

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-28

FOR: OPERATION HOOSIER RELIEF—HURRICANE RITA

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, Hurricane Rita is forecasted to make landfall along the Texas and Louisiana coasts within the next twenty four (24) hours;

WHEREAS, Governor Rick Perry has proclaimed the existence of a threat of imminent disaster and has made certain requests for relief assistance under the Compact, in anticipation of Hurricane Rita striking the coast of Texas;

WHEREAS, Governor Kathleen Blanco has declared a state of emergency in the State of Louisiana due to the imminent threat posed by Hurricane Rita;

WHEREAS, on September 2 and September 6, 2005, Executive Order 05-24 and Executive Order 05-25, respectively, were issued, providing for relief efforts to states affected by Hurricane Katrina and declaring a state of disaster emergency in Indiana in anticipation of the need to support evacuees relocating to Indiana as a result of Hurricane Katrina;

WHEREAS, on September 9, 2005, Executive Order 05-27 was issued, authorizing state agencies and instrumentalities to take additional measures to assist in the Hurricane Katrina relief efforts;

WHEREAS, additional measures are now necessary and appropriate to ensure the State of Indiana’s readiness to respond to requests for assistance from states affected by Hurricane Rita and to ensure that adequate supplies of fuel are available in its aftermath; and

WHEREAS, the Governor has received a letter from the Indiana State Department of Health recommending that, in the interest of ensuring the availability of fuel supplies, the inspection, testing and enforcement requirements related to the Reid vapor pressure level of gasoline and gasohol under sub-clauses (D)(iii) and (E)(iii) of Ind. Code § 16-44-2-8(b)(1) and 410 IAC 12.1 be waived effective immediately for a period of eight (8) days, until October 1, 2005.

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. All of the provisions of Executive Orders 05-24, 05-25 and 05-27 shall be, and hereby are, extended and applied with equal force and effect to relief efforts requested by the states affected by Hurricane Rita, and such provisions are hereby incorporated by reference into this Executive Order. The authority provided to agency heads in Executive Order 05-27 shall be extended to cover a period of thirty (30) days from the date hereof unless extended by further action of the Governor, provided that 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.

2. The state of disaster emergency declared in Executive Order 05-25 continues due to the ongoing influx of evacuees relocating

to the State of Indiana as a result of Hurricane Katrina and those expected to relocate to the State of Indiana in the wake of Hurricane Rita. This declaration of disaster emergency was in effect beginning August 29, 2005 and is hereby continued for thirty (30) days from the date hereof unless extended by further action of the Governor.

3. The Executive Director is authorized and empowered, to the fullest extent permitted by law, to take such actions as he deems necessary and appropriate to give effect to the extension of the measures previously authorized by Executive Orders 05-24, 05-25 and 05-27 to relief efforts related to Hurricane Rita.

4. In order to help alleviate anticipated fuel shortages in the aftermath of Hurricane Rita, and pursuant to Ind. Code § 10-14-3-11(b)(4), the Indiana State Department of Health is hereby authorized and directed to waive any inspection, testing and enforcement requirements related to the Reid vapor pressure (RVP) level of gasoline and gasohol under sub-clauses (D)(iii) and (E)(iii) of Ind. Code § 16-44-2-8(b)(1) and 410 IAC 12.1 for a period of eight (8) days following the date hereof, such waiver to be effective immediately and to expire on October 1, 2005, when the new RVP level for gasoline and gasohol under sub-clauses (D)(ii) and (E)(ii) of Ind. Code § 16-44-2-8(b)(1) would otherwise go into effect.

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 23rd 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: 05-29

FOR: WAIVER OF REGULATIONS RELATING TO MOTOR CARRIERS AND DRIVERS TRANSPORTING GASOLINE, DIESEL FUEL, JET FUEL, PROPANE, NATURAL GAS/CNG, AND ETHANOL

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS

WHEREAS, Hurricane Katrina and Rita have interrupted off shore oil and gas production in the Gulf of Mexico; shut down or reduced production by many of the refineries and pipelines along the Gulf Coast; and damaged storage facilities and transportation infrastructure throughout the region;

WHEREAS, this aftermath of the hurricanes affects the whole nation;

WHEREAS, in order to prevent significant disruptions to the nation's transportation system, existing stocks of gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol 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 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, jet fuel, propane, natural gas/CNG, and ethanol from 49 CFR Parts 390-399 to address transportation needs arising from the impact of the Hurricane Katrina and Rita. The exemption is effective from 1:00 P.M. EDT, September 26, 2005 until 11:59 p.m. EDT, October 26, 2005; and

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.

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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

1. Motor carriers and drivers transporting gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol in Indiana to address transportation needs arising from Hurricane Katrina and Rita are exempt from compliance with any applicable state statute, order, or rule substantially similar to 49 CFR Parts 390-399. Any such provision of a state statute, order, or rule is suspended. The exemption and suspension is effective from the time of the issuance of this Order until 11:59 p.m. EDT, October 26, 2005.

2. This order applies only to gasoline, diesel fuel, jet fuel, propane, natural gas/CNG, and ethanol transported to address emergency needs arising from Hurricane Katrina and Rita. No other petroleum products are covered by the exemption.

3. 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 and any similar state statute, order, or rule), the commercial driver's license requirements (49 CFR Part 383 and any similar state statute [*sic., statute*], order, or rule), the financial responsibility requirements (49 CFR Part 387 and any similar state statute [*sic., statute*], 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. The Federal Motor Carrier Safety Administration has required that drivers for motor carriers that operate 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.

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 30th 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: 05-30

FOR: THE EFFECTIVENESS OF POPULATION INFORMATION FROM THE UNITED STATES BUREAU OF THE CENSUS FOR STATE LAW PURPOSES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Indiana Code 1-1-3.5-3 provides that, with respect to any Indiana statute that classifies political subdivisions based on their population according to the federal census results, the effective date of each federal special census, special tabulation, or corrected population count is April 1 of the calendar year following the year in which the tabulation of population or corrected population count is delivered to the State by the United States Secretary of Commerce under 13 U.S.C. 141 and is received by the Governor; and

WHEREAS, Indiana Code 1-1-3.5-3 further provides that the Governor shall issue an Executive Order upon receipt of the tabulation of population or corrected population count:

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., Governor of the State of Indiana, as required by Indiana Code 1-1-3.5-3, do hereby acknowledge delivery by the U.S. Secretary of Commerce of the following federal special tabulation as of the date set forth in the list below and note that the effective date of the tabulation for the political subdivision set forth opposite such date is April 1, 2006:

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September 20, 2005 Hamilton, Town of 1,544 (Special tabulation)

In compliance with IC 1-1-3.5-5(a), I have forwarded a copy of this Executive Order to the Director of the Indiana State Library for distribution under IC 1-1-3.5-5(b), to the Election Division of the Office of the Secretary of State, and to the *Indiana Register* for publication.

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 11th day of October, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State
