

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

program shall govern exclusively any claim 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 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.



ATTEST:

Todd Rokita
Todd Rokita

Secretary of State

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.
Mitchell E. Daniels, Jr.
Governor of Indiana