

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.

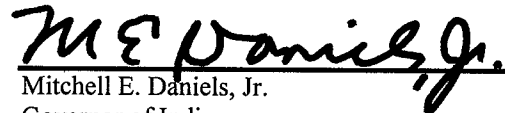
NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

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

ATTEST:            Todd Rokita  
                          Secretary of State