

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-21

FOR: GREENING THE GOVERNMENT

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS'.

WHEREAS, Executive Order 99-07, dated April 22, 1999, created the Indiana Greening the Government Initiatives, and Executive Order 03-27, effective September 13, 2003 (collectively, with Executive Order 99-07, the "Prior Orders"), continued the Indiana Greening the Government Initiatives;

WHEREAS, sustainable and environmentally sound policies means meeting the needs of current generations without impairing the ability of future generations to meet their own needs, and is an important strategy for the long-term health of the state's economy, environment and citizens;

WHEREAS, efficiency and cost effectiveness are continuing objectives of state government;

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

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

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

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., 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 continue to work, through a cooperative effort with Greening Taskforce members from the State's largest agencies, to assist and monitor agencies in pursuit of the goals below as well as other provisions of the Greening the Government Plan which has been previously developed under the Prior Orders.

- a. Agencies shall appoint a Greening Coordinator who will be responsible for implementing the following policies, promote the availability and encourage use of the www.IN.gov/greening website to co-workers and who will act as their agency's liaison with the Greening the Government Program.
- b. Agencies shall establish goals and work to reduce office paper usage through the following means whenever possible:
 1. If not already doing so, agencies shall create an electronic letterhead template and encourage its use for agency business in lieu of using pre-printed letterhead.
 2. 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.
 3. Agencies shall cooperate with the Government Management Information System (GMIS) team to develop and implement additional procedures to reduce paper usage. The GMIS team has and will continue to develop and implement several state wide operational changes that will reduce paper requirements in state government. These efforts are supported as a significant step toward the state's waste reduction goals.
- c. By July 1, 2005, all facilities that use office supplies will be required to establish a Green Room area to provide for the re-use of gently used office supplies. Instructions for Green Rooms are available on the Greening website. State employees are directed to check the available stock in the Green Room before being authorized to purchase new office supplies.
- d. Agencies shall conduct a Clean Your Files Day at least annually, being sure to stress proper document retention requirements. The goal of these clean-outs is to make efficient use of office space and supply resources. Reusable office supply items that employees no longer need will be directed to the Green Room noted in (c.) above. Office paper and other recyclable materials will be recycled according to established programs and guidelines. The Greening Program will provide technical assistance or organize these clean-outs. Large items will be directed to State Surplus as required by state statute.

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e. Facilities shall continue to recycle office paper, newspaper, beverage containers, and other items, unless implementation is not feasible for a given facility. Facilities are encouraged to find recycling options for additional materials, as well. The goal of these efforts is to conserve resources, reduce disposal costs and earn revenue. The Greening Program will provide technical assistance as needed.

f. The State shall continue to review the price, performance, availability, as well as the environmental attributes of various goods and services for state purchase and use. Environmentally preferable products, such as durable, recycled-content, energy efficient, non-mercury, low-toxicity and products with multiple environmental benefits shall be specified whenever possible.

g. Facilities shall continue to implement measures to meet their environmental responsibilities and to enhance pollution prevention, resource conservation, waste prevention and energy efficiency in building projects and in on-going building and equipment operations.

h. Agencies shall be strongly encouraged to use the IDOA 5-Star Environmentally Recognized MotorPool for vehicle-maintenance services. Additionally, all fleet vehicles based in Indianapolis that are capable of using Ethanol-85 are directed to refuel with E-85 at the designated City-State refueling site whenever possible. Agencies shall continue to purchase re-refined lubricating oil and recycle it through the same vendor in a closed-loop system. This policy does not preclude the use of bio-based fuels and oils.

i. In order to improve regional air quality, reduce energy consumption, reduce traffic congestion and reduce demand on state parking facilities, as well as make it easier for state employees to save money, the state will continue to actively promote participation in community-based alternative transportation methods. In the central Indiana region, the state's goal is to continually increase participation in the Central Indiana Commuter Services program to at least 5% of total employees by December 31, 2005. Alternative work schedules and parking cash-outs will continue to be pursued.

j. In order to maximize employee participation in Greening Programs, IDOA will continue to provide educational resources, technical expertise and tools to measure success to ensure employee access to Greening Programs. An awards program will recognize agencies and/or employees who implement additional procedures that positively impact the environment.

This order is effective Earth Day, April 22, 2005.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 20th day of April, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-22

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

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, engaging in regular physical activity, making proper dietary decisions, and avoiding harmful substances are essential components of public health; and

WHEREAS, decisions to the contrary greatly increase the risk of the development of health problems, including cardiovascular disease, diabetes, obesity, respiratory problems, certain cancers, mental health problems, and osteoarthritis; and

WHEREAS, Hoosiers should be encouraged to develop healthy lifestyle habits at a young age and to continue them through their lifetimes; and

WHEREAS, doing so leads to higher performance in school, work, and personal pursuits; and

WHEREAS, businesses prefer to employ a vibrant workforce, making a healthy population attractive to organizations looking to do business in and with Indiana; and

WHEREAS, direct and indirect costs related to inadequate physical activity place a significant burden on individuals, businesses, and the state; and

WHEREAS, Indiana has the environment and human resources to effect a significant positive change in the health of the population;

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Governor's Council for Physical Fitness and Sports is reestablished and continued.
2. The Council shall coordinate and promote public programs, private initiatives, and public-private partnership efforts to promote 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 Hoosiers' participation in physical activity and sports.
4. The Council shall consist of no more than twenty-one (21) members to be appointed by and to serve at the pleasure of the Governor. These members shall represent a diversity of interests related to health and fitness in Indiana. The commissioner of the Indiana State Department of Health shall be an *ex officio* member of the Council.
5. Each member of the Council shall be appointed for a term of two (2) years. In the event of a vacancy arising on the Council for any reason, the Governor may, in his discretion, appoint a substitute member to serve the unexpired term. 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.
6. The Governor may appoint to the Council an honorary chairperson for a term of two (2) years. An honorary chairperson may not vote on Council business.
7. The Governor shall appoint the chairperson and vice-chairperson of the Council from among its members.
8. 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 Administration and the State Budget Agency.
9. The Council shall meet a [*sic.*] least four (4) times per year and shall perform such other duties and carry out such other responsibilities as shall be requested by the Governor for the purpose of promoting public health and fitness initiatives.
10. Staff of the Office of the Governor or other state agencies may be assigned to assist the Council in carrying out its duties.
11. This Order is issued to be effective as of January 10, 2005.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 13th day of July, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-23

FOR: CLEMENCY FOR ARTHUR PAUL BAIRD II, DOC No. 872036

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, In 1987, a Montgomery County jury found Arthur Paul Baird II guilty of the September 1985 murders of his pregnant wife, Nadine Baird, his mother, Kathryn Baird, and his father, Arthur Baird I;

WHEREAS, The Montgomery Circuit Court followed the jury's recommendation and sentenced Baird to death for the murder of his parents; the trial court also imposed a sixty-year sentence for the murder of Baird's wife and an eight-year sentence for the feticide involving his unborn child;

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WHEREAS, Baird is guilty of the murders of Nadine Baird, Arthur Paul Baird I and Kathryn Baird and is legally eligible for the death penalty under I.C. 35-50-2-9(b)(8);

WHEREAS, Baird's claims have received proper and thorough consideration in the judicial system;

WHEREAS, Baird has asked that his sentence of death be commuted to Life Without Parole;

WHEREAS, There exists sufficient reasons to commute Baird's sentence, as explained in detail in the document titled Grant of Commutation to Arthur Paul Baird II, attached hereto and incorporated by reference in this Executive Order; and

WHEREAS, My review of the facts of this case leads me to exercise clemency by commuting Baird's sentence. This decision is based on the unique circumstances of this case. All the facts, not one single element, cause me to grant clemency.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., the Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and laws of the State of Indiana, hereby commute the death sentence imposed on Arthur Paul Baird II for the murders of Arthur Paul Baird I and Kathryn Baird to Life Without Parole.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 29th day of August, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

ATTACHMENT

GRANT OF COMMUTATION TO ARTHUR PAUL BAIRD II

The case of Arthur Baird would justify the death penalty based upon the nature of his crimes, the unchallenged certainty that he committed them, and the care and completeness of the legal process in imposing that sentence and in consistently upholding it over the years since those crimes occurred. Nonetheless, given certain unusual, probably unique circumstances in this case, a different outcome seems more just. These circumstances include:

- Life without parole was not an option in Indiana when Mr. Baird was sentenced. Such a sentence has since become an option and would be available to the jury today.
- The unanimous sentiment expressed by family members at the time of the trial and years later demonstrates that they believed life without parole was the most appropriate penalty for Mr. Baird. All members of the jury whose views are known also indicate that, had life without parole been an alternative available to them, they would have imposed it instead of the death penalty.
- Further reflecting that consensus, the State offered the equivalent of life without parole in a plea agreement that Mr. Baird appeared ready to accept before trial. However, at the time of submitting his plea, he suddenly reversed course and, apparently due to his delusional state, rejected the bargain the State saw fit to offer him.

Courts recognized Mr. Baird as suffering from mental illness at the time he committed the murders, and Indiana Supreme Court Justice Ted Boehm recently wrote that Mr. Baird is "insane in the ordinary sense of the word." It is difficult to find reasons not to agree.

However, I reached today's decision without substituting my judgment for others on the ambiguous issue of Mr. Baird's degree of insanity. To me, it suffices to note that, had the sentence of life without parole been available in 1987, the jury and the State would have imposed it with the support of the victims' families.

I conclude that the proper and just result in this case is for Arthur Paul Baird II to serve a term of life without parole, and I therefore commute his sentence accordingly.

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-24

FOR: OPERATION HOOSIER RELIEF – HURRICANE KATRINA

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Indiana is a member of the Emergency Management Assistance Compact (“Compact”), an interstate agreement entered into by and among participating states for the purpose of providing mutual assistance in managing an emergency declared by the governor of an affected state as a result of, among other things, a natural disaster;

WHEREAS, on behalf of the governor of each state participating in the Compact, the designated state official assigned responsibility for emergency management is tasked with the formulation of appropriate interstate mutual aid plans and procedures necessary to implement the Compact;

WHEREAS, Indiana’s Executive Director of Homeland Security (“Executive Director”) is the designated state official assigned responsibility for emergency management in Indiana;

WHEREAS, any state requested to render mutual aid must take actions necessary to provide and make available the resources contemplated by the Compact in accordance with its terms;

WHEREAS, the Gulf Coast states have been devastated by the destructive forces of Hurricane Katrina; and

WHEREAS, Governor Haley Barbour has declared a state of emergency in the State of Mississippi and has requested assistance from the State of Indiana under the terms of the Compact.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Executive Director is authorized and empowered to establish one or more mobile support units pursuant to IC 10-14-3-19 in order to respond to requests for assistance in the aftermath of Hurricane Katrina. At the direction of the Executive Director, any such unit shall be deployed for the purpose of providing assistance to a state that has suffered devastation by Hurricane Katrina and that has requested such assistance from the State of Indiana in accordance with the Compact under IC 10-14-5. The duration of a mobile support unit’s deployment shall not exceed sixty (60) days, subject to extension by executive order.
2. The Executive Director is authorized, to the fullest extent permitted by law, to take such actions as he deems necessary and appropriate for the purpose of establishing and deploying a mobile support unit, including without limitation drawing upon state and local government and private sector resources in Indiana to provide requested relief in accordance with the Compact. Such resources may include, without limitation, teams assembled from personnel of the Indiana Department of Health, the Department of Natural Resources, the Family and Social Services Administration, the Indiana State Police, city and county government agencies, and any private medical providers who offer assistance.
3. Individual members of such a mobile support unit who are not employed by the State of Indiana or a political subdivision thereof shall be designated as deputy directors of the Department of Homeland Security (each, a “Deputy Director”) in accordance with the provisions of IC 10-19-6 and IC 10-14-3-7(a)(4). Such designation shall be solely for the purpose of participation as a member of the mobile support unit deployed in connection with Hurricane Katrina, and shall be limited to the duration of such deployment.
4. During the duration of his or her deployment with a mobile support unit, a Deputy Director shall continue to receive compensation and benefits from his or her current employer at levels existing as of the date hereof, provided, that the State of Indiana shall be obligated to reimburse such employer for the aggregate amount of such compensation and benefits accruing during the period of deployment. Such reimbursement shall be paid at such times as funds are made available, in accordance with the terms of the Compact, to the State of Indiana from a state that has received assistance thereunder.
5. A Deputy Director shall be considered an “employee” of the State of Indiana solely for the purpose of such Deputy Director’s participation, while deployed with such unit, in the worker’s compensation program described in IC 22-3 through 22-6, and shall not be considered a state employee for purposes of IC 10-14-3-19 or any other purpose. The terms and conditions of the worker’s compensation program shall govern exclusively any claim for death, injury, illness, or loss of compensation occurring

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with respect to a Deputy Director while on deployment or as a result of deployment with the mobile support unit, and the sole and exclusive means for making any such claim shall be by filing with the Indiana Workers Compensation Board in accordance with its rules and procedures. No claim by any person or other entity, including without limitation a Deputy Director, for death, injury, illness or loss of compensation occurring with respect to a Deputy Director while on deployment or as a result of deployment with a mobile support unit may be made against the State of Indiana or any of its agencies, instrumentalities, elected or appointed officials or employees, or against the current employer of the Deputy Director, except as expressly provided herein for claims made by Deputy Directors exclusively under the worker's compensation program applicable to employees of the State of Indiana. The foregoing shall not operate to preclude any other claims a Deputy Director may have against third parties for harms incurred by him or her while on deployment resulting from such third parties' negligence or intentional misconduct.

6. The Executive Director is hereby authorized and empowered to enter into an Employee Interchange Agreement with one or more political subdivisions in connection with the establishment of a mobile support unit. Under such an agreement, an employee of a political subdivision shall be deemed assigned to the Department of Homeland Security as a "receiving" agency via an employee interchange program described in IC 5-10-7. Any such agreement shall be on terms and conditions and be of such duration as the Executive Director deems necessary and appropriate to comply with the provisions of IC 5-10-7 and to further the mission of the mobile support unit.

7. Pursuant to the Compact, law enforcement personnel dispatched by the State of Indiana or any of its political subdivisions at the direction of the Executive Director shall be vested with the same powers, duties, rights and privileges as are afforded law enforcement officers of a state requesting assistance, including without limitation arrest powers where specifically authorized. The Executive Director shall coordinate with the relevant authorities in a requesting state in order to obtain express authorization from such state for the exercise of arrest powers by Indiana law enforcement personnel who are members of a mobile support unit.

8. The Executive Director is authorized and empowered to include in a mobile support unit such state resources, including state personnel, as he deems necessary and appropriate to further the mission of that unit. All instrumentalities, agencies, authorities, boards, commissions, and officers of the executive, including the administrative, department of state government, as well as all bodies corporate and politic set up as instrumentalities of the State, are requested to cooperate and provide assistance to the Executive Director in implementing this Executive Order to the fullest extent permitted by law.

9. In establishing and deploying a mobile support unit, the Executive Director shall coordinate with the planning and operations of the Indiana National Guard, the Federal Emergency Management Agency and other authorities involved in the Hurricane Katrina relief effort.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 2nd day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-25

FOR: DECLARING A STATE OF DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO THE INFLUX OF
 EVACUEES FROM AREAS DEVASTATED BY HURRICANE KATRINA

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

WHEREAS, the Gulf Coast states have been devastated by the destructive forces of Hurricane Katrina resulting in the forced relocation of tens of thousands of residents of those states;

WHEREAS, many of the evacuees have sought refuge in Indiana;

WHEREAS, the continuing influx of evacuees has strained the capacity of state, local and private resources to provide shelter, food, and other necessary services to these displaced individuals; and

WHEREAS, the influx of evacuees is of such severity and magnitude that effective response is beyond the capabilities of state and local governments in Indiana and that federal assistance is necessary.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby declare that a state of disaster emergency exists in the entire State of Indiana and order:

1. The Indiana Department of Homeland Security, having implemented the State Emergency Operations Plan, shall provide needed services to the evacuees relocating to the State of Indiana as a result of the catastrophic events caused by Hurricane Katrina, and shall coordinate the provision of such services with appropriate federal, state, and local agencies and with private and non-profit organizations involved in the hurricane relief effort; and

2. The Executive Director is authorized, to the fullest extent permitted by law, to take such actions as he deems necessary and appropriate in order to draw upon state and local government and private sector resources in Indiana for the purpose of providing needed assistance to these evacuees.

This declaration of disaster emergency was in effect beginning August 29, 2005 and continues.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 6th day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-26

FOR: WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING GASOLINE, DIESEL FUEL, AND JET FUEL AND THE TRANSPORT OF OVERSIZED TRACTOR TRAILER LOADS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico, shut down most of the refineries and pipelines along the Gulf Coast, and damaged storage facilities and transportation infrastructure throughout the region;

WHEREAS, the hurricane disaster has had nationwide effects;

WHEREAS, in order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel and jet fuel will need to be re-distributed by commercial motor vehicles in order to meet demand normally supplied by Gulf Coast operations;

WHEREAS, the United States Department of Transportation Federal Motor Carrier Safety Administration has declared that a

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regional emergency exists in the Midwest Region, including Indiana, in the highway transportation of certain petroleum products;

WHEREAS, as a result of the declared regional transportation emergency, the Federal Motor Carrier Safety Administration, acting pursuant to 49 CFR 390.23, has exempted motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel from 49 CFR Parts 390-399 in order to address transportation needs arising from the impact of Hurricane Katrina. The exemption is effective from 1:00 P.M. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005;

WHEREAS, appropriate measures must be taken at the state level in response to the energy emergency to ensure that petroleum supplies will remain sufficient and to assure the health, safety, and welfare of Indiana residents and visitors; and

WHEREAS, in response to the immediate need for shelter for the hundreds of thousands of people left homeless by Hurricane Katrina, the federal government must immediately procure approximately one hundred fifty thousand (150,000) single and double wide homes to be transported to the areas affected by the hurricane disaster.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel in Indiana to address transportation needs arising from the hurricane disaster are exempt from compliance with any applicable state statute, order, or rule substantially similar to, or giving effect to, 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended as it relates to such motor carriers and drivers. The exemption and suspension is effective from the time of the issuance of this Order until 1:00 p.m. EDT, September 14, 2005.
2. The exemption and suspension provided in this Executive Order applies only to gasoline, diesel fuel, and jet fuel. No other petroleum products are covered hereby.
3. Nothing contained in this Executive Order shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute *[sic.]*, order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute *[sic.]*, order, or rule), applicable size and weight requirements, or any other portion of the regulations not specifically identified.
4. Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.
5. Consistent with the requirement imposed by the Federal Motor Carrier Safety Administration, drivers for motor carriers operating under the Declaration of Emergency issued under federal regulations must have a copy of the federal Declaration of Emergency in their possession. A copy of that Declaration of Emergency is attached to this Executive Order.
6. The State of Indiana will waive the enforcement of all applicable laws and regulations governing the transport of oversized tractor trailer loads for the limited purpose of allowing federal government contractors to transport mobile homes for Hurricane Katrina relief efforts for a period of ninety (90) days, subject to renewal if necessary.
7. This Executive Order shall be disseminated to all applicable state and local law enforcement officials.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 6th day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

ATTACHMENT:



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION
MIDWESTERN SERVICE CENTER
19900 Governors Drive Suite 210
Olympia Fields, IL 60461
(708) 283-3577

DECLARATION OF REGIONAL EMERGENCY
49 CFR 390.23

Hurricane Katrina has temporarily halted off-shore oil and gas production in the Gulf of Mexico; shut down most of the refineries and pipelines along the Gulf Coast; and damaged storage facilities and transportation infrastructure throughout the region. The disaster has nationwide effects.

In order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel, and jet fuel will need to be re-distributed by commercial motor vehicle in order to meet demand normally supplied by Gulf Coast operations.

I am therefore declaring that a regional emergency exists in the Midwest Region (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio and Wisconsin) in the highway transportation of certain petroleum products. Motor carriers and drivers transporting gasoline, diesel fuel, and jet fuel to address transportation needs arising from the hurricane disaster (such as fuel supply shortages) are exempt from 49 CFR Parts 390-399 from 1:00 p.m. EDT, August 31, 2005 until 1:00 p.m. EDT, September 14, 2005. No other petroleum products are covered by the exemption.

Nothing contained in this declaration shall be construed as an exemption from the controlled substances and alcohol use and testing requirements (49 CFR Part 382), the commercial driver's license requirements (49 CFR Part 383), the financial responsibility requirements (49 CFR Part 387), applicable size and weight requirements, or any other portion of the regulations not specifically identified.

Motor carriers or drivers currently subject to an out-of-service order are not eligible for the exemption until the order expires or they have met the conditions for its rescission.

Drivers for motor carriers that operate under this declaration of emergency must have a copy of it in their possession.

Signed

Doug Sawin
Field Administrator
Midwest Service Center

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-27

FOR: EFFORTS BY INDIANA AGENCIES AND INSTRUMENTALITIES TO ASSIST IN HURRICANE KATRINA RELIEF

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

WHEREAS, the Gulf Coast states have been devastated by Hurricane Katrina, resulting in a tragic loss of life and property, the forced relocation of tens of thousands of residents of the States of Louisiana, Mississippi and Alabama, and significant economic disruption;

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WHEREAS, all of the states and the federal government are working together in a cooperative manner to assist with relief efforts in the affected areas and to accommodate displaced evacuees;

WHEREAS, under IC 10-14-3-11 (the Emergency Management and Disaster Law), the Governor may, among other things:

- cooperate with the President of the United States and the heads of the armed forces, the Federal Emergency Management Agency, and the officers and agencies of other states in matters pertaining to emergency management and disaster preparedness, response and recovery of the state and nation;
- take any measures that the Governor considers proper to carry into effect any request of the President and the appropriate federal officers and agencies for any emergency management action; and
- make, amend, and rescind the necessary orders, rules, and regulations to carry out the emergency management functions within Indiana with due consideration of the plans of the federal government; and

WHEREAS, all instrumentalities, agencies, authorities, boards, commissions, and officers of the executive, including the administrative, department of state government, as well as all bodies corporate and politic set up as instrumentalities of the State, have previously been requested to cooperate and provide assistance to the Executive Director of the Indiana Department of Homeland Security in connection with providing relief in the areas affected by Hurricane Katrina; and

WHEREAS, a state of disaster emergency has been declared related to the need to provide services to evacuees arriving in the State of Indiana.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order:

1. The heads of all instrumentalities of the executive, including the administrative, department of state government, as well as all bodies corporate and politic set up as instrumentalities of the State (collectively, "agency heads"), shall be authorized and empowered to take such actions as they deem necessary or appropriate to support ongoing emergency management and disaster relief efforts relating to, or to cope with temporary economic disruption caused by, Hurricane Katrina, including without limitation (i) the amendment, rescission, suspension or waiver of rules, regulations, orders, policies, procedures, guidelines, or statutory penalties consistent with any initiatives taken or authorized by federal agencies having the same or similar subject matter jurisdiction, and (ii) the exercise of emergency rulemaking authority, where applicable, or the taking of other administrative actions necessary to adopt, issue, amend, suspend or waive rules, regulations, orders, policies, procedures, guidelines or statutory penalties for the purpose of supporting emergency management and disaster relief efforts, providing assistance and services to evacuees relocating to Indiana, or coping with temporary economic disruption caused by Hurricane Katrina, including fuel shortages.

2. The authority conferred by this Executive Order shall apply to all actions taken prior to the date hereof by agency heads in connection with providing emergency management and disaster relief efforts related to, or coping with temporary economic disruption caused by, Hurricane Katrina.

3. The authority provided in this Executive Order shall expire thirty (30) days from the date hereof unless extended by further action of the Governor, and any agency action taken within such 30-day period shall not extend beyond a period of ninety (90) days from the date of such action, unless otherwise authorized by the Governor.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 9th day of September, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State