which will support the independence productivity, community inclusion and integration of people with disabilities.
  12. The Council shall serve as the liaison to the President's Committee on Employment of People with Disabilities, and to the National Council on Disability.
  13. The Governor shall appoint the Chairperson of the Council for a term of three years among the members of the Council, and the Chairperson shall serve at the will and pleasure of the Governor.
  14. The Council shall work in coordination with the Family and Social Services Administration, and other state agencies with programs affecting persons with disabilities.
  15. The Council shall, in accordance with state law, appoint and evaluate the Executive Director. The Executive Director may appoint appropriate staff in accordance with policies of the State Personnel Department.
  16. The Council shall establish fiscal management procedures in compliance with the directives of the Indiana State Budget Agency. It shall also comply with any superseding or additional directives of that agency.
  17. No funds shall be spent without the approval of a majority of the members of the Council.
  18. A majority of the membership shall constitute a quorum for conducting business. The affirmative vote of that same majority of members must be present at the time of voting to transact any business of the Council.
  19. The Council shall meet at least 4 times per year.
  20. All members of the Council and its employees shall comply with all provisions of the Indiana Ethics Commission and conflict of interest laws, and the Council shall adopt appropriate standard operation procedures addressing ethics and conflicts of interest provisions as applies to its members and employees.
  21. This order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-24**

**FOR: CONTINUATION OF THE INDIANA COMMISSION ON JUVENILE LAW**

**TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, the laws governing children in need of services and delinquent juveniles are complicated and sometimes in conflict; and

**WHEREAS**, the laws governing children in need of services and delinquent juveniles occasionally are at odds with what may be in the best interests of the child; and

## Executive Orders

**WHEREAS**, from time to time it is advisable to review and revise the laws; and

**WHEREAS**, it is desirable to have representatives from other sectors of our society on a commission on juvenile law;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Indiana Commission on Juvenile Law is continued.
2. The Commission shall be composed of no more than 20 persons knowledgeable in juvenile law and the care and custody of children.
3. The Commission shall have as its major purpose to study and propose to the legislature, judiciary, and the Governor revision in the laws governing children in need of services and juvenile delinquents and the law governing their parents, guardians, and custodians. It is believed that the best interests of our children and our citizens are best served by having the laws affecting the component parts of the juvenile justice system studied as a whole rather than as separate units.
4. The Commission consists of the following members appointed by and serving at the pleasure of the Governor:
  - (a) Two (2) members of the house of representatives, who may not be members of the same political party, recommended by the speaker of the house of representatives;
  - (b) Two (2) members of the senate, who may not be members of the same political party, recommended by the president pro tempore of the senate;
  - (c) One (1) member representing the Indiana prosecuting attorneys council with expertise in juvenile law;
  - (d) One (1) member representing the Indiana public defenders council with expertise in juvenile law;
  - (e) One (1) member representing the Indiana judicial conference having responsibility for juvenile law recommended by the chief justice of the Indiana Supreme Court;
  - (f) One (1) judge or justice of a court having appellate jurisdiction over juvenile law cases recommended by the chief justice of the Indiana Supreme Court;
  - (g) The secretary of the Indiana family and social services administration or a designee;
  - (h) The commissioner of the department of correction or a designee;
  - (i) The director of the criminal justice institute or a designee;
  - (j) One (1) person affiliated with a non-governmental organization that addresses delinquency and juvenile justice issues;
  - (k) One (1) attorney licensed to practice law in Indiana who is a member of the Indiana State Bar Association's Committee on Civil Rights for Children, or, who has otherwise demonstrated an interest or expertise in juvenile law;
  - (l) One (1) representative of a law enforcement agency;
  - (m) The chairperson of the Juvenile Justice and Delinquency Prevention Advisory Group or a designee;
  - (n) One (1) representative of a probation department;
  - (o) One (1) person who has been under the jurisdiction of a juvenile court within the past ten (10) years;
  - (p) One (1) parent, guardian, or custodian of a person who has been under the jurisdiction of a juvenile court within the past ten (10) years; and
  - (q) Two (2) citizens who have a special interest or expertise in juvenile justice.
5. The chairperson, vice-chairperson and secretary shall be appointed by and serve at the pleasure of the Governor.
6. Those persons already appointed to the Commission shall continue in office under this Order.
7. The Indiana criminal justice institute shall staff the Commission and provide administrative support. The institute shall seek funding from grants or other alternatives to state general funds to support the Commission.
8. The legislative services agency may provide support for bill drafting and fiscal analysis upon request of a legislative member of the Commission.
9. Each member of the Commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
10. Each member of the Commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
11. Each member of the Commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.
12. The majority of the members appointed to the Commission shall constitute a quorum. The affirmative votes of a majority of the members appointed to the Commission are required for the Commission to take action on any measure, including final reports.

13. The Commission may delegate to any one or more of its members or agents such powers and duties as it may deem proper.  
14. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-25

**FOR:** CONTINUATION OF THE GOVERNOR'S COUNCIL ON PHYSICAL FITNESS AND SPORTS

**TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, there is a need for more men, women and children in Indiana to engage in regular physical activity; and

**WHEREAS**, regular physical activity provides numerous benefits to the health and well-being of persons of all ages; and

**WHEREAS**, regular physical activity can help to prevent health problems such as coronary heart disease, hypertension, osteoporosis, obesity, and mental health problems; and

**WHEREAS**, regular physical activity may also reduce the incidence of stroke and may help to maintain the functional independence of the elderly; and

**WHEREAS**, school-aged youth can also benefit from a healthy lifestyle, characterized by fitness activities and the avoidance of drugs and alcohol; and

**WHEREAS**, increased awareness of the health benefits of regular physical activity and increased access to physical and social environments conducive to physical activity, will encourage people to adopt more active lifestyles;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Governor's Council on Physical Fitness and Sports is reestablished and continued.
2. The Council shall coordinate and promote public and private efforts in physical activity and health in order to encourage healthy lifestyles for persons of all ages.
3. The Council shall recommend to the Governor guidelines, programs, and activities related to physical activity and health.
4. The Council shall consist of not more than fifteen (15) members to be appointed by and serve at the pleasure of the Governor. These members shall represent a diversity of interests relating to fitness and sports in Indiana. The Commissioner of the Indiana State Department of Health shall be a standing member of the Council.
5. Each member of the Council shall be appointed to a two-year term. In the event of a vacancy arising on the Council, for any reason, the Governor shall appoint a new member to serve the unexpired term.
6. The Governor may appoint to the Council an honorary chairperson for a term of two years. An honorary chairperson may not vote on Council business.
7. The Council may, by majority vote, form task forces when necessary to study and make recommendations regarding matters before the Council. Task force participants, who do not otherwise hold lucrative state offices, may be reimbursed for their actual expenses incurred on Council business in accordance with state law and with the policies of the Department of

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## Executive Orders

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Administration and the State Budget Agency. Members of the Council may be reimbursed for their actual expenses incurred on Council business in accordance with state law and with the policies of the Department of Administration and the State Budget Agency.

8. The Governor shall appoint the chairperson of the Council from among its members. A vice-chairperson shall be elected from among the members of the Council.

9. Those persons already appointed to the Council shall continue in office under this Order until completion of their respective terms.

10. The Council shall meet at least four (4) times per year.

11. Staff may be assigned to assist the Council in carrying out its duties.

12. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-26**

**FOR: ESTABLISHING AND CLARIFYING THE STRUCTURE OF THE INDIANA STATE EMERGENCY MANAGEMENT AGENCY AND THE INDIANA DEPARTMENT OF FIRE AND BUILDING SERVICES.**

**TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, the Indiana General Assembly, in Indiana Code 10-14-3-7 and 10-14-2-1, established the Indiana State Emergency Management Agency, for the purpose of safeguarding the citizens of the State of Indiana from disasters or emergencies.

**WHEREAS**, the Indiana General Assembly, in Indiana Code 22-12-5-1, established the Indiana Department of Fire and Building Services, for the purposes of disseminating building, equipment and fire safety codes, and safeguarding the citizens of the State of Indiana from the dangers of unsafe buildings, unsafe equipment and fires.

**WHEREAS**, the Indiana General Assembly, in Indiana Code 10-14-3-7, authorized and provided for coordination of activities relating to disaster prevention, preparedness, response and recovery.

**WHEREAS**, the Indiana General Assembly, in Indiana Code 10-14-3-7, authorized and provided for protection of the public peace, health and safety, and to preserve the lives and property of the people of the State of Indiana.

**WHEREAS**, the Indiana State Emergency Management Agency and the Indiana Department of Fire and Building Services are public safety agencies that protect the public peace, health and safety, and preserve the lives and property of the people of the State of Indiana.

**WHEREAS**, coordination of these agencies' activities allows use of common support personnel, provides budgetary savings and promotes common solutions to common issues.

**WHEREAS**, it is appropriate and necessary to coordinate the leadership and activities of these public safety agencies.

**NOW, THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, pursuant to the powers vested in me by the Constitution and laws of this State, do hereby order the following:

1. The Indiana State Emergency Management Agency and the Indiana Department of Fire and Building Services are hereby authorized to continue their mutual relationship under a common Executive Director.
2. The Indiana State Emergency Management Agency and the Indiana Department of Fire and Building Services are hereby authorized to continue the unification of their support functions, to the extent that this unification of support functions shall allow use of common support personnel, provide budgetary savings and promote common solutions to common issues which may confront the Indiana State Emergency Management Agency and the Indiana Department of Fire and Building Services.
3. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-27**

**FOR: GREENING THE GOVERNMENT**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS.**

**WHEREAS**, state government recycling efforts have significantly reduced the amount of waste generated at state facilities and the related costs of waste disposal; and

**WHEREAS**, improved pollution prevention and air quality efforts within state government and by state government employees will continue to decrease demand on natural resources to the benefit of all Indiana citizens; and

**WHEREAS**, environmentally sound policies often create economic, as well as environmental benefits, and

**WHEREAS**, state government and its employees recognize the importance of setting an example in efforts to improve Indiana's environment; therefore, state government activities should support sustainable products and services;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

**I. Steps for Greening the Government**

The following requirements are policy for all state agencies. The Departments of Administration (IDOA) and Environmental Management (IDEM) will assist and monitor agencies in pursuit of these goals.

- a. State agencies shall appoint a greening coordinator who will be responsible for implementing the following policies, and who will act as their agency's liaison with the Greening the Government Program.
- b. All state facilities shall recycle office paper, newspaper, beverage containers, and other items, unless it is determined by Greening the Government Program that implementation is not feasible for a given facility.
- c. Agencies shall duplex (double side) all copy and laser printing operations. Exceptions will be made when current technology does not allow for this provision or when specific documents require single-side printing. Whenever possible, new copy and printing machines will have duplex capabilities.
- d. Agencies shall purchase re-refined lubricating oil and recycle it through the same vendor in a closed-loop system. This policy does not preclude the future use of bio-based oils.
- e. In order to maximize employee participation, IDOA will provide educational resources, tools to measure success, and

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## Executive Orders

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minimum standards to ensure employee access to recycling programs. An awards program will recognize agencies and/or employees who implement additional procedures that positively impact the environment.

### II. Greening the Government Taskforce

This listed agencies shall appoint representatives to the Greening the Government Taskforce. Agencies required to participate on the taskforce are the Department of Administration, Department of Environmental Management, Department of Commerce, Department of Transportation, Department of Correction, Department of Natural Resources, Family and Social Services Administration, Bureau of Motor Vehicles, State Police, Department of Labor, Personnel Department, and Department of Health.

IDOA and IDEM will each appoint a co-chair to the taskforce. Outside experts may be utilized to provide technical support and assistance to the taskforce.

The taskforce will provide guidance to improve the environmental performance of state operations. Specifically, the taskforce will develop guidelines and aggressive measurable goals for the following tasks, and will establish criteria for IDOA and IDEM to monitor implementation of these guidelines.

a. **Establishing recycling collection at all state facilities.** Taskforce will evaluate the following methods at a minimum; requiring recycling contracts throughout the state, requiring integrated solid waste management contracts, requiring that any state contracted waste hauler also provide recycling services, and requiring that all property lease agreements include recycling pick-up.

b. **Purchasing energy efficient and recycled content items.** Taskforce will evaluate a broad range of items regularly purchased in state operations. Recycled content items shall be of equal or better quality and the price shall be competitive considering current price preference standards.

c. **Enhancing pollution prevention, energy efficiency and source reduction activities in government operations.** These guidelines will include at a minimum: energy efficient operational policies, construction and deconstruction guidelines, lead and mercury assessments for state facilities, lease and vendor requirements and pollution prevention policies for printing, cleaning, painting and vehicle maintenance operations. An alternative fuel vehicle use policy should also be established.

d. **Establishing employee transportation options.** Options to be reviewed shall include at a minimum: telecommuting, alternative work schedules, carpooling, and parking cash out. The benefits of these options, such as a reduction in vehicle miles traveled, reduction in air pollution, reductions in leave time and improved work productivity will be thoroughly addressed by the taskforce.

State agencies will be required to follow this guidance and to report progress annually to the Departments of Administration and Environmental Management.

### III. Paperless Office Project

It is hereby recognized that the Government Management Information System Team has developed and continues to implement several state wide operational changes that will reduce paper requirements in state government. These efforts are supported as a significant step toward the waste reduction goals outlined above.

This order is effective September 13, 2003.

IN TESTIMONY WHEREOF, I Joseph E. Kernan set my hand and cause to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-28

**FOR:** THE ESTABLISHMENT OF THE STATE EMPLOYEE COMMUNITY SERVICE PROGRAM



**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, public employment should afford each employee the opportunity to be directly involved in providing services to the public; and

**WHEREAS**, many administrative work assignments involve employees providing services to the citizens only indirectly; and

**WHEREAS**, government and tax exempt organizations provide a myriad of direct service programs which benefit the public and require staffing; and

**WHEREAS**, Senate Enrolled Act 348-1998 authorizes state employees, who volunteer service to another governmental entity or an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, to perform such services during normal hours of employment, subject to certain restrictions.

**NOW THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as the Governor of the State of Indiana and in accordance with Indiana Code 35-44-4(f)(4), as added by Senate Enrolled Act 348-1998, do hereby order that:

1. Each full time State employee will be allowed leave with pay from the employee's regular assigned duties, not to exceed seven and one-half hours each calendar year, (including calendar year 1998), to voluntarily participate in activities for the benefit of another governmental entity or an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code. The voluntary activities must not promote religion or attempt to influence legislation, governmental policy, or elections to public office.
2. To be eligible for leave with pay under this program, the employee must demonstrate that the employee has donated an equivalent amount of the employee's own time to a governmental entity or tax-exempt organization. The donation of the employee's own time must be verified in writing by the governmental entity or tax-exempt organization.
3. To be eligible to participate in this program, the employee must be subject to the jurisdiction of the State Personnel Department or be employed by the State Police Department. Procedures for the administration of this program shall be adopted by the State Personnel Director.
4. Prior approval of the employing agency head, or the agency head's designee, is required for use of is leave. The operational needs of the employing agency shall be considered in determining whether leave requests will be granted.
5. The State Employee Community Service Program shall become effective September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-29

**FOR:** CONTINUATION OF THE INTEGRATED LAW ENFORCEMENT COUNCIL

**TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, one of the prime functions of government is to enhance the safety of its citizens by reducing crime; and

**WHEREAS**, there are thousands of law enforcement officers and hundreds of law enforcement agencies in Indiana; and

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## Executive Orders

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**WHEREAS**, crime fighting and public safety can be enhanced by developing means to integrate the provision of law enforcement services in Indiana; and

**WHEREAS**, integrating law enforcement can now lower the cost of developing communications systems; and

**WHEREAS**, pilot programs in populous counties such as Tippecanoe and Allen, and in less populous counties such as Dearborn, have demonstrated the benefits of integrated law enforcement; and

**WHEREAS**, the Governor's Summit on Integrated Law Enforcement demonstrated that law enforcement agencies in Indiana are prepared to embark on and continue in this type of effort;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Integrated Law Enforcement Council is reestablished and continued. The mission of the Council is to oversee and coordinate the implementation of integrated law enforcement in Indiana.
2. The Governor shall appoint the members of the Council from the following organizations: Indiana Sheriffs Association, Indiana Association of Chiefs of Police, Indiana Fraternal Order of Police, Indiana State Police Alliance, Indiana Black Troopers Association, Indiana Law Enforcement Training Board, and the Federal Bureau of Investigation. The members shall serve for a term of three years. Terms shall be served at the pleasure of the Governor.
3. Those persons already appointed to the Council shall continue in office under this Order until completion of their respective terms.
4. The Integrated Law Enforcement Council shall:
  - (a) work with state, county, local and federal law enforcement agencies to develop integrated law enforcement mechanisms, including voice and data communications systems that will enable participating law enforcement agencies to communicate with each other;
  - (b) work with state, county, local and federal law enforcement agencies to develop integrated law enforcement practices that maximize the effectiveness of law enforcement by coordinating the use of human and other resources among agencies;
  - (c) look to incorporate other public and private entities into the integrated communication system if doing so will increase public safety or reduce the cost of the system; and
  - (d) do whatever else will improve the effectiveness of law enforcement through integration.
5. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-30

**FOR:** CONTINUATION OF THE INDIANA CRIMINAL LAW STUDY COMMISSION

**TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, Indiana's Criminal Code, Corrections Code and Juvenile Code are so interrelated that they actually constitute a system; and there is a continuing need to monitor each area and analyze the impact of a change in one area upon the other; and the procedures necessary to implement each of these codes are also so interrelated that they should be considered as a whole when revision of any one is proposed; and

**WHEREAS**, under the “Omnibus Crime Control and Safe Streets Act” of 1968, appointment of an Indiana Criminal Law Study Commission is encouraged for the purpose of presenting rational and cohesive proposals for fair and efficient administration of criminal justice in Indiana; and

**WHEREAS**, it would be beneficial to the State of Indiana to continue such a Commission in an effort to coordinate criminal law, juvenile law and correctional law study;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Indiana Criminal Law Study Commission is reestablished and continued.
2. The Commission shall be composed of no more than twenty (20) persons who, by virtue of their experience and expertise, are knowledgeable in criminal law, juvenile law and correctional law.
3. The Commission shall have as its major purpose to study and propose revisions in criminal procedure and to monitor the Criminal Code, Juvenile Code, and Corrections Code. The Commission shall draft recommendations for legislative or court approval that would ensure just and efficient operation of the criminal justice system. It is believed that simplicity and efficiency are better served by having the law affecting the component parts of the criminal justice system studied as a whole rather than as separate entities.
4. The Commission shall carry out the following specific functions in recommending revisions or changes in the criminal justice system:
  - (a) Assure the fundamental human rights of individuals and preserve the public welfare;
  - (b) Assure fairness of administration of justice, including the elimination of unjustifiable delay in proceedings;
  - (c) Provide for the just determination of every criminal and juvenile proceeding by fair and impartial trial or hearing and an adequate review;
  - (d) Seek simplicity in procedure in the criminal justice system; and
  - (e) Determine the availability and the desirability of grant assistance as may be provided under the terms of the “Omnibus Crime Control and Safe Streets Act” of 1968.
5. Members of the Commission shall be appointed by and serve at the pleasure of the Governor, with the membership of the Commission to be appointed on a non-partisan basis.
6. Those persons already appointed to the Commission shall continue in office under this Order.
7. The chairperson, vice-chairperson and secretary shall be appointed by and serve at the pleasure of the Governor.
8. The Indiana criminal justice institute shall staff the Commission and provide administrative support.
9. A majority of the membership shall constitute a quorum of the Commission. The affirmative vote of a majority of the membership present at the time of voting shall be required to transact any business of the Commission.
10. Each member shall be entitled to receive as reimbursement all traveling and necessary expenses incurred in the performance of his duties as a member of the Commission in accordance with state law and with travel policy and procedures as may be established by the Department of Administration and the State Budget Agency.
11. The Commission may delegate to any one or more of its members or agents such powers as it may deem proper.
12. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-31**

**FOR: CONTINUATION OF THE INDIANA COMMISSION ON UNIFORM STATE LAWS**

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### TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS**, the National Conference of Commissioners on Uniform State Laws provides valuable research and assistance to each of the states in encouraging uniformity between the laws of Indiana and her sister states, and

**WHEREAS**, past participation in the Conference has been beneficial to the State of Indiana;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order the following:

1. The Commission on Uniform State Laws is continued.
2. The Commission shall be composed of seven members appointed by and serving at the pleasure of the Governor. The Governor shall appoint a chairperson from among the members of the Commission.
3. When any member of the Commission attains the status of Life Member of the National Conference of Commissioners on Uniform State Laws, the Governor may appoint an additional member to the Commission.
4. Members of the Commission shall have the right to participate in the workings of the National Conference of Commissioners of State Laws, subject to funds being made available by the General Assembly.
5. Members of the Commission shall recommend to the General Assembly and the Governor such legislation or other actions as will further promote uniformity of Indiana's laws with laws of other states.
6. This Executive Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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### STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

**EXECUTIVE ORDER:** 03-32

**FOR:** CONTINUATION OF THE GOVERNOR'S COUNCIL ON IMPAIRED AND DANGEROUS DRIVING

### TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

**WHEREAS**, the toll in human life, economic strength and community spirit as a result of impaired and dangerous driving is far too high; and

**WHEREAS**, vehicular crashes on Indiana roads take hundreds of lives and injure tens of thousands of Hoosiers annually; and

**WHEREAS**, millions of dollars in workforce strength and property are lost as a result of these crashes; and

**WHEREAS**, alcohol continues to be the single greatest contributing factor in fatal crashes, and impaired driving continues to be a leading cause of death for Hoosiers age 15 to 24; and

**WHEREAS**, half of all of our citizens will be in the course of their lifetimes affected by the dangers of an impaired driver; and

**WHEREAS**, the coordination of efforts to reduce impaired and dangerous driving in Indiana will prevent death and injury on the streets and highways in all parts of our state;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Governor's Council on Impaired and Dangerous Driving is reestablished and continued. The Council shall be affiliated with the Criminal Justice Institute and the Commission for a Drug Free Indiana, and shall be composed of thirty (30) citizens appointed by and serving at the pleasure of the Governor who have, by virtue of their experience and expertise, special knowledge or concern about impaired driving, highway and traffic safety and a commitment to identifying strategies for problem resolution.
2. The Council's mission shall be to study and make recommendations to reduce death and injury on Indiana roadways, and with particular attention to the problem of impaired driving. Such recommendations should be delivered to the office of the Governor and the Indiana Criminal Law Study Commission.
3. A chairperson and vice-chairperson shall be appointed from the membership, to serve at the pleasure of the Governor.
4. All members of the Council shall serve without salary or per diem, except that members of the Council shall be reimbursed in accordance with state law and the policies of the Department of Administration and the State Budget Agency for actual expenses incurred in carrying out their responsibilities as members of the Council, subject to the approval of the Governor.
5. Those persons already appointed to the Council shall continue in office under this Order.
6. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-33

**FOR:** CONTINUATION OF THE INDIANA JUVENILE JUSTICE AND DELINQUENCY PREVENTION ADVISORY GROUP

**TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, the problem of juvenile delinquency continues to be a growing concern of citizens of the State of Indiana; and

**WHEREAS**, the Congress of the United States enacted the Juvenile Justice and Delinquency Prevention Act to provide a comprehensive, coordinated approach to the problems of juvenile delinquency; and

**WHEREAS**, under the Juvenile Justice and Delinquency Prevention Act, appointment of an advisory group is required in order for the State of Indiana to receive formula grants from the Office of Juvenile Justice and Delinquency Prevention;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Indiana Juvenile Justice and Delinquency Prevention Advisory Group (State Advisory Group) is reestablished and continued.
2. The Governor shall appoint the members of the State Advisory Group to serve at the pleasure of the Governor for a term of two years. The Governor shall appoint a chairperson from among the members to serve at the pleasure of the Governor.
3. The State Advisory Group shall consist of no fewer than fifteen (15) and no more than thirty-three (33) persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the

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administration of juvenile justice.

- (a) The State Advisory Group shall include locally elected officials, representatives of local government, and representatives of law enforcement and juvenile justice agencies concerned with delinquency prevention or treatment including welfare, social services, mental health, education, special education, or youth services departments.
  - (b) The State Advisory Group shall also include:
    - (i) representatives of private organizations, including those with a special focus on maintaining and strengthening the family unit, those representing parents, those concerned with delinquency prevention and treatment and with neglected or dependent children, and those concerned with the quality of juvenile justice, education, or social services for children;
    - (ii) representatives of organizations that use volunteers to work with delinquents or potential delinquents;
    - (iii) representatives of community-based delinquency prevention or treatment programs
    - (iv) representatives of business groups or businesses employing youth;
    - (v) youth workers involved with alternative youth programs; and
    - (vi) persons with special experience and competence in addressing the problems of families, school violence and vandalism, and learning disabilities.
  - (c) A majority of the State Advisory Group members, including the chairperson, shall not be full-time employees of the federal, state or local government.
  - (d) At least one-fifth of the State Advisory Group members shall be under the age of 24 at the time of appointment, and at least three (3) members shall have been or shall currently be under the jurisdiction of the juvenile justice system.
4. Those persons already appointed to the State Advisory Group shall continue in office under this Order until completion of their respective terms.
5. The State Advisory Group shall:
- (a) advise the Criminal Justice Institute Board of Trustees;
  - (b) submit to the Criminal Justice Institute, at least annually, recommendations with respect to matters related to its functions, including state compliance with mandates of the Juvenile Justice and Delinquency Prevention Act;
  - (c) review and comment on all juvenile justice and delinquency prevention grant applications submitted to the Criminal Justice Institute within thirty (30) days of submission of such grant application to the advisory group;
  - (d) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.
6. The State Advisory Group may be given a role in monitoring state compliance with the mandate of the Juvenile Justice and Delinquency Prevention Act and in reviewing the progress and accomplishments of the juvenile justice and delinquency prevention projects funded under the comprehensive state plan.
7. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-34**

**FOR: ESTABLISHING AND CLARIFYING DUTIES OF STATE AGENCIES, FOR ALL MATTERS RELATING TO EMERGENCY MANAGEMENT**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, Under the provisions of I.C. 10-14-3, the *Emergency Management and Disaster Law*, the Governor is charged with the responsibility for ensuring that a comprehensive emergency management program exists that addresses all aspects of emergency and disaster mitigation, preparedness, response and recovery; and

**WHEREAS**, The State of Indiana, its political subdivisions and citizens are subject to natural disasters on a regular basis including, but not limited to, floods, tornadoes, severe winter storms, earthquakes and droughts; and

**WHEREAS**, The State of Indiana, its political subdivisions and citizens are subject to disasters caused by humans or technology including, but not limited to, hazardous material spills, widespread contamination, explosions, fires, major power failures and transportation accidents; and

**WHEREAS**, The State of Indiana, its political subdivisions and citizens could be subject to disasters and emergencies related to our national security, including military attack and terrorist activity; and

**WHEREAS**, In order to protect the public health, welfare and safety and preserve the lives and property of the people of this State from such emergencies and disasters, the Indiana State Emergency Management Agency, under the provisions of I.C. 10-14-2-4, is charged with the responsibility for coordinating the State's comprehensive emergency management program under the direction of the Governor; and

**WHEREAS**, It is appropriate and necessary to establish and clarify the duties and responsibilities of all state agencies in order that a comprehensive emergency management program can be successfully implemented,

**NOW, THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, pursuant to the powers vested in me by the Constitution and laws of this State, do hereby order the following:

1. The Director of the State Emergency Management Agency, appointed pursuant to I.C. 10-14-2-2, or in the Director's absence the person designated in the State Emergency Operations Plan, is hereby designated to act as the State Coordinating Officer (SCO) for all matters relating to emergency and disaster mitigation, preparedness, response and recovery in this State, and in all matters relating to the Federal Emergency Management Agency.
2. The Governor's Emergency Advisory Group is reestablished and continued. The Governor's Emergency Advisory Group is composed of the following members:
  - Superintendent of the Indiana State Police;
  - Commissioner of the Indiana Department of Environmental Management;
  - Commissioner of the Indiana Department of Transportation;
  - Director of the Department of Natural Resources;
  - State Fire Marshal;
  - Indiana Adjutant General;
  - Director of the State Emergency Management Agency;
  - Commissioner of the Indiana State Department of Health; and
  - Director of the Indiana Counter-terrorism and Security Council.

The Superintendent of the Indiana State Police shall act as chairperson of the Emergency Advisory Group. Each member of the Emergency Advisory Group may designate a deputy to serve as an alternate in the event that the principal member is unavailable to participate in meetings of the Emergency Advisory Group.

3. The Director of the State Emergency Management Agency shall establish and/or continue the Indiana State Hazard Mitigation Council.

(a) The Council shall:

- i. Assist in the development, maintenance, and implementation of a state hazard mitigation plan;
- ii. Assist in the development, maintenance and implementation of guidance and informational materials to support hazard mitigation efforts of local and state government and private entities;
- iii. Solicit, review and identify hazard mitigation projects for funding under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, and sections 553 and 554 of the National Flood Insurance Reform Act, P.L. 103-325; and
- iv. Foster and promote, where appropriate, hazard mitigation principles and practices within local and state government and the general public.

(b) The Governor shall appoint members to serve on the Council. Each member of the Council shall serve without compensation or reimbursement for expenses, except that each member of the Council who is a state employee is entitled

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## Executive Orders

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to reimbursement from his or her employing agency for traveling expenses and other expenses actually incurred in connection with the member's duties as provided in State policies and procedures.

(c) The Director of the State Emergency Management Agency shall serve as chairperson of the Council.

4. In accordance with I.C. 10-14-3-9 and I.C. 10-14-3-19, the Director of the State Emergency Management Agency shall create and establish mobile support units to reinforce emergency management and disaster organizations in stricken areas and with due consideration of the plans of the federal government and of other states.

5. Whenever the Director of the State Emergency Management Agency exercises his or her authority as the SCO, he or she shall be authorized to use and allocate the services, facilities, equipment, personnel and resources of any state agency, on my behalf, as reasonably necessary in the preparation for, response to or recovery from any emergency or disaster situation that threatens, or has occurred in, this State. Upon the SCO's request for such assistance from a state agency, all officers of that agency shall cooperate to the fullest extent possible. This authority to use and allocate state agency resources extends to their use before a formal declaration of a State Disaster Emergency, as provided for under I.C. 10-14-3-12, and is subject to the Governor's subsequent approval. The cost of providing such services, facilities, equipment, personnel and resources shall be borne by the providing state agency, unless otherwise notified that federal and/or other state funding reimbursement is determined to be available or other payment arrangements are made.

6. In order to expedite emergency response and recovery operations, one or more state agencies may be designated as lead agencies by the SCO for various portions of the overall state response and recovery efforts. All actions of such designated lead state agencies shall be coordinated with, and through, the SCO. Additionally, state agencies may be required to participate in the training, exercising and actual deployment of mobile support teams, such as the state's Forward Response Team.

7. Each agency of state government shall report any threatened or actual occurrences of natural, technological, human-caused or national security emergencies that may require the resources of more than one agency of state government to the Director of the State Emergency Management Agency by the fastest means available. In the event of a threatened or actual occurrence of an emergency or disaster, the Director of the State Emergency Management Agency shall consult with the Governor, or with the Governor's Chief of Staff in the Governor's absence, as soon as possible.

8. In the event of a threatened or actual occurrence of an emergency or disaster, and upon the request of the Director of the State Emergency Management Agency, all agencies of the state government shall promptly send a senior agency official to the State Emergency Operations Center to monitor and analyze information and participate as each agency's representative in performing all tasks relating to the State's response to the incident.

9. In accordance with I.C. 10-14-3-9, the Director of the State Emergency Management Agency shall ensure that the State's Emergency Operations Plan and all accompanying annexes, appendices and standard operation procedures are kept current. Additionally, these plans and procedures are to be developed in coordination with similar plans and procedures developed by the federal government. In order to accomplish these tasks, all state agencies shall assist in the development, preparation and revision of the portions of these plans and procedures that relate to each individual agency's mission, responsibility and capability.

10. Upon the request of the Director of the State Emergency Management Agency, all state agencies shall participate to the fullest extent possible in emergency management training programs, as well as in exercises of the comprehensive emergency management system, or portions thereof.

11. In order to assist the State Emergency Management Agency in carrying out its responsibilities, the following state agencies shall immediately designate one or more senior officials to act as the agency's emergency management coordinator (liaison) for all emergency and disaster matters and shall forward the name of the coordinator to the Governor's Executive Assistant for the State Emergency Management Agency:

- State Police
- Department of Health
- Military Department
- Department of Transportation
- Department of Natural Resources
- Department of Education
- State Auditor
- Attorney General
- Utility Regulatory Commission
- Department of Commerce
- State Budget Agency
- State Board of Accounts
- State Board of Animal Health
- Civil Rights Commission



Department of Insurance  
Department of Labor  
Department of Revenue  
Public Safety Training Institute  
Office of Commissioner of Agriculture  
Commodity Warehouse Licensing Agency  
Department of Family and Social Services  
Department of Fire and Building Services  
Department of Personnel  
Department of Environmental Management  
Department of Workforce Development  
Bureau of Motor Vehicles  
Department of Correction  
Department of Administration  
Port Commission  
Commission on Public Records  
State Office Building Commission  
Information Technology Oversight Commission  
Housing Finance Authority  
Gaming Commission  
Department of Local Government Finance

12. All state agencies, departments, commissions, bureaus, institutions and other authorities in state government shall cooperate to the fullest extent possible with the spirit and intent of the Executive Order.

13. This Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1<sup>st</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER: 03-35**

**FOR: RECOGNITION OF EMPLOYEE ORGANIZATIONS REPRESENTING EMPLOYEES OF THE EXECUTIVE BRANCH AND CONTINUATION OF THE PUBLIC EMPLOYEES RELATIONS BOARD.**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, Executive Orders 90-6 and 97-8 provide for efficient management of the Executive Branch of State government in the public interest through orderly, constructive, and cooperative relations among employees, employee organizations, and management, and;

**WHEREAS**, Executive Orders 90-6 and 97-8 established the Public Employees Relations Board and set forth the responsibilities of the Board, and;

## Executive Orders

**WHEREAS**, under Indiana Code 4-1-7.1-3, a new Executive Order is necessary for the Public Employees Relations Board to continue in existence.

**NOW, THEREFORE**, I, Joseph E. Kernan, pursuant to the power vested in me as Governor of the State of Indiana by the Constitution and the laws of this state, do hereby order the following:

1. This Executive Order applies to all employees of the Executive branch.
2. The Public Employees Relations Board (PERB) is continued in existence within the Executive Branch. The PERB is composed of five (5) members appointed by the Governor and serving for terms of four years. Those persons already appointed to the PERB shall continue in office under this Executive Order until completion of their respective terms.
3. The PERB shall have the power to do the following:
  - (a) conduct elections pursuant to this order
  - (b) make determinations of exclusive negotiating organization recognition pursuant to this Order
  - (c) resolve issues that may arise under this Order
4. In order to effectuate its powers under this Order, the PERB shall issue appropriate guidelines. These guidelines may be promulgated as rules by the State Personnel Department under IC 4-15-1.8-7.
5. Staff assistance is needed by the PERB shall be provided by the Indiana Education Employment Relations Board.
6. A. "Executive Branch" means those agencies under the direct authority of the Governor and those agencies under the direct authority of any other elected state officer electing coverage under Section 15 of this Order.  
B. The term does not include any of the following:
  - i. bodies corporate and politic;
  - ii. state supported universities and institutions of higher education;
  - iii. the Budget Agency;
  - iv. the National Guard;
  - v. the State Personnel Department;
  - vi. the PERB;
  - vii. the Education Employment Relations Board;
  - viii. the State Board of Accounts
7. "Employee" means an individual employed by the Executive Branch, unless the individual is any of the following:
  - (a) an intermittent employee;
  - (b) a student employee;
  - (c) a temporary employee;
  - (d) a member of a board or commission;
  - (e) a confidential employee;
  - (f) a supervisor;
  - (g) a managerial employee;
  - (h) a patient or resident of a state institution;
  - (i) an individual in the custody of the Department of Corrections or any law enforcement agency;
  - (j) the chief administrative or executive officer of an agency;
  - (k) an attorney whose responsibilities include providing legal advice or performing legal research, a physician, a dentist, or an administrative law judge;
  - (l) an individual who performs internal investigations;
  - (m) teachers at state institutions whose compensations is determined under any of the following:
    1. IC 11-10-5-4;
    2. IC 16-19-6-7;
    3. IC 12-24-3-4.
8. "Confidential employee" means an employee:
  - (a) who works in a personnel office;
  - (b) who has access to confidential or discretionary information regarding the formulation of policies or procedures;
  - (c) who works in the office of the Governor or any state officer who provides notice pursuant to Section 15;
  - (d) whose
    - i. functional responsibilities; or
    - ii. knowledge;concerning employee relations makes the employee's membership in an employee organization incompatible with the employee's duties; or
  - (e) who is the personal secretary of the chief administrative or executive officer of an agency.

9. "Managerial employee" means an individual who is:
  - (a) engaged predominately in executive and management functions; or
  - (b) charged with the responsibility of directing the effectuation of management policies and practices.
10. "Supervisor" means an individual having authority in the interest of the Executive Branch to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward, or discipline other employees, or to adjust their grievances, or effectively to recommend such action, if, in connection with the foregoing, the exercise of such authority is not merely routine or clerical in nature but requires the use of independent judgment.
11. "Temporary employee" means an individual who is employed in a temporary position for not more than ninety (90) days.
12. "Employee organization" means an organization:
  - (a) in which employees participate; and
  - (b) that exists for the purpose of dealing with an employer concerning wages, hours, settlement of grievances, and other terms and conditions of employment.
13. "Appropriate unit" means one of the following eleven (11) units:
  1. Labor, trades, and crafts classes, including the following:
    - (a) carpenters;
    - (b) electricians;
    - (c) plumbers;
    - (d) print shop workers;
    - (e) auto mechanics;
    - (f) maintenance workers;
    - (g) similar classes.
  2. Administrative and technical support that includes clerical and administrative nonprofessional classes, including the following:
    - (a) typists;
    - (b) secretaries;
    - (c) account clerks;
    - (d) computer operators;
    - (e) officer service personnel;
    - (f) personnel who provide support services to professionals;
    - (g) other nonprofessional employees who do not meet the standards of other nonprofessional units.
  3. Regulatory, inspection, and licensure nonprofessionals that include individuals who review public and commercial activities, including the following:
    - (a) tax examiners;
    - (b) driver's license examiners;
    - (c) meat inspectors;
    - (d) similar classes.
  4. Health and human services nonprofessional, including the following:
    - (a) licensed practical nurses;
    - (b) nursing aides;
    - (c) mental health attendants;
    - (d) therapy aides;
    - (e) claims takers;
    - (f) similar classes.
  5. Regulatory, inspection, and licensure professional employees empowered to review certain public and commercial activities, including the following:
    - (a) revenue auditors;
    - (b) bank and insurance examiners;
    - (c) public health inspectors;
    - (d) similar classes.
  6. Health care professional, including the following:
    - (a) registered nurses;
    - (b) pharmacists;
    - (c) licensed therapists;
    - (d) similar classes.

## Executive Orders

7. Social services and counseling professionals who provide services and benefits to eligible persons, including the following:
  - (a) employment and training personnel;
  - (b) welfare caseworkers;
  - (c) social workers;
  - (d) counselors;
  - (e) similar classes.
8. Engineering, scientific, and information services professionals, including the following:
  - (a) architects;
  - (b) chemists;
  - (c) geologists;
  - (d) civil engineers;
  - (e) computer programmers;
  - (f) system analysts;
  - (g) similar classes.
9. Professional administrative employees with general business responsibilities including the following:
  - (a) accountants;
  - (b) buyers;
  - (c) administrators;
  - (d) other professional employees who do not meet the standards of the other professional units.
10. Public safety, protective service workers, and institutional security employees, including the following:
  - (a) correctional officers;
  - (b) building guards;
  - (c) firefighters;
  - (d) motor carrier inspectors of the state police department;
  - (e) similar classes.
11. Sworn police officers, including the following:
  - (a) law enforcement officers of the state police department;
  - (b) conservation officers of the department of natural resources;
  - (c) excise police of the alcohol and tobacco commission.
14. A. The State Personnel Director shall determine the assignment of each employee, including the employees of state officers electing coverage under Section 15, to an appropriate unit, based on the employee's job classification and position.  
B. In determining the appropriateness of the assignment of an employee to an appropriate unit, the following shall be considered:
  - i. the principles of efficient administration of government, including limiting the fragmentation of government administrative authority
  - ii. the existence of a community of interest among the employees assigned to the bargaining unit;
  - iii. the recommendations of the parties involved.
15. A. An elected state officer may elect to include the officer's employees to be subject to the Order by submitting a notice to the PERB.  
B. This notice must be consistent with the provisions of this Order and may not include state employees otherwise excluded.
16. An employee organization may be accorded recognition as exclusive negotiating organization for an appropriate unit pursuant to the Order.
17. The State Personnel Director may recognize an employee organization as the exclusive negotiating organization of the members of an appropriate unit when the employee organization has been selected by a majority of the employees voting in an election.
18. An employee organization may request that an election be held by submitting a petition for election to the PERB. The petition must be accompanied by a showing of interest by thirty percent (30%) of the employees of the appropriate unit.
19. Within fifteen (15) days of determination that a valid petition has been submitted, the PERB shall notify interested employee organizations of the pending election.
20. Any interested employee organizations must submit a petition of intervention which must be accompanied by a showing of interest by ten percent (10%) of the employees in the appropriate unit with thirty (30) days of notice of the pending election.
21. An election under this Order shall be held within a reasonable period of time after the determination of a valid petition for election in accordance with guidelines established by the PERB.
22. Recognition of an employee organization shall continue so long as such organization satisfies the criteria of this Order and

subsequent guidelines applicable to recognition; but nothing in this section shall require the PERB to conduct an election in any unit within twelve (12) months after a valid election with respect to such unit had been held pursuant to the provision of this Order.

23. Recognition shall not preclude any employee or group of employees, regardless of employee's organization membership, from bringing matters of personal concern to the attention of appropriate officials with a representative of the employee's own choosing in a grievance proceeding in accordance with applicable rule or established policy.

24. An employee organization recognized as the exclusive negotiating organization of employees of an appropriate unit shall be:

(a) Permitted to speak on behalf of all members of the unit and shall be responsible for representing the interests of all members without discrimination and without regard to employee organization membership; and

(b) exclusively permitted to have organizational membership dues collected by paycheck withholding upon signed written request of employee conforming to law. This privilege shall be immediately revoked by the State Personnel Director in the event of a violation of Section 28(C) of this Order; and

(c) entitled to meet and negotiate with the State Personnel Director or the Director's designee on wages, hours, and working conditions in an effort to reach a settlement subject to the approval of the Governor.

25. A. Employees shall have the right, freely and without fear of penalty or reprisal, to form, join and assist any lawful employee organization, or to refrain from any such activity.

B. The rights described in this section do not extend to participation in the management of an employee organization, or acting as a representative of any organization, where such participation or activity would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee.

26. Executive Branch management officials retain the right and responsibility:

(a) to direct employees;

(b) to hire, promote, transfer, assign, and retain employees in positions, and to suspend, demote, discharge, or take other disciplinary action against employees;

(c) to relieve employees from duties because of lack of work or for other reasons not prohibited by law;

(d) to maintain the efficiency of the operations entrusted to them;

(e) to determine the methods, means and personnel by which such operations are to be conducted; and

(f) to take whatever actions may be necessary to carry out the statutory and constitutional mission of the Executive Branch.

27. Solicitation of membership, dues, or other internal employee organization business may be conducted only on nonduty hours of the employees concerned.

28. A. The State is entitled to terminate the employment of any employee who participates in, threatens, or encourages any strike, slowdown, work stoppage, or other interruption or interference with the activities of the State, or abstinence in whole or in part from the full, faithful, and proper performance of the employee's duties of employment.

B. An employee dismissed for violation of the above conditions may not be rehired by the Executive Branch for one (1) year following the dismissal.

C. Any employee organization that participates in, threatens, or encourages any strike, slowdown, work stoppage, or other interruption or interference with the activities of the State shall cease to be accorded recognition under this Order and shall cease to receive organizational membership dues collected by paycheck withholding.

D. No recognition or organizational membership dues collected by paycheck withholding shall be accorded any such employee organization for a period of one (1) year.

29. This Order may be revoked or amended by the Governor at any time.

30. The provisions of this Order shall in no way diminish or infringe any rights, responsibilities, powers or duties conferred by the Constitution of the State of Indiana, the Indiana Code, or the Indiana Administrative Code.

31. The existing Settlements with the Unity Team and with AFSMCE Council 62 are extended without interruption and do no expire until superseded by an Executive Order implementing successor agreements. The Settlements do no supersede any existing or future statute, promulgated rule, or other Executive Orders.

32. The Public Employees Relations Board's certification of the election results and the State Personnel Director's recognition of Indiana Professional Law Enforcement Association, AFL-CIO, Local 1041, International Union as the exclusive negotiating organization for Unit 11 are also contained in effect.

33. This Order is effective as of September 13, 2003

IN TESTIMONY WHEREOF, I, Joseph E. Kernan have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

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## Executive Orders

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Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER: 03-36**

**FOR: CONTINUING THE OFFICE OF PUBLIC FINANCE**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, through Executive Order 01-17, dated December 3, 2001, Governor Frank O'Bannon initially established the Office of Public Finance for the State of Indiana;

**WHEREAS**, in establishing the Public Finance Office, Governor O'Bannon recognized the importance to the State of Indiana of formulating and applying policies for the management of bonds, notes and other evidences of indebtedness issued by bodies corporate and politic and instrumentalities of the State;

**WHEREAS**, it is in the interest of all the citizens of Indiana that the State of Indiana communicate regularly, substantively and in one voice with participants in the financial markets, including credit rating agencies, investment bankers, investors, municipal bond insurers and other credit enhancers and underwriters; and

**WHEREAS**, it is in the best interest of the State of Indiana to continue the work of the Public Finance Office;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Office of Public Finance established under the Executive Order 01-17 (the "Public Finance Office") shall be continued.
2. The Public Finance Office shall be managed by the Public Finance Director, who shall be appointed by and serve at the pleasure of the Governor. The Public Finance Director shall also serve as Executive Assistant to the Governor for public finance, debt issuance and management and pension investment matters.
3. The Public Finance Director and employees of the Public Finance Office shall be employed by (and housed with) the Indiana Development Finance Authority or the Indiana Transportation Finance Authority.
4. The Public Finance Director is authorized and directed to establish and manage an annual budget funded through contributions from those issuers of bonds, notes and other evidences of indebtedness and programs that benefit from the work of the Public Finance Office. Such issuers and programs include, but are not limited to, the Indiana Development Finance Authority, Indiana Port Commission, Indiana Recreational Development Commission, State Fair Commission, Indiana State Office Building Commission and Indiana Transportation Finance Authority, and the State Wastewater Revolving Loan Program and State Drinking Water Revolving Loan Program (the "Issuers" and the "Programs"). To the extent the Public Finance Office provides financial advisory services to an Issuer or a Program, the Public Finance Office may be compensated from proceeds of the sale of bonds, notes or other evidences of indebtedness.
5. The Public Finance Director is authorized to hire such staff as may be necessary or appropriate with the prior approval of the Governor.
6. The Public Finance Director shall coordinate, monitor and oversee the debt issuance and management activities of all the Issuers and Programs, including such additional issuers and programs as the Governor may designate or direct from time to time.
7. The Public Finance Director shall also advise the Governor as to debt issuance and management activities and investment matters of all bodies corporate and politic and instrumentalities of the State of Indiana and programs that benefit the State and its citizens or for-profit and non-profit organizations, including issuers of "conduit debt" (the "Special Purpose Issuers" and

the “Special Programs”). Special Purpose Issuers and Special Programs include, but are not limited to, the Board for Depositories, Indiana Development Finance Authority, Indiana Educational Facilities Authority, Indiana Health Facility Financing Authority, Indiana Housing Finance Authority, Intelenet Commission, Indiana Political Subdivision Risk Management Commission, Indiana Secondary Market for Education Loans, Inc., the Indiana White River State Park Development Commission, and the Public Employees’ Retirement Fund (“PERF”) and Indiana State Teachers’ Retirement Fund (“TRF”).

8. The Public Finance Director is further authorized and directed to:

- (a) in connection with the Issuers and the Programs, retain bond and other financing- and project-related legal counsel (with the approval of counsel to the Governor) and such other financial advisers, investment bankers and project consultants and underwriters as may be necessary or appropriate;
- (b) monitor or oversee, as appropriate, all issues of bonds, notes and other evidences of indebtedness which are (or may be) (i) payable from State appropriations, (ii) secured by a State of Indiana moral obligation, or (iii) purchased by or for a State fund, including, but not limited to, any Program or Special Program;
- (c) advise and work with the State Budget Director on debt issuance and management and investment matters, including a debt database;
- (d) work with the Treasurer of State and the staff of the Indiana Bond Bank on debt issuance and management and investment matters;
- (e) advise and work with the Indiana Commission for Higher Education on debt issuance and management and investment matters;
- (f) coordinate all communications with and presentations to credit rating agencies, investors and prospective investors with respect to the State of Indiana and its credit and economy, the Issuers and the Programs;
- (g) participate in meetings of investment committees and task forces of or for Special Programs, including PERF and TRF;
- (h) when designated or otherwise authorized by the Governor, chair the Indiana Transportation Finance Authority and the Board for Depositories and, when requested by the Governor, serve as the Governor’s representative on finance and related boards;
- (i) recommend qualified candidates for membership on finance and related boards, including those of the Issuers and Programs and the Special Purpose Issuers and Special Programs;
- (j) advise Issuers and Programs on good disclosure practices and coordinate and help Issuers and Programs fulfill their current and continuing disclosure obligations;
- (k) advise the Governor on legislation that may affect debt issuance and management, investment matters, or outstanding bonds, notes and other evidences of indebtedness issued by or for the Issuers and Programs or the Special Purpose Issuers and Special Programs.

9. All Executive Department agencies, authorities, boards, bodies corporate and politic, commissions, instrumentalities, officers, public corporations and Issuers, Programs, Special Purpose Issuers and Special Programs of the State of Indiana shall cooperate with and provide assistance and information to the Public Finance Director in the implementation of this Executive Order to the fullest extent allowed by law.

10. This Executive Order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 1st day of October, 2003.

Joseph E. Kernan, Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-37**

**FOR: SPECIAL SESSION OF THE GENERAL ASSEMBLY TO CONFIRM LIEUTENANT GOVERNOR**

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## Executive Orders

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**WHEREAS**, on September 13, 2003, Governor Frank L. O'Bannon died and I, Lieutenant Governor Joseph E. Kernan, took the oath of office to become Governor, as required by Article 5, Section 10(a) of the Indiana Constitution; and

**WHEREAS**, Article 5, Section 10(b) of the Indiana Constitution requires the Governor in these circumstances to nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the General Assembly; and

**WHEREAS**, if the General Assembly is not in session when the Governor nominates a Lieutenant Governor, Article 5, Section 10(b) requires the Governor to convene a special session of the General Assembly to receive and act upon the nomination.

**NOW, THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, do hereby proclaim and call a

**SPECIAL SESSION OF THE 113<sup>th</sup>  
INDIANA GENERAL ASSEMBLY**

to convene at 11 o'clock a.m., Eastern Standard Time, on October 20, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this day 7th of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-38

**FOR:** CONTINUATION OF THE INDIANA COMMISSION ON COMMUNITY SERVICE AND VOLUNTEERISM

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, the future success and strength of the state rely upon the interaction of Indiana's citizens, communities, and enterprises and;

**WHEREAS**, volunteerism and community service are increasingly recognized as a means to empower citizens in their own communities and to further state and community problem-solving; and

**WHEREAS**, community service is an avenue for addressing many of the state's unmet educational, human, public safety, and environmental needs and has revealed new options for enhancing the quality of life for all Indiana residents; and

**WHEREAS**, the encouragement and commitment of citizens to participate in national and community service renews the ethic of civic responsibility and service in the state and the nation; and

**WHEREAS**, the National and Community Service Trust Act of 1993 calls for the support and collaboration of federal, state, and local programs and agencies to build on existing organizational structures and expand full-time and part-time service opportunities for all citizens; and

**WHEREAS**, this Commission will promote volunteerism and citizen participation through the implementation and administration of a comprehensive State plan supporting volunteer organizations and local community programs in need of assistance or funding to fulfill the needs of the communities they serve; and

**WHEREAS**, the goals of the National and Community Service Trust Act of 1993 are facilitated by the creation of a statewide



organization to promote volunteerism and community service, and to secure and generate support for the fulfillment of the objectives indicated in the State Plan;

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority bested in me as Governor of the State of Indiana, do hereby order that:

1. The Indiana Commission on Community Service and Volunteerism [hereafter "Commission"] is continued.
2. (a) The Commission shall consist of members who have distinguished themselves in their respective fields, and who share the common goals of encouraging community service and volunteer participation as a means of community and state problem-solving; of developing a long-term, comprehensive vision and plan of action for community service initiatives in Indiana; and of serving as the state's liaison to national, state, and local organizations that support its mission.  
(b) Members of the Commission shall be appointed on bipartisan basis. Not more than fifty percent of the Commission plus one member may be from the same political party. To the extent possible, it shall be balanced according to race, ethnicity, age, disability, and gender characteristics.  
(c) The Governor shall appoint members for three-year terms. Current members shall retain membership until expiration of their terms.  
(d) Not more than 25 percent of the Commission members may be employees of state government, though additional state agency representatives may sit on the Commission as non-voting, ex officio members.  
(e) Vacancies among the members shall be filled by the Governor to serve for the remainder of the term.  
(f) Members of the Commission and the Indiana Youth Commission are entitled to reimbursement for expenses necessarily incurred in performing Commission duties as permitted by guidelines issued by the State Budget Agency.
3. (a) The Commission shall consist of no fewer than 15 and no more than 25 voting members, including:
  - (i) an individual with expertise in the educational, training, and developmental needs of youth, particularly disadvantaged youth;
  - (ii) an individual with expertise in promoting service volunteerism among older adults;
  - (iii) a representative of community-based agencies or organizations in the State;
  - (iv) the superintendent of the Indiana Department of Education, or the superintendent's designee;
  - (v) a representative of local labor organizations in the State;
  - (vi) a representative of business;
  - (vii) an individual between the ages of 16 and 25, inclusive, who is a participant or supervisor in a volunteer or service program;
  - (viii) a representative of local government;
  - (ix) the executive director of the Indiana Campus Compact
  - (x) a representative of the Corporation for National and Community Service as a non-voting, ex officio member;
- (b) In addition, the Commission may include:
  - (i) members selected from among local educators;
  - (ii) members selected from among experts in the delivery of educational, human, public safety, or environmental service to communities and persons;
  - (iii) representative of Native American tribes;
  - (iv) members selected from among out-of-school youth or other youth at risk;
  - (v) representatives of entities that received assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. Section 4950 et seq.);
  - (vi) a youth advisory committee consisting of up to 25 non-voting members between the ages of 12-21. This committee may assist the Commission in decisions regarding issues pertaining to young people.
4. The officers of the Commission, elected by the Commission, shall include:
  - (a) Chairperson: It shall be the responsibility of the Chairperson to preside at all meetings of the Commission; to appoint committees, both standing and ad hoc as the Chairperson sees fit; and to authorize and execute the wishes of the Commission.
  - (b) Vice-Chairperson: The Vice-Chairperson shall assist the Chairperson, and in the absence of the Chairperson, perform those duties.
  - (c) Secretary: The Secretary shall be responsible for the minutes of the meetings of the Commission.
5. The Commission shall:
  - (a) develop and annually update a 3-year plan for community service programs in the State;
  - (b) select grantees under guidelines specified by the National Corporation;
  - (c) apply to the National Corporation for funding supporting objectives in the State Plan;
  - (d) coordinate Commission activities with those of any federally administered service program such as VISTA and Older

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## Executive Orders

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American Volunteer Programs to ensure that the services are complimentary, not duplicated;

(e) set priorities for service and volunteerism; and

(f) provide all applicants services required by the National and Community Service Trust Act of 1993.

6. The Commission shall meet at least quarterly. A quorum shall consist of a simple majority of voting members.

7. The Governor shall appoint a full-time Executive Director who shall serve at the pleasure of the Governor. The Executive Director shall report to the Governor's Executive Assistant for Community Service. The Executive Director shall carry out the duties of the Commission and shall also perform other duties relating to community service and volunteerism, as deemed necessary by the Governor or by the Governor's Executive Assistant for Community Service.

8. The Executive Director shall be empowered to employ and/or contract for services necessary to carry out the duties of the Commission. The staff shall administer any pertinent policy and planning activities to assist the Commission in fulfilling its objectives.

9. This order is effective as of September 13, 2003.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 15th day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
**EXECUTIVE DEPARTMENT**  
**INDIANAPOLIS**

**EXECUTIVE ORDER: 03-39**

**FOR: PARDON**

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, LONNIE COFFING was convicted in the Kosciusko County Circuit Court on October 12, 1981, for the offense of Arson and Illegally Taking a Deer. He received a sentence of 5 years all suspended and ordered to formal probation for one (1) year to pay fine/costs of \$1,384.00. He was also convicted in Kosciusko County Superior Court for the offense of Theft on June 30, 1983. He received a 4-year sentence to the Department of Correction, 4-years suspended and placed on probation and ordered to pay all fines and costs. He was also given 21 days in the Kosciusko County Jail. He was discharged from probation on July 23, 1986, with no problems noted; and

**WHEREAS**, the petitioner has been employed regularly, is a responsible and law-abiding citizen since his discharge from probation on July 23, 1986, and has custody of his three children; and

**WHEREAS**, the petitioner requests a pardon as he states because of the felony conviction he is unable to obtain a license to go hunting with his son, feels he has demonstrated his ability to fulfill his obligations as a law-abiding citizen and is a responsible member of the community; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to LONNIE COFFING.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-40

**FOR:** PARDON

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS,** WILLIAM E. GOSS, was convicted in Lake County Criminal Court in 1957. He was convicted for the crime of 2nd Degree Burglary for which he received two (2) years probation; and

**WHEREAS,** the petitioner has been a long time contributor to the Illinois Sheriff's Association. He has worked the past 20 years as a Special Deputy in Saline County, Harrisburg, Illinois. Petitioner and his wife contribute to their community through their church; and

**WHEREAS,** the petitioner has several letters of support and recommendation to grant a pardon; and

**WHEREAS,** the petitioner is now retired, on disability pension and states his reason for a pardon request. "I don't want to die and be considered to be a convicted felon"; and

**WHEREAS,** the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW, THEREFORE,** I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to WILLIAM E. GOSS.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER:** 03-41

**FOR:** PARDON

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**Executive Orders**

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**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, JASON LAWS, was convicted in Marshall County Superior Court I on August 4, 1989, for the offense of Conspiracy to Deal in a Schedule III Controlled Substance. He received a sentence of 6 years with 2 years suspended, 2 years probation. The sentence was later modified to time served and the petitioner was released from incarceration (about 5 months early) to complete his 2 years probation; and

**WHEREAS**, the petitioner reports an extensive history of volunteering for charitable organizations and has become involved with the Order of Malta which has included extensive traveling to a variety of countries on humanitarian missions to deliver medical relief and has realized that his commitment to charitable organizations was a "lifelong calling"; and

**WHEREAS**, the petitioner has numerous letters of support from friends and associates; and

**WHEREAS**, the petitioner requests a pardon, as "it was my true belief that by becoming a doctor I could best serve humanity and I want to follow in the footsteps of my father and other physicians like him. My past keeps me from pursuing opportunities that are more challenging"; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to JASON LAWS.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-42

**FOR:** PARDON

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:**

**WHEREAS**, SANDI P. WARD, was convicted in the St. Joseph County Superior Court on July 13, 1994, for the offense of Assisting a Criminal and was sentence to a 4 year sentence, 2 years probation on Count II. The 4 year sentence was suspended, received 2 years probation with home detention, 120 hours of community service and random drug testing and upon completion of her GED was released from the balance of her probation; and

**WHEREAS**, the petitioner has shown an active interest in her community and church, considered to be a reliable, honest and sincere individual by her friends and co-workers; and

**WHEREAS**, the petitioner has numerous letters of support from friends and co-workers; and

**WHEREAS**, the petitioner requests a pardon to enhance her career and complete her goals in nursing, to continue maintaining a

stable life and live as a more productive citizen; and

**WHEREAS**, the Parole Board, after careful investigation and examination of all the facts in the case, recommend that this pardon be granted.

**NOW THEREFORE**, I, Joseph E. Kernan, Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and the laws of said State, hereby issue a pardon to SANDI P. WARD.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this 22nd day of October 2003.

BY THE GOVERNOR: Joseph E. Kernan  
Governor of Indiana

SEAL

ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS**

**EXECUTIVE ORDER:** 03-44

**FOR:** APPROVAL AND IMPLEMENTATION OF THE SETTLEMENT BETWEEN THE STATE OF INDIANA AND THE UNITY TEAM LOCAL 9212/UAW/AFT

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, constructive and cooperative relationships among state employees and management are in the public interest;

**WHEREAS**, Executive Order 03-35 reaffirmed Executive Order 90-6, which identified eleven (11) appropriate employee units, provided for election of exclusive negotiating organizations, and permitted the organization elected to negotiate with the designated representative of the Executive Branch;

**WHEREAS**, in 1990, employees who comprised Units 1, 2, 3, and 10 elected The Unity Team Local 9212/UAW/AFT as their exclusive negotiating organization;

**WHEREAS**, the Public Employee Relations Board certified The Unity Team Local 9212/UAW/AFT as the exclusive negotiating representative for employees in Unit 1 on October 22, 1990, in Unit 2 on February 7, 1991, and in Units 3 and 10 on October 23, 1990; and

**WHEREAS**, the negotiating teams for the State and The Unity Team Local 9212/UAW/AFT have submitted for the approval of the Governor a Settlement that has been ratified by the membership of The Unity Team Local 9212/UAW/AFT.

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

1. The Settlement with The Unity Team Local 9212/UAW/AFT is hereby approved and incorporated by reference herein.
2. The Settlement shall be implemented effective November 1, 2003, and shall be administered in accordance with the laws of this State.
3. The Settlement does not supersede any existing or future Statute, Promulgated Rule or Executive Order; however, the Settlement shall be administered and construed, by those State Officers and employees subject to the executive authority of the Governor, as superseding any conflicting policies and work practices.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 28<sup>th</sup> day of October, 2003

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## Executive Orders

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Joseph E. Kernan  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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**STATE OF INDIANA**  
EXECUTIVE DEPARTMENT  
INDIANAPOLIS

**EXECUTIVE ORDER: 03-45**

**FOR:** APPROVAL AND IMPLEMENTATION OF THE SETTLEMENT BETWEEN THE STATE OF INDIANA AND AFSCME COUNCIL 62

**TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:**

**WHEREAS**, constructive and cooperative relationships among state employees and management are in the public interest;

**WHEREAS**, Executive Order 03-35 reaffirmed Executive Order 90-6, which identified eleven (11) appropriate employee units, provided for election of exclusive negotiating organizations, and permitted the organization elected to negotiate with the designated representative of the Executive Branch;

**WHEREAS**, on October 16, 1990, employees who comprised Units 4, 5, 6, and 7 elected AFSCME Council 62 as their exclusive negotiating organization;

**WHEREAS**, on October 22, 1990, the Public Employee Relations Board certified AFSCME Council 62 as the exclusive negotiating representative for employees in Units 4, 5, 6, and 7; and

**WHEREAS**, the negotiating teams for the State and AFSCME Council 62 have submitted for the approval of the Governor a Settlement that has been ratified by the membership of AFSCME Council 62.

**NOW, THEREFORE**, I, Joseph E. Kernan, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order that:

1. The Settlement with AFSCME Council 62 is hereby approved and incorporated by reference herein.
2. The Settlement shall be implemented effective November 1, 2003, and shall be administered in accordance with the laws of this State.
3. The Settlement does not supersede any existing or future Statute, Promulgated Rule or Executive Order; however, the Settlement shall be administered and construed, by those State Officers and employees subject to the executive authority of the Governor, as superseding any conflicting policies and work practices.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 28<sup>th</sup> day of October, 2003.

Joseph E. Kernan  
Governor of Indiana

SEAL  
ATTEST: Todd Rokita  
Secretary of State

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