
Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-32

FOR: DECLARING A UTILITY SERVICE EMERGENCY IN THE STATE OF INDIANA DURING SEVERE WEATHER

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on January 5, 2005, conditions existed constituting a utility service emergency because of inclement weather in the form of an ice storm in Northern Indiana; and

WHEREAS, the availability of essential utility services is vital to the welfare and economy of Indiana; and

WHEREAS, the Indiana electric and gas utility industries have requested relief from the requirements of 49 C.F.R. §395.3(a) and §395.3(b) of the Federal Motor Carrier Safety Regulations for commercial motor vehicles while restoring power outages and service interruptions; and

WHEREAS, 49 C.F.R. §390.23 of the Federal Motor Carrier Safety Regulations provides that a governor of a state may declare an emergency thereby exempting owners and operators of commercial motor vehicles from parts 390 through 399 of the Federal Motor Carrier Safety Regulations; and

WHEREAS, under Indiana Code §8-2.1-24-18, the requirements of 49 C.F.R. §395.3(a) and §395.3(b) apply to the drivers of commercial motor vehicles operating in this state, except for vehicles operated in the restoration of utility service; and

WHEREAS, the rapid and efficient restoration of utility services requires the temporary suspension of limitations on the hours of service for drivers of utilities' commercial motor vehicles.

NOW THEREFORE, I, Joseph E. Kernan, 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 C.F.R. Part 390.23, do hereby declare a utility service emergency beginning at noon on January 5, 2005 and extending to noon on January 7, 2005; and order that energy utilities' vehicles and their commercial motor vehicle drivers are exempt from regulations restricting their hours of service during this utility service emergency. This exemption applies only to drivers directly participating in restoration of utility service affected by the inclement weather. Nothing contained in this declaration shall be construed as an exemption from any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.

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 fifth day of January, 2005.

BY THE GOVERNOR:
Joseph E. Kernan, Governor of Indiana

SEAL
ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-33

FOR: DECLARING A DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO SEVERE WINTER WEATHER.

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, Indiana is in the midst of continuing winter storm that started seven days ago; and

WHEREAS, Northern Indiana is affected by heavy snow, Central Indiana is affected by a severe ice storm and Southern Indiana is affected by near record flooding; and

WHEREAS, nearly 200,000 homes are without power and many will remain without power for days to come; and

WHEREAS, families are being sheltered to protect them from the cold and flood waters; and

WHEREAS, many state, federal and local roads throughout Indiana remain impassable from high water and downed power lines and trees; and

WHEREAS, flooding will continue to worsen as rivers continue to rise; and

WHEREAS, all state resources available are being directed to assist victims of this storm;

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

DECLARE, a state of disaster emergency exists throughout the State of 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 impacted by the storms and to coordinate assistance with appropriate federal and state agencies.

This declaration of disaster emergency is in effect beginning January 6, 2005 and continues.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Indiana this 6th day of January 2005

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-34

FOR: JAMES LINCOLN, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, JAMES LINCOLN, was convicted in Marion County Court on October 26, 1971 for the offense of Possession of Stolen Goods and received 180 days probation, \$25. Court Costs. He was convicted in Marion County Court on July 21, 1973, for the offense of 15 Narcotic Act, Possession of Heroin and received a sentence of 2-10 years suspended, \$500.00 Court Costs and two (2) years probation. He was convicted in Marion County Court on March 6, 1989, for the offense of Battery and received 180 days probation, \$2.00 Court Costs and 60 days suspended. He was convicted in Marion County Court on October 9, 1990, for the offense of Driving While License Suspended and Operating a Vehicle While Intoxicated and received 365 days probation, 365 days suspended and \$47.00 Court Costs; and

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WHEREAS, the petitioner is currently employed at St. Vincent's Hospital. He served in the United States Marine Corp from October 1965 through September 1969, and received an Honorable Discharge. Petitioner is an active member of the Hovey Street Church of Christ in Indianapolis, Indiana; and

WHEREAS, the petitioner has several letters of support for a pardon from family, friends and his employer; and

WHEREAS, the petitioner requests a pardon stating "I have straightened my life out and I have a great job opportunity awaiting me, providing I can get all felony convictions cleared from my record"; 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 JAMES LINCOLN.

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 6th day of January 2005.

By the Governor
Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-34

FOR: EXTENDING A UTILITY SERVICE EMERGENCY IN THE STATE OF INDIANA DURING SEVERE WEATHER

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on January 5, 2005, conditions existed constituting a utility service emergency because of inclement weather in the form of an ice storm; and

WHEREAS, on January 7, 2005, those conditions continue to exist, including additional inclement weather and the loss of power to thousands of Indiana residents; and

WHEREAS, the availability of essential utility services is vital to the welfare and economy of Indiana; and

WHEREAS, the Indiana electric and gas utility industries have requested additional relief from the requirements of 49 C.F.R. §395.3(a) and §395.3(b) of the Federal Motor Carrier Safety Regulations for commercial motor vehicles while restoring power outages and service interruptions; and

WHEREAS, 49 C.F.R. §390.23 of the Federal Motor Carrier Safety Regulations provides that a governor of a state may declare an emergency thereby exempting owners and operators of commercial motor vehicles from parts 390 through 399 of the Federal Motor Carrier Safety Regulations; and

WHEREAS, under Indiana Code §8-2.1-24-18, the requirements of 49 C.F.R. §395.3(a) and §395.3(b) apply to the drivers of commercial motor vehicles operating in this state, except for vehicles operated in the restoration of utility service; and

WHEREAS, the rapid and efficient restoration of utility services requires the temporary suspension of limitations on the hours of service for drivers of utilities' commercial motor vehicles.

NOW THEREFORE, I, Joseph E. Kernan, 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 C.F.R. Part 390.23, do hereby extend the previously declared utility service emergency that is due to expire at noon on January 7, 2005, and hereby declare an additional utility service emergency from noon on January 7, 2005, extending to noon on January 10, 2005 or such time as my authority as governor expires; and order that energy utilities' vehicles and their commercial motor vehicle drivers are exempt from regulations restricting their hours of service during this utility service emergency. This exemption applies only to drivers directly participating in restoration of utility service affected by the inclement weather, and is intended to permit safe return to assigned home bases of operation at the conclusion of the utility service emergency. Nothing contained in this declaration shall be construed as an exemption from any portion of the Motor Carrier Safety Regulations other than those regulating hours of service. I respectfully request the governors of other states to waive trip and fuel permits and to facilitate travel through their states by commercial motor vehicles responding to this utility service emergency.

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 7th day of January, 2005.

By the Governor:
Joseph E. Kernan
Governor of Indiana

SEAL
ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-35

FOR: CHARLES I. THURMAN, PARDON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, CHARLES I. THURMAN was convicted in Vanderburgh County Circuit Court on January 12, 1978, for the offense of Burglary. He received a sentence of four (4) years; and

WHEREAS, the petitioner has been steadily employed for the last 4 years and has remained a law-abiding citizen since the offense; and

WHEREAS, the petitioner has several letters of support that his pardon be granted from his family, friends and employers; and

WHEREAS, the petitioner requests a pardon, stating "I would like to obtain better employment, be able to hunt and would like to see the felony erased from his record as it occurred a long time ago"; 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 CHARLES I. THURMAN.

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 6th day of January 2005.

By the Governor
Joseph E. Kernan
Governor of Indiana

Executive Orders

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-37

FOR: CLEMENCY FOR MICHAEL DANIELS, NO. 13135

TO ALL WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, Michael Daniels was convicted in Marion Superior Court on September 14, 1979 for the offenses of Felony Murder, Attempted Robbery, and four counts of Robbery; and

WHEREAS, Daniels is guilty of the felony murder of Allen Streett and legally eligible for the death penalty; and

WHEREAS, Daniels' claims have received review by the judicial system; and

WHEREAS, Daniels has asked that his capital sentence be commuted to life without parole; and

WHEREAS, there exist sufficient reasons to commute Daniels' capital sentence, as explained in detail in the document titled Grant of Commutation to Michael Daniels, attached hereto and incorporated in this Executive Order; and

WHEREAS, my review of the facts of this case leads me to exercise clemency by commuting Daniels' capital 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, Joseph E. Kernan, 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 of Michael Daniels to Life Without Parole for his conviction of Felony Murder.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have hereunto set by hand and caused to be affixed the Great Seal of the State of Indiana, at the Capitol, in the City of Indianapolis, this Seventh day of January, 2005.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-1

FOR: CREATION OF THE OFFICE OF SECRETARY OF COMMERCE AND COORDINATION OF THE STATE'S ECONOMIC DEVELOPMENT AND JOB TRAINING EFFORTS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, in recent years, Indiana has experienced significant job losses, resulting in diminished hope and opportunity for Hoosiers and a decline in revenues available to address the problems faced by our State;

WHEREAS, fostering opportunities for business growth and job creation is vital to restoring Indiana's economic health and helping Indiana realize its true potential;

WHEREAS, business growth and job creation depend upon the availability of a skilled workforce, resulting in the need for coordination between our State's economic development efforts and its job training and labor programs;

WHEREAS, consistent with the foregoing identification of need, the General Government Subcommittee of the Government Efficiency Commission has recommended the establishment of an office of economic development, headed by a chief economic development officer reporting directly to the Governor with complete responsibility, accountability, and authority for all functions related to economic development and job creation and retention within the State;

WHEREAS, it is in the best interests of the citizens of Indiana to establish the position of Secretary of Commerce to lead Indiana's economic development efforts and to coordinate those efforts with its job training and labor programs;

WHEREAS, the Governor has proposed legislation to the General Assembly that would abolish the Department of Commerce and expedite the transfer of its business development powers and duties to the Indiana Economic Development Corporation (IEDC); and

WHEREAS, it is appropriate and necessary to give immediate effect to actions designed to address the needs and implement the reforms described in this Executive Order;

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 position of Secretary of Commerce is hereby created.
2. The Secretary of Commerce shall be appointed by, report directly to, and serve at the pleasure of the Governor.
3. The Secretary of Commerce, shall, among other things, oversee and coordinate the State's efforts to foster business growth, industry modernization, economic diversification, and job creation and retention.
4. The Secretary of Commerce shall be the chief executive officer of the Department of Commerce and, upon the elimination of such department, of the IEDC, and shall have such powers, duties and responsibilities in such capacity as may be set forth by statute upon enactment of legislation or as may be designated by the Governor from time to time consistent with the exercise of executive authority under the Constitution and laws of the State.
5. In furtherance of the goal of coordinating the State's economic development efforts with its job training and labor programs, the Commissioner of the Department of Workforce Development (DWD) and the Commissioner of the Department of Labor, each of whom is appointed by and serves at the pleasure of the Governor, shall report to the Secretary of Commerce.
6. Consistent with the foregoing, and as a means of providing for the consolidation of all job training programs under the Secretary of Commerce, the Commissioner of the DWD and the Secretary of the Family and Social Services Administration (FSSA) are hereby authorized and directed to enter into such inter-agency agreements or memoranda of understanding and to take such other actions as may be necessary in order to provide for DWD's administration, to the fullest extent permitted by law, of the Indiana Manpower and Comprehensive Training (IMPACT) job training programs currently administered by the FSSA's Division of Family and Children.
7. Upon the enactment of the legislation by the General Assembly to codify the measures described in paragraphs 1 through 5 of this Executive Order, this Executive Order shall expire as to those measures; provided, however, that this Executive Order shall continue in effect as to the measures described in paragraph 6 hereof.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-2

FOR: CREATION OF THE OFFICE OF MANAGEMENT AND BUDGET

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, the State has, in recent years, suffered a series of budget deficits due to a combination of overspending, less than anticipated tax revenues, and ineffective budgeting practices;

WHEREAS, many state government practices have subjected businesses, and particularly small businesses, to burdensome laws and regulations, and have done so in the absence of any analysis to ascertain whether the burdens imposed by such laws and regulations are justified by their benefits;

WHEREAS, due to the serious fiscal problems facing our State, the State requires a new financial oversight and management mechanism to restore the soundness of its budget process, to ensure that effective financial management policies are implemented throughout state government, to coordinate all functions related to budgeting and controlling spending in state government, to measure the performance of government activities, and to subject state laws and regulations to a rigorous cost-benefit analysis;

WHEREAS, consistent with the foregoing identification of need, the General Government Subcommittee of the Government Efficiency Commission has recommended the establishment of the position of a chief state fiscal officer to report directly to the Governor with responsibility, accountability and authority for (i) all functions currently performed by the State Budget Agency, (ii) all accounting and accounting-related functions now occurring within the various agencies, departments and programs of state government, and (iii) all those functions now performed by the Department of Revenue, the Department of Local Government Finance and all other agencies, departments, and programs related to budgeting and controlling spending in state government; and

WHEREAS, it is appropriate and necessary to give immediate effect to actions designed to address the need and implement the reforms described in this Executive Order;

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 Office of Management and Budget (OMB) is hereby created.
2. A Director of the OMB, who shall serve at the pleasure of the Governor, shall be appointed by the Governor and shall be the chief financial officer of the State.
3. The OMB Director shall serve as the director of the State Budget Agency (SBA) until such time as the Governor may appoint a separate individual to serve as director of the SBA. For so long as the OMB Director serves as the director of the SBA, the OMB Director shall not be entitled to receive any salary or other compensation in his capacity as OMB Director.
4. To the fullest extent permitted by law, the OMB shall:
 - a. perform a cost-benefit analysis upon the final promulgation of new regulations, and provide to the Governor an assessment of the impact on Indiana business of such regulations;
 - b. assist the Governor in the articulation, development, and execution of the Governor's policies and programs on fiscal management;
 - c. be involved, on behalf of the Governor, in the development and review of all policy, legislative, and regulatory proposals affecting capital budgeting, procurement, e-government, and other matters related to fiscal management;
 - d. coordinate the review and clearance of the Governor's legislative proposals and statements on bills pending before the General Assembly;
 - e. monitor the General Assembly's action on spending legislation, report to the Governor as necessary on such action, and articulate the Governor's position on proposed spending legislation;
 - f. harmonize agency views on legislation and facilitate the negotiation of policy positions relating to the Governor's policies, legislative priorities, and programs;
 - g. provide expertise for budget decision-making and negotiations;
 - h. analyze trends in, and the consequences of, aggregate budget policy; and
 - i. establish metrics, with the approval of the Governor, for measuring state government performance and efficiency.

5. In furtherance of the goal of coordinating the State's financial management functions, the Director of the SBA, the Commissioner of the Department of Revenue, the Public Finance Director, and the Commissioner of the Department of Local Government Finance, all of whom are appointed by and serve at the pleasure of the Governor, shall report to the Director of the OMB and administer their offices and agencies in compliance with such policies and procedures related to fiscal management as may be established by the OMB and approved by the Governor.

6. 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, shall, to the fullest extent permitted by law, comply with such policies and procedures related to fiscal management as may be established by the OMB and approved by the Governor.

7. The OMB shall oversee and coordinate the functions, responsibilities, and duties of the Public Employment Retirement Fund (PERF), the Teachers Retirement Fund (TRF), and the State Board of Accounts to the fullest extent permitted by law.

8. All state agencies, as defined in IC 4-13-1-1, shall, in addition to complying with all relevant statutory duties related to state purchasing, be accountable to the OMB for adherence to policies and procedures on public procurement and spending controls established by the OMB and approved by the Governor.

9. The Division of Government Efficiency and Financial Planning is hereby established within the OMB. The Director of OMB shall appoint, subject to the approval of the Governor, a director of this division, who shall serve at the pleasure of the Director of OMB. This division shall conduct operational and procedural audits of state government, perform financial planning, design and implement efficiency projects, and carry out such other responsibilities as may be designated by the Director of OMB.

10. This Executive Order shall expire upon the enactment of legislation by the General Assembly to codify the creation and functions of the OMB as described in this Executive Order.

11. 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, shall cooperate and provide assistance to the OMB in implementing this Executive Order to the fullest extent permitted by law.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-3

FOR: CREATION OF THE OFFICE OF INSPECTOR GENERAL

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Hoosiers deserve to know that government decisions are being made in the public interest, not because of gifts, political contributions, or undue influence;

WHEREAS, it is imperative that clear ethics guidelines be developed and rigorously enforced to ensure that all state employees meet the highest standards of conduct;

WHEREAS, the federal government and many other states have created the position of Inspector General to root out fraud and ethical misconduct and serve as a public watchdog on behalf of taxpayers;

WHEREAS, Indiana must create the position of Inspector General and should model the position after that of the federal government, which annually recovers over \$5.5 billion as a result of its efforts;

Executive Orders

WHEREAS, the Governor has proposed legislation to the General Assembly that would codify the creation of the Office of Inspector General;

WHEREAS, it is appropriate and necessary to give immediate effect to actions designed to address the need and implement the reforms described in this Executive Order;

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 Office of Inspector General (OIG) is hereby created and shall be responsible for addressing fraud, waste, abuse, and wrongdoing in state government.
2. An Inspector General shall be appointed by and serve at the pleasure of the Governor. The Inspector General shall be an attorney licensed to practice law in Indiana.
3. The Inspector General shall be the director of the OIG and may appoint such additional staff of deputy inspectors general, investigators, auditors, and clerical employees as may be necessary to carry out the duties of the OIG.
4. The Inspector General shall:
 - a. Initiate, supervise, and coordinate investigations;
 - b. Recommend policies and carry out other activities designed to deter, detect, and eradicate fraud, waste, abuse, mismanagement, and misconduct in state government;
 - c. Receive complaints alleging the following:
 - i. A violation of the code of ethics referred to in subparagraph 4(e) below;
 - ii. Bribery (IC 35-44-1-1);
 - iii. Official misconduct (IC 35-44-1-2);
 - iv. Conflict of interest (IC 35-44-1-3);
 - v. Profiteering from public service (IC 35-44-1-7);
 - vi. A violation of the executive branch lobbying rules (Executive Order 04-11); and
 - vii. A violation of a statute or rule relating to the purchase of goods or services by a current or former state employee, state officer, special state appointee, lobbyist, or person who has a business relationship with an agency.
 - d. Report the suspected crime to the Governor and appropriate state or federal law enforcement agencies or prosecuting authorities having jurisdiction over the matter if the Inspector General has reasonable cause to believe that a crime has occurred or is occurring;
 - e. Adopt a code of ethics for the conduct of state business in a manner consistent with Indiana law;
 - f. Ensure that every state employee, state officer, special state appointee, and person who has a business relationship with an agency is properly trained in the code of ethics;
 - g. Provide advice to agencies on developing, implementing, and enforcing policies and procedures to prevent or reduce the risk of fraudulent or wrongful acts within the agencies; and
 - h. Recommend legislation to the Governor and the General Assembly to strengthen public integrity laws.
5. The Inspector General shall have such other powers, duties, and responsibilities as may be set forth by statute upon enactment of legislation or as may be designated from time to time by the Governor consistent with the exercise of executive authority under the Constitution and laws of the State.
6. If, after investigation, the Inspector General determines that there is specific and credible evidence that a current or former state employee, a current or former state officer, a current or former special state appointee, or a person who has or had a business relationship with an agency has violated the code of ethics, the Inspector General may file a complaint with the State Ethics Commission and represent the State in a public proceeding before such Commission or negotiate an agreed settlement for approval by such Commission, in each case according to its rules.
7. The State Ethics Commission shall continue to be the adjudicative body for all alleged ethics violations. The Inspector General shall provide staff for the State Ethics Commission and assume the responsibility for investigating and initiating administrative, civil recovery, or criminal actions for alleged misconduct.
8. 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, shall cooperate and provide assistance to the OIG in implementing this Executive Order to the fullest extent permitted by law.
9. This Executive Order shall expire upon the enactment of legislation by the General Assembly to codify the measures described in this Executive Order.
10. Executive Order 04-09 establishing the Office of Chief Investigator is hereby superseded.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-4

FOR: CONTINUING THE OFFICE OF PUBLIC FINANCE

WHEREAS, Executive Order 01-17, dated December 3, 2001, created the Office of Public Finance for the State, and Executive Order 03-36, effective September 13, 2003 (collectively, with Executive Order 01-17, the "Prior Orders"), continued the Office of Public Finance;

WHEREAS, the establishment of the Public Finance Office recognized the importance to the State 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 Hoosiers that the State 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 to continue the work of the Public Finance Office;

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 Office of Public Finance created under the Prior Orders (the "Public Finance Office") shall be continued.
2. The Public Finance Office shall be managed by the Public Finance Director, who shall specialize in public finance, debt issuance, and management and pension investment matters for the State. The Public Finance Director shall report to the Director of the Office of Management and Budget (OMB), and shall be appointed by and serve at the pleasure of the Governor.
3. The Public Finance Director and employees of the Public Finance Office shall be employed by (and housed within) the Indiana Development Finance Authority (IDFA) or the Indiana Transportation Finance Authority (ITFA).
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 IDFA, Indiana Port Commission, Indiana Recreational Development Commission, State Fair Commission, Indiana State Office Building Commission and ITFA, 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 Director of the Office of Management and Budget.
6. The Public Finance Director shall coordinate, monitor, and oversee the debt issuance and management and investment activities of all the Issuers and Programs, including such additional issuers and programs as the Governor or the Director of OMB may designate or direct from time to time.
7. The Public Finance Director shall also advise the Director of OMB and the Governor as to debt issuance and management activities and investment matters of all bodies corporate and politic and instrumentalities of the State 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, IDFA, Indiana Educational Facilities Authority, Indiana Health Facility Financing Authority, Indiana Housing

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Finance Authority, Intelnet 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 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 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 Director of OMB on debt issuance and management and investment matters, including a debt database;
- d. work with the Treasurer 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. advise and work with the Special Purpose Issuers and Special Programs on debt issuance and management and investment matters;
- g. coordinate all communications with and presentations to credit rating agencies, investors and prospective investors with respect to the State and its credit and economy, the Issuers and the Programs;
- h. participate in meetings of investment committees and task forces of or for Special Programs, including PERF and TRF;
- i. when designated or otherwise authorized by the Governor, chair the ITFA and the Board for Depositories and, when requested by the Governor, serve as the Governor's representative on finance and related boards;
- j. 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;
- k. advise Issuers and Programs on good disclosure practices and coordinate and help Issuers and Programs fulfill their current and continuing disclosure obligations;
- l. advise the Governor and the Director of OMB 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 shall cooperate with and provide assistance and information to the Public Finance Director in the implementation of this Executive Order to the fullest extent permitted by law.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-5

FOR: ESTABLISHMENT OF THE "BUY INDIANA" PRESUMPTION

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, over \$.40 of every public purchasing dollar in state government is being spent outside Indiana and, as a result, the public's business is being transacted with out-of-state companies out of the public's view; and

WHEREAS, when our tax dollars are spent on goods and services provided by Indiana-based businesses that employ Hoosiers, our State benefits from increased employment opportunities, more tax revenues to fund our schools, roads, police and fire protection, health care, and other public services, and enhanced oversight of the use of public funds;

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. Subject to such policies and procedures as may be developed and approved in accordance with paragraph 3 below, state procurement shall be subject to a "Buy Indiana" presumption requiring state agencies to buy their supplies and services from "Indiana businesses," as defined by IC 5-22-15-20.5.
2. The Department of Administration (DOA) shall undertake all efforts to increase the percentage of state procurement from Indiana businesses to 90 percent of the State's total procurement volume.
3. In furtherance of such efforts, the Commissioner of Administration shall, as soon as practicable following the date hereof, develop procurement policies and procedures to give effect to the "Buy Indiana" presumption. Such policies and procedures, which shall be subject to the Governor's approval, shall set forth the guidelines (and any *de minimis* or other exceptions thereto) to be followed by state agencies in conducting their procurement efforts on the basis of the "Buy Indiana" presumption.
4. The DOA shall also promulgate rules and, if necessary, recommend such legislative reform as may be necessary to implement more fully this "Buy Indiana" presumption.
5. State contracts that do not meet any of the *de minimis* or other exceptions under the Buy Indiana policies and procedures shall only be awarded to "out-of-state businesses," as defined by IC 5-22-15-20(b), upon the DOA's approval of a written request by the contracting agency for a waiver of the "Buy Indiana" presumption. This written request shall set forth (a) the reasons for seeking the waiver and (b) list each Indiana business that submitted a bid to provide the goods or perform the services sought by the State.
6. This Executive Order shall not be deemed to authorize any state agency, as defined in IC 4-13-1-1, to conduct its purchasing functions in a manner contrary to applicable law, nor shall it create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the State, its agencies or instrumentalities, its officers or employees, or any other person.
7. This Executive Order shall not apply to procurement of supplies and services to address immediate and serious government needs at a time of emergency, including without limitation a threat to the public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, acts of terrorism, major power failures, or such other threat as may be proclaimed by the Governor or determined by the Commissioner of Administration.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-6

FOR: DIRECTIVE TO ACCOUNT FOR ALL STATE ASSETS AND TO DIVEST OF UNUSED OR UNDERUTILIZED ASSETS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

Executive Orders

WHEREAS, state government is entrusted with managing its assets to optimize public services without unnecessary expense;

WHEREAS, this responsibility for management and efficient stewardship includes ensuring proper utilization and maintenance of state assets, acting judiciously to increase assets as necessary to meet heightened needs for public services, and acting prudently to decrease assets when there exists an asset surplus relative to such needs;

WHEREAS, the State does not currently have an accurate account of all state assets, many of which are unused or underutilized;

WHEREAS, by one estimate, the State owns one vehicle for every three state employees;

WHEREAS, the absence of an accurate inventory and the inefficient use of state assets burden Hoosier taxpayers with unnecessary expense; and

WHEREAS, the State would benefit from efforts to identify and dispose of unused and underutilized assets in order to redeploy its capital to new and more productive uses;

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 Department of Administration (DOA) and the Office of Management and Budget (OMB) shall provide a detailed accounting of all state assets to the Governor by July 1, 2005. In their accounting, the DOA and the OMB shall specifically identify all unused, underutilized, or otherwise unnecessary state assets. Any property subject to any legal protection or impediment restricting the sale of such property shall also be specifically identified. The DOA and the OMB shall also recommend to the Governor options for disposing of such assets, specifically noting the most efficient and profitable means of doing so, and shall also recommend any necessary reforms to improve state asset management.
2. In order to complete the aforementioned accounting, all state agencies shall provide a complete inventory of their real and personal property in compliance with guidelines to be issued as soon as practicable following the date hereof by the Commissioner of Administration in conjunction with the Director of OMB. Such guidelines shall specify the methodology to be followed by the agencies in conducting the inventory, including requirements (and any *de minimis* exceptions thereto) for providing asset descriptions, identifying the purposes for which such assets are being used, and, in the case of unused, underutilized or otherwise unnecessary assets, providing suggestions for the most efficient and profitable means of disposing of such assets.
3. Other entities of state government not under the Governor's direct executive authority, including constitutional officers, the legislative and judicial branches, and the public institutions of higher education are requested to participate actively in this 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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-7

FOR: DIRECTIVE TO THE DEPARTMENT OF ADMINISTRATION TO LOG WRITTEN STATE CONTRACTS ON THE INTERNET

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, it is the policy of this Administration that all persons are entitled to full and complete information regarding the affairs of government;

WHEREAS, Hoosiers have every right to know how their hard-earned tax dollars are spent in state contracts; and

WHEREAS, the State would enjoy the benefits of increased competition if potential state contractors could easily review the significant aspects of state contracts.

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. As soon as practicable following the date hereof, the significant terms and conditions and other key elements of all written contracts to which the State becomes a party shall be summarized and logged on the Internet.
2. The Department of Administration (DOA) shall, subject to the approval of the Governor, develop policies and procedures to implement the program described in this Executive Order. Such policies and procedures shall prescribe the methodology for indexing the contract information and identify the criteria to be used to determine which contracts, if any, should be exempted from this program.
3. The index of contracts shall be searchable, free of charge, by Electronic Document Summary number, contracting agency, vendor, contract amount, and any other data included in the index.
4. As part of this program, the DOA shall also make available on the Internet the total number of state contracts entered into each year, the total amount of dollars awarded under state contracts each year, and the number and percentage of Indiana businesses and out-of-state businesses to whom state contracts are awarded each year as prescribed by Executive Order 05-05.
5. 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, shall cooperate and provide assistance to the DOA in implementing this Executive Order to the fullest extent permitted by law.
6. The Commissioner of Administration shall report to the Governor by July 1, 2005, on the status of the implementation of 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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL
ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-8

FOR: CREATION OF THE OFFICE OF FEDERAL GRANTS AND PROCUREMENT

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, federal and federally-assisted development, grant, loan, and planning activities have a significant effect on the economic, social, and aesthetic well-being of the citizens of Indiana;

WHEREAS, the maximum benefits from these federal programs are only achieved in a framework of coordination and cooperation;

Executive Orders

WHEREAS, Indiana recently placed near the bottom of multiple lists ranking states by the amount of federal grant money they received;

WHEREAS, Indiana is 52nd in the nation in securing federal education grants and 51st in the nation in securing health and human services grants;

WHEREAS, it is imperative that Indiana be as competitive as any other state in securing federal grants;

WHEREAS, in 1982, President Reagan issued Executive Order 12372, "Intergovernmental Review of Federal Programs," which provided states with an opportunity to review and coordinate proposed federal financial assistance and direct federal development;

WHEREAS, Executive Order 12372 allows each state to designate an entity to establish a clearinghouse for seeking federal grants; and

WHEREAS, a state clearinghouse for seeking federal grants should be created to eliminate duplication, ensure proposals are in accord with state plans, policies, programs, objectives and procedures, determine if the proposed project is fiscally and environmentally sound, and provide information to state government and businesses concerning proposed activities that may affect them;

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 Office of Federal Grants and Procurement (OFGP) is hereby created. The OFGP shall have a direct relationship to the Office of the Governor.
2. The Director of the OFGP shall be appointed by and shall serve at the pleasure of the Governor.
3. In accordance with federal law, the OFGP shall serve as the single point of contact (SPOC) for federal assistance applications in the State.
4. The OFGP shall log, assign a State Application Identifier (SAI) to, and review all proposals for federal assistance in accordance with applicable federal and state laws.
5. The OFGP shall review the best practices of other SPOCs that have been designated to participate in the intergovernmental review process with the U.S. Office of Management and Budget and promulgate all necessary and proper rules and regulations to carry out this essential function.
6. Executive Order 10-83 designating the State Budget Agency as the state agency responsible for the administration of the procedures for Intergovernmental Review is hereby superseded.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-9

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

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, under the provisions of IC 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;

WHEREAS, the State, 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;

WHEREAS, the State, 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, transportation accidents, and acts of terrorism;

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

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 IC 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, 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 Director of the State Emergency Management Agency, appointed pursuant to IC 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 Department;
- 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;
- Director of the Indiana Counterterrorism and Security Council; and
- Governor's Liaison for Public Safety Issues.

3. The Director of the State Emergency Management Agency 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.

4. The Director of the State Emergency Management Agency shall reestablish and 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, with the advice of the Director of the State Emergency Management Agency, 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 to reimbursement from his or her employing agency for travel 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.

Executive Orders

5. In accordance with IC 10-14-3-9 and IC 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.

6. 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 the Governor's 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 IC 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.

7. 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.

8. 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.

9. 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, each agency of state government shall promptly send the agency's designated emergency management coordinator or designee to the State Emergency Operations Center to monitor and analyze information and participate as its representative in performing all tasks relating to the State's response to the incident.

10. In accordance with IC 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.

11. 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.

12. Each state agency shall develop and keep current a continuity of operations plan to ensure that its essential functions are performed during any emergency or situation that may disrupt normal operation. This plan shall be developed and maintained consistent with the guidelines of, and in cooperation with, the State Emergency Management Agency and shall be submitted to the State Emergency Management Agency and the Governor. Each agency emergency management coordinator shall participate in plan reviews, training and exercises organized by the State Emergency Management Agency and shall conduct internal training and exercises of appropriate agency employees to ensure that the plan can be implemented with little or no notice.

13. The United States Department of Homeland Security has adopted a National Incident Management System that establishes standardized incident management processes, protocols, and procedures that all responders -- Federal, state, tribal, and local -- will use to coordinate and conduct response actions. Said National Incident Management System is hereby established as the state standard for incident management.

14. 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 for all emergency and disaster matters and shall submit the name of the coordinator to the Director of the State Emergency Management Agency:

- Alcohol and Tobacco Commission created by IC 7.1-2-1-1;
- Budget Agency created by IC 4-12-1-3;
- Bureau of Motor Vehicles created by IC 9-14-1-1;
- Civil Rights Commission created by IC 22-9-1-4;
- Commissioner of Agriculture created by IC 4-4-3-2;
- Commission on Public Records created by IC 5-15-1.5-3;

- Counterterrorism and Security Council created by IC 4-3-20-2;
- Department of Commerce created by IC 4-4-3-2;
- Department of Correction created by IC 11-8-2-1;
- Department of Education created by IC 20-1-1.1-2;
- Department of Environmental Management created by IC 13-13-1-1;
- Department of Financial Institutions created by IC 28-11-1-1;
- Department of Insurance created by IC 27-1-1-1;
- Department of Labor created by IC 22-1-1-1;
- Department of Local Government Finance created by IC 6-1.1-30-1.1;
- Department of Natural Resources created by IC 14-9-1-1;
- Department of State Revenue created by IC 6-8.1-2-1;
- Department of Workforce Development created by IC 22-4.1-2-1;
- Fire and Building Services Department created by IC 22-12-5-1;
- Governor's Council for People with Disabilities created by IC 4-23-29-7;
- Health Professions Bureau created by IC 25-1-5-3;
- Indiana Department of Administration created by IC 4-13-1-2;
- Indiana Department of Transportation created by IC 8-23-2-1;
- Indiana Gaming Commission created by IC 4-33-3-1;
- Indiana Grain Buyers and Warehouse Licensing Agency created by IC 26-3-7-1;
- Indiana Housing Finance Authority created by IC 5-20-1-3;
- Indiana Port Commission created by IC 8-10-1-3;
- Indiana Professional Licensing Agency created by IC 25-1-6-3;
- Indiana State Board of Animal Health created by IC 15-2.1-3-1;
- Indiana Utility Regulatory Commission created by IC 8-1-1-2;
- Intelenet Commission created by IC 5-21-2-1;
- Law Enforcement Training Board created by IC 5-2-1-3;
- Military Department of the State created by IC 10-16-2-1;
- Office of Attorney General created by IC 4-6-1-2;
- Office of Auditor of State created by Article VI, Section 1 of the Indiana Constitution;
- Office of the Secretary of Family and Social Services created by IC 12-8-1-1;
- Office of Secretary of State created by Article VI, Section 1 of the Indiana Constitution;
- Office of Treasurer of State created by Article VI, Section 1 of the Indiana Constitution;
- Office of Utility Consumer Counselor created by IC 8-1-1.1-2;
- Professional Standards Board created by IC 20-1-1.4-2;
- Public Safety Institute created by IC 5-2-10.5-4;
- State Board of Accounts created by IC 5-11-1-1;
- State Department of Health created by IC 16-19-1-1;
- State Information Technology Oversight Commission created by IC 4-23-16-1;
- State Office Building Commission created by IC 4-13.5-1-1.5;
- State Personnel Department created by IC 4-15-1.8-2;
- State Police Department created by IC 10-11-2-4; and
- Worker's Compensation Board created by IC 22-3-1-1;

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

16. Executive Order 03-34 addressing the same subject matter covered by this Executive Order is hereby superseded.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-10

FOR: DIRECTIVE TO ESTABLISH MEDICAL ERROR REPORTING AND QUALITY SYSTEM

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Indiana's hospitals are among the most advanced in the country and must continue to lead the way in improving patient care and health outcomes;

WHEREAS, a landmark report by the Institute of Medicine and other evidence demonstrates that medical errors are among the leading causes of death in the United States and impose an enormous economic cost on families and businesses;

WHEREAS, a growing, widely respected body of standards, best practices, and technical support services now exists on which to construct medical error reporting and quality systems (MERS), including the work of the Hospital Quality Initiative of the federal Department of Health and Human Services, the Institute for Healthcare Improvement, and the "Leapfrog Group" of private business and healthcare purchasers;

WHEREAS, hospitals across the country are implementing MERS to improve healthcare and demonstrate to both health professionals and the public that procedures can be implemented to reduce medical errors by identifying and controlling the associated hazards;

WHEREAS, successfully implemented MERSs reduce the frequency of medical errors and can reveal the causes for errors and empower healthcare professionals to design methods to prevent or discover errors before patients are harmed; and

WHEREAS, Indiana hospitals are not currently required to implement a MERS, and the successful implementation of a MERS would likely radically improve Hoosier healthcare and lessen healthcare costs;

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. As soon as practicable, the Department of Health (DOH) shall promulgate regulation, and, if necessary, propose legislation, requiring each hospital in this State to implement a MERS.
2. The DOH shall confer with various representatives of the State's hospitals, physicians, nurses, pharmacists, and quality improvement experts and consult best practices guides, including the 10-measure "starter set" of quality reporting indicators that are supported by the federal Hospital Quality Initiative, to develop minimum standards applicable to every MERS in the State.
3. To ensure that each hospital's MERS is effective, the MERS should, at a minimum:
 - a. ensure that patients' and healthcare professionals' identities are kept confidential and not discoverable in any court or administrative proceeding;
 - b. not be used as the basis for punishing any healthcare professional;
 - c. require all healthcare professionals to report medical errors promptly;
 - d. require hospitals to report all MERS data to the DOH, which shall make the information available on its website for the public to see which hospitals are the most successful in reducing medical errors;
 - e. require DOH to regularly disseminate medical error data and trends analysis to hospital administrators, front-line caregivers, and the public so that hospitals can implement useful error prevention strategies;
 - f. require hospitals to provide patients with easy to understand aggregate data and trends analysis so that patients understand their role in helping to prevent errors; and
 - g. require hospitals to share successful solutions and improvements with other hospitals.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-11

FOR: RECOGNITION OF PRIVATE MINORITY BUSINESS ENTERPRISE CERTIFICATION

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, the State has taken up to twelve months to approve an application for a Minority Business Enterprise (MBE) certification for state contracting purposes and, as a result, minority small business owners are losing business opportunities while waiting for an MBE certification;

WHEREAS, in contrast, the Indiana Regional Minority Supplier Development Council (IRMSDC) takes only three to five weeks to grant such a certification, which is recognized and accepted by well-regarded companies across Indiana;

WHEREAS, the State does not currently recognize the IRMSDC certification; and

WHEREAS, the IRMSDC certification should be recognized and accepted by this State, and the Department of Administration (DOA) should strive to ensure that applications for MBE certifications will be processed within sixty (60) days;

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. It shall be the policy of the DOA to accept the IRMSDC's MBE certification for state contracting purposes.
2. Pending the promulgation of administrative rules to formalize the specific terms and conditions of this policy, the policy shall be subject to revocation at any time if the Governor, in consultation with the Commissioner of Administration, determines that the IRMSDC's certification process has materially changed and, as a result of such changes, no longer benefits the State.
3. The DOA shall undertake a comprehensive review of the State's MBE certification process under IC 4-13-16.5-1 *et seq.* and the administrative rules promulgated thereunder and shall, within one hundred eighty (180) days of the date of this Executive Order, take any necessary and proper action to be able to render its decision on each application for MBE certification within sixty (60) days of the submission of the application.
4. The DOA shall promulgate administrative rules to formalize the specific terms and conditions of the aforementioned policy of accepting the IRMSDC's MBE certification for state contracting purposes.
5. The DOA shall research whether reputable private companies are available to provide certifications as part of the State's Women Business Enterprise (WBE) certification program, as well, and report its findings to the Governor as soon as practicable.
6. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the State, its agencies or instrumentalities, its officers or employees, or any other person.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-12

FOR: ESTABLISHING ETHICAL RULES OF CONDUCT FOR STATE OFFICERS, EMPLOYEES, AND SPECIAL APPOINTEES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Hoosiers deserve to know that state government is being conducted in an open and honest fashion and in the public interest;

WHEREAS, currently the functions of state government are often performed with a lack of openness and adequate disclosure;

WHEREAS, Indiana continues to trail other states and the federal government in the ethical expectations demanded of its officers, employees, and special appointees; and

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. No agency officer, employee, or special state appointee, as defined by IC 4-2-6-1, shall solicit or accept gifts, favors, services, entertainment, food, or drink in any amount from a person who has a business relationship with the employee's agency, except as permitted under 40 IAC 2-1-6(a) or 40 Indiana IAC 2-1-6(b)(1)-(6). Upon enactment of legislation codifying the position of Inspector General, the Inspector General shall promulgate rules, in consultation with the Indiana State Ethics Commission, to effectuate this prohibition. Executive Order 04-08, which continues in effect, is hereby amended to be consistent herewith.
2. The Commissioner of Administration shall consult with the Inspector General and State Ethics Commission prior to promulgating rules requiring registration for individuals who lobby the Executive Branch. Executive Order 04-11, which continues in effect, is hereby amended to be consistent herewith.
3. The heads of all state agencies and instrumentalities of the executive department, including all bodies corporate and politic, and all employees or special state appointees with purchasing or procurement authority on behalf of the State, shall not solicit political contributions on behalf of any candidate for public office, unless that individual is a candidate for public office himself or herself.
4. No state officer, employee, or special state appointee shall accept other employment involving compensation of substantial value if the responsibilities of that employment are inherently incompatible with the responsibilities of public office or require the individual's recusal from matters so central or critical to the performance of the individual's official duties that the individual's ability to perform those duties would be materially impaired. The Inspector General is directed to create procedures for the issuance of an advisory opinion granting approval to outside employment, which advisory opinion would serve as conclusive proof that such employment is not in violation of this section and is consistent with the State's desire to attract quality individuals who are successful in the community and/or private sector and are willing to serve the State in some capacity.
5. A state officer, employee, or special state appointee may not participate in any decision or vote if that individual has knowledge that any of the following has a financial interest in the outcome of the matter:
 - a. The state officer, employee, or special state appointee.
 - b. A member of the immediate family of the state officer, employee, or special state appointee.
 - c. A business organization in which the state officer, employee, or special state appointee is serving as an officer, director, trustee, partner, or employee; or
 - d. Any person or organization with whom the state officer, employee, or special state appointee is negotiating, or has an arrangement concerning, prospective employment.

The Inspector General is directed to create procedures to allow an individual who identifies a potential financial conflict of interest to make full disclosure, establish screening procedures, and obtain an advisory opinion that would serve as conclusive proof that it is not a violation of this section for a state officer, employee, or special state appointee to participate in a particular matter.

6. A state officer, employee, or special state appointee may not knowingly have a direct or indirect financial interest in a contract made by any agency. This prohibition does not apply if:
 - a. the contract is made after public notice or, where applicable, through competitive bidding;
 - b. the state officer, employee, or special state appointee files with the State Ethics Commission a statement making full

disclosure of all related financial interests in the contract;

c. the contract can be performed without compromising the performance of the official duties and responsibilities of the state officer, employee, or special state appointee; and

d. in the case of a contract for professional services, the appointing authority of the contracting agency makes and files a written certification with the State Ethics Commission that no other state officer, employee, or special state appointee of the agency is available to perform those services as a part of their regular duties.

The Inspector General is directed to create procedures for the issuance of an advisory opinion that would serve as conclusive proof that it is not a violation of this section if a state officer, employee, or special state appointee who, acting in good faith, learns of an actual or prospective violation of this section no later than thirty (30) days after the agency makes the contract, makes full disclosure of any financial interest, and terminates or disposes of the financial interest.

7. The revolving door prohibitions created by Executive Order 04-10, which continues in effect, shall continue to apply to any state officer, employee, or special state appointee who left state government prior to January 10, 2005, or to any individual who served as a state officer, employee or special state appointee prior to and after January 10, 2005 and who seeks and receives a waiver from the State Ethics Commission of the requirements of this Executive Order that are in addition to those imposed by Executive Order 04-10.

8. No state officer, employee, or special state appointee who leaves state government after January 10, 2005 shall accept employment or receive compensation for one year:

a. as a lobbyist engaged in lobbying the executive or legislative branches of state government in Indiana;

b. from an employer if the former officer, employee, or special state appointee was engaged in the negotiation or administration of one or more contracts with that employer or in a position to make a discretionary decision affecting the outcome of the negotiation or administration of such a contract; or

c. from an employer if the former officer, employee, or special state appointee made a regulatory or licensing decision that directly applied to the employer or to a company that controls, is controlled by, or is under common control with, the employer.

9. No state officer, employee, or special state appointee who leaves state government after January 10, 2005 shall represent or assist a person in a particular matter involving the State if such former officer, employee, or appointee personally and substantially participated in the matter while serving in the capacity of a state officer, employee, or special state appointee, even if such former officer, employee, or appointee receives no compensation for such representation.

10. A registered lobbyist may not serve as a member of a board, commission, committee, authority, or task force of the executive department, unless that body is an advisory body only. This provision shall not apply to any person who was appointed to a board, commission, committee, authority, or task force of the executive department prior to January 10, 2005.

11. 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, are directed to notify the State Ethics Commission within thirty (30) days of this executive order that they are under the jurisdiction of the State Ethics Commission.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-13

FOR: EXTENDING A UTILITY SERVICE EMERGENCY IN THE STATE OF INDIANA DURING SEVERE WEATHER

Executive Orders

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, on January 5, 2005, conditions existed constituting a utility service emergency because of inclement weather in the form of an ice storm;

WHEREAS, on January 10, 2005, those conditions continue to exist, including additional inclement weather and the loss of power to thousands of Indiana residents;

WHEREAS, the availability of essential utility services is vital to the welfare and economy of Indiana;

WHEREAS, the Indiana electric and gas utility industries have requested additional relief from the requirements of 49 C.F.R. § 395.3(a) and § 395.3(b) of the Federal Motor Carrier Safety Regulations for commercial motor vehicles while restoring power outages and service interruptions;

WHEREAS, 49 C.F.R. § 390.23 of the Federal Motor Carrier Safety Regulations provides that a governor of a state may declare an emergency, thereby exempting owners and operators of commercial motor vehicles from parts 390 through 399 of the Federal Motor Carrier Safety Regulations;

WHEREAS, under IC 8-2.1-24-18, the requirements of 49 C.F.R. § 395.3(a) and § 395.3(b) apply to the drivers of commercial motor vehicles operating in this State, except for vehicles operated in the restoration of utility service; and

WHEREAS, the rapid and efficient restoration of utility services requires the temporary suspension of limitations on the hours of service for drivers of utilities' commercial motor vehicles and for drivers of support commercial motor vehicles that are necessary to provide equipment/supplies to ensure the restoration of utility service;

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., by virtue of the authority vested in me as Governor of the State of Indiana, as well as IC 10-14-3-13 and 49 C.F.R. Part 390.23, do hereby declare that the previously declared utility service emergency due to expire at noon on January 10, 2005, continues until noon on January 15, 2005, unless further extended by order of the Governor.

1. Energy utilities' vehicles and their commercial motor vehicle drivers are exempt from regulations restricting their hours of service during this utility service emergency. This exemption applies only to drivers directly participating in restoration of utility service affected by the inclement weather, and is intended to permit safe return to assigned home bases of operation at the conclusion of the utility service emergency.
2. Nothing contained in this declaration shall be construed as an exemption from any portion of the Motor Carrier Safety Regulations other than those regulating hours of service.
3. I respectfully request the governors of other states to waive trip and fuel permits and to facilitate travel through their states by commercial motor vehicles responding to this utility service emergency.

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 10th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-14

FOR: PROVIDING A COMPLAINT PROCEDURE TO STATE EMPLOYEES AND RESCINDING CERTAIN PRIOR EXECUTIVE ORDERS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, state employees should have available a complaint and hearing process for contested disciplinary actions; and

WHEREAS, the State must move forward with meaningful reforms, including improvements in the State's personnel system, while acknowledging the right of state employees to voluntarily belong to a union;

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 following complaint procedure is established:
 - a. An employee of the non-merit service, as defined in 31 IAC 1-1-1, who:
 - i. Does not have standing to file a complaint under a statute or rule,
 - ii. Has at least six (6) months of continuous full-time or twelve (12) months of continuous part-time employment,
 - iii. Is not classified in the ESM or SAM/PAT job categories, and
 - iv. Is not employed on a temporary or intermittent basismay file a complaint concerning the employee's dismissal, demotion, or suspension without pay.
 - b. The complaint must be filed in writing with the State Employees Appeals Commission, within thirty (30) calendar days from the date the employee receives notice of the disciplinary action.
 - c. The State Employees Appeals Commission will determine whether the suspension, demotion, or dismissal was based on inadequate performance or inappropriate behavior.
 - d. Determinations by the State Employee Appeals Commission are subject to judicial review in accordance with the Administrative Orders and Procedures Act.
2. Executive Orders 90-6, 97-8, and 03-35 are rescinded and declared null and void.
3. Executive Orders 03-44, 03-45, and 04-01, together with all prior Executive Orders approving union Settlements, are rescinded and declared null and void.

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 January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-15

FOR: CREATION OF THE INDIANA DEPARTMENT OF CHILD SERVICES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Public Law 9-1991, effective July 1, 1991, established, among other things, the Office of the Secretary of Family and Social Services (FSSA), the Office of Medicaid Policy and Planning, and certain family and social services advisory bodies;

WHEREAS, Public Law 9-1991 also provided to the Secretary of FSSA, subject to approval of the Governor, the authority to appoint directors of each division of FSSA;

WHEREAS, Executive Order 99-8, which continued FSSA as a state agency in 1999, recognized the constitutional power of the Governor to create administrative agencies by executive order (*see also* Executive Order 89-12; Executive Order 91-2; and IC 4-1-7.1-3);

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WHEREAS, the Division of Family and Children (DFC), which is a division of FSSA that is established under IC 12-13-1-1, *et seq.*, is generally responsible for services regarding child protection, child support, child development, foster care, adoption, paternity matters, Food Stamps, the temporary assistance for needy families (TANF) program, and child care licensing, among others;

WHEREAS, Indiana's future depends on its ability to provide children of the State with a healthy and supportive environment in which to live and grow and to prevent child abuse and neglect whenever possible;

WHEREAS, it has become clear that FSSA has become too large to effectively provide essential child protection services, foster care services, adoption services, independent living services, and child support services through the existing FSSA and DFC structure to our State's families and children;

WHEREAS, Indiana's families and children would be better served by a free-standing state agency dedicated, as its sole mission, to the administration of child protection services, foster care services, adoption services, independent living services, and child support services;

WHEREAS, the proper administration of these services is a matter of life and death for many children in our State;

WHEREAS, the Governor has proposed legislation to the General Assembly that would codify the measures described in this Executive Order; and

WHEREAS, it is appropriate and necessary to give immediate effect to actions designed to address the need and implement the reforms described in this Executive Order;

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 Indiana Department of Child Services (DCS) is hereby created as a state agency.
2. The Governor shall appoint a Director of the DCS who shall serve at the pleasure of the Governor and report directly to the Governor.
3. Those services and programs currently being administered by FSSA and the DFC that relate to child protection services, foster care services, adoption services, independent living services, and child support services through bureaus established within the DFC under Title 12 of the Indiana Code that are commonly referred to as the "Bureau of Family Protection and Preservation" and the "Bureau of Child Support" shall be transferred to and administered by DCS.
4. Consistent with the foregoing, the Secretary of FSSA and the Director of DCS are hereby authorized and directed to enter into such inter-agency agreements or memoranda of understanding and to take such other actions as may be necessary in order to provide for DCS's administration, to the fullest extent permitted by law, of the programs to be transferred to DCS pursuant to this Executive Order and for the continued funding for such programs through FSSA's budget until the enactment of legislation by the General Assembly to codify the creation of DCS and the other reforms described herein.
5. All DFC programs and services not being transferred to the DCS shall remain at FSSA and shall continue to be administered by the DFC, which shall be renamed the Division of Family Resources (DFR). The Secretary of FSSA shall appoint, subject to the approval of the Governor, a Director of the DFR.
6. All reporting requirements to the Budget Committee and the General Assembly that were previously required of the Secretary of FSSA or the Director of the DFC regarding child protection services, foster care services, adoption services, independent living services, or child support services shall now be the obligations of the Director of DCS.
7. The Director of DCS shall provide to the Governor copies of all reports that are required to be submitted to the Budget Committee and the General Assembly.
8. The Director of DCS shall provide quarterly reports to the Governor that assess the state of child abuse and neglect, foster care services, adoption services, independent living services, and child support enforcement and collection efforts in the State.
9. The Director of DCS shall have such other powers, duties, and responsibilities as may be set forth by statute upon enactment of legislation or as may be designated from time to time by the Governor consistent with the exercise of executive authority under the Constitution and laws of the State.
10. All rules adopted prior to the effectiveness of this Executive Order pertaining to FSSA or the DFC regarding child protection services, foster care services, adoption services, independent living services, or child support services shall now pertain to DCS for those same purposes to the fullest extent permitted by law.
11. This Executive Order shall expire upon the enactment of legislation by the General Assembly to codify the measures described in 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 11th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 05-16

FOR: CREATION OF THE OFFICE OF FAITH-BASED AND COMMUNITY INITIATIVES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Hoosiers are a dedicated and selfless people who have a long and proud tradition of helping their neighbors and those less fortunate than themselves;

WHEREAS, committed volunteers in faith-based and community-based organizations bring unique skills, services, and resources to bear on the struggles faced by Hoosier families;

WHEREAS, there are many opportunities for faith-based and community-based organizations to partner with government entities to deliver services more effectively than either can do alone;

WHEREAS, these opportunities represent an avenue toward addressing many of the State's unmet educational, human, public safety, and environmental needs and expanding the options available for enhancing the quality of life for all Hoosiers;

WHEREAS, many beneficial opportunities may be lost if faith-based and community-based groups are not aware of opportunities to participate with state government in serving Hoosiers, or are not equipped to participate on a level playing field, to the fullest extent permitted by law, in partnering or contracting with government entities for the delivery of services that serve a valid government purpose;

WHEREAS, similarly, many beneficial opportunities may be lost if state government does not make efforts to reach out and share information about opportunities to faith-based and community-based providers or to secure and direct federal and state funding to them or assist them in identifying and applying for discretionary federal and state grants;

WHEREAS, government may neither advance nor inhibit religious expression, nor endorse any particular type of religion over non-religion, but must not discriminate against the provision of services by faith-based or community-based providers who are otherwise qualified to provide services;

WHEREAS, it is beneficial to encourage communication between state government and faith-based and community-based organizations, recognizing the importance of sharing information about and encouraging the best practices of successful faith-based and community-based programs;

WHEREAS, the National and Community Service Trust Act of 1993 (the "Act") 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 makes federal funding available under the National and Community Service State Grant Program;

WHEREAS, Hoosiers can benefit from a comprehensive and coordinated effort to improve and strengthen the State's volunteerism and community service infrastructure, maximize the utilization of available resources, and cultivate volunteer service opportunities that address the State's pressing needs; and

Executive Orders

WHEREAS, this effort should be facilitated by a program having a position of prominence in direct relationship to the Office of the Governor;

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 Office of Faith-Based and Community Initiatives (OFBCI) is hereby created.
2. The OFBCI shall have a Director, who shall be appointed by the Governor and serve at the pleasure of the Governor.
3. The OFBCI shall have a direct relationship to the Office of the Governor. The Director of the OFBCI shall be authorized and directed to organize the OFBCI in such manner as the Director deems necessary or appropriate to achieve the objectives set forth in this Executive Order.
4. The OFBCI shall:
 - a. apply for funding to the Corporation for National and Community Service and other entities that administer federal grants to support the objectives established by OFBCI for faith-based and community-based programs;
 - b. provide to all applicants under the National and Community Service State Grant Program and other federal programs the services required by, and select grantees under, such guidelines as may be specified by those federal programs and applicable law;
 - c. work closely with faith-based and community-based groups, charitable organizations, private charities, voluntary associations, educational entities, and other nonprofit service organizations to promote volunteerism and community service and to assist them in identifying and applying for discretionary federal grants;
 - d. provide technical assistance, education, information, and other support to such groups and organizations to improve and strengthen the State's volunteerism and community service infrastructure;
 - e. promote innovative and model programs and initiatives and share best practices among such groups and organizations; and
 - f. coordinate OFBCI activities with those of any federally administered service programs to ensure that services are not duplicated.
5. The Indiana Commission on Community Service and Volunteerism (ICCSV) is continued. The existing programs of both the ICCSV and FaithWorks Indiana, which were formerly affiliated with the Department of Workforce Development and the Division of Family and Children of the Family and Social Services Administration, respectively, will be transferred to the OFBCI. The staff and resources of the ICCSV and FaithWorks Office will also be transferred to the OFBCI.

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 January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-17

FOR: CREATION OF THE OFFICE OF TECHNOLOGY

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, today, the State's information technology is managed by each state agency under the limited oversight and coordination of at least three different entities: the Information Technology Oversight Commission, the Division of Information Technology, and the Intelenet Commission;

WHEREAS, this decentralized structure prevents Indiana from delivering the highest quality information technology services at the

lowest cost, since such a siloed approach leads to inconsistent services, prevents uniform accounting and management of assets and expenses, and prevents consolidation and efficiency;

WHEREAS, the Intelenet Commission has been plagued by scandal and ineffectiveness and must be abolished;

WHEREAS, immediate efficiencies can be realized by the coordination of all state information technology through a single office;

WHEREAS, the Governor has proposed legislation to the General Assembly that would codify the Office of Technology; and

WHEREAS, it is appropriate and necessary to give immediate effect to actions designed to address the needs and implement the reforms described in this Executive Order;

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 Office of Technology (OT) is hereby created.
2. A Director of the OT, who shall serve at the pleasure of the Governor, shall be appointed by the Governor and shall be the Chief Information Officer of the State.
3. To the fullest extent permitted by law, the OT shall:
 - a. Develop and maintain overall strategy and architecture for the use of information technology in state government.
 - b. Review all state agency budget requests and proposed contracts relating to information technology.
 - c. Coordinate state information technology master planning.
 - d. Maintain an inventory of information technology resources and expenditures.
 - e. Manage a computer gateway known as "accessIndiana" solely to carry out or to facilitate the carrying out of essential public, educational, and governmental functions of authorized users.
 - f. Provide technical staff support services for each state agency in conjunction with the information technology director, or other similar person knowledgeable on information technology matters, within each state agency.
 - g. Monitor trends and advances in information technology.
 - h. Monitor state agency information technology activities.
 - i. Develop and maintain policies, procedures, and guidelines for the effective and secure use of information technology in state government.
 - j. Develop and maintain guidelines for the hiring of information technology staff in state agencies.
 - k. Conduct periodic management reviews of information technology activities within state agencies.
 - l. Seek funding for technology services from any source of funds.
 - m. Perform other related functions and duties under the direction of the Chief Information Officer.
4. The OT shall have such other powers, duties, and responsibilities as may be set forth by statute upon enactment of the aforementioned legislation or as may be designated from time to time by the Governor consistent with the exercise of executive authority under the Constitution and laws of the State.
5. Agencies and 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 (hereinafter "state instrumentalities"), shall use information technology and telecommunications services provided by the OT.
6. State instrumentalities shall submit to the OT all information technology-related budget requests, which will be reviewed by and be subject to the approval of the OT, prior to submission to the state budget agency of requests for appropriations.
7. State instrumentalities shall submit all information technology-related proposed contracts to the OT, which will be reviewed by and be subject to the approval of the OT. The requirements of this subsection are in addition to the rules adopted by the Department of Administration (DOA); however, the DOA shall not promulgate any procurement rule that is duplicative or inconsistent with the rules adopted by the OT.
8. State instrumentalities shall submit all other information technology-related requests to the OT, which will be reviewed by and be subject to the approval of the OT.
9. The OT may require a director of information technology services or other individual employed by a state agency and knowledgeable on information technology matters to advise and assist the OT in carrying out its functions.
10. State instrumentalities shall consult with the OT concerning the hiring of information technology directors and staff.
11. At the request of the OT, a state agency must submit an information technology resource inventory to the OT to include all information technology hardware, software, technical personnel, and information technology contracts.
12. The functions and services of the Division of Information Technology (DoIT) in the DOA are transferred to the OT. The Chief Information Officer and the Commissioner of Administration are hereby authorized and directed to enter into such inter-agency agreements or memoranda of understanding and to take such other actions as may be necessary in order to provide for

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the OT's administration, to the fullest extent permitted by law, of the functions and services of DoIT and for the continued funding of DoIT through the DOA's budget until the enactment of legislation by the General Assembly to codify the creation of the OT and the other reforms described herein.

13. The OT shall oversee and coordinate the functions, responsibilities, and duties of the Information Technology Oversight Commission and Intelenet to the fullest extent permitted by law.

14. All state instrumentalities shall cooperate and provide assistance to the OT in implementing this Executive Order to the fullest extent permitted by law.

15. This Executive Order shall expire upon the enactment of legislation by the General Assembly to codify the OT as described in 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 11th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-18

**FOR: MAINTENANCE OF SALARY AND HEALTH COVERAGE FOR ACTIVE DUTY MILITARY PERSONNEL
EMPLOYED BY STATE GOVERNMENT**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, since September 11, 2001, the U.S. armed forces have waged an essential war on terror and have relied on state National Guard and other military reserve forces to ensure victory;

WHEREAS, many Hoosiers are members of the National Guard and other military reserve units, many of which have been ordered into active military service since September 11, 2001, some more than once, with more units to be activated in the years ahead; and

WHEREAS, it is imperative that we be ever thankful for the sacrifice made by these citizen-soldiers and, as part of our gratitude, ensure that no state employee who is mobilized to active duty status loses compensation or benefits as a result of abiding by his or her solemn oath to protect our nation;

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 State shall pay to each eligible member of the Indiana National Guard, or other Indiana reserve component of the armed forces of the United States, an amount equal to the difference between the soldier's basic active duty military salary and the salary the soldier would be paid as an active state employee, including any adjustments the soldier would have received had he or she not been on leave of absence from state employment. This "Differential Payment" shall (a) be made only to employees of the State on active military service and whose basic active duty military salary is less than the salary the state employee would be paid as an active state employee; (b) be made at the intervals at which the soldier received pay as a state employee; and (c) terminate when the soldier is no longer on active duty.

2. The State shall also continue the employee's enrollment in healthcare coverage and the State's contribution toward that coverage, if any, until the soldier is covered by health coverage provided by the armed forces. If the employee had elected dependent coverage as of the time that the employee reported for active military service, the State shall offer the employee the option to continue the dependent coverage at the employee's own expense. The State shall also permit the employee to continue participating in any pretax account in which the employee participated at the time the employee reported for active military service.

3. “Basic active duty military salary” shall not be construed to include any allowances, stipends, and other benefits a soldier might receive during active military service (e.g., travel, food, housing, separation, and other allowances, such as hostile fire pay and combat pay).

4. The term “active military service” means either state active service, federally funded state active service, or federal active service, but excludes service performed exclusively for training, including basic combat training, advanced individual training, annual training, inactive duty training, and special training periodically made available to reserve members.

5. This Executive Order does not create any right or benefit, substantive or procedural, enforceable at law or equity by any person against the State, its agencies or instrumentalities, its officers or employees, or any other person.

6. This Executive Order shall apply prospectively to any basic active duty military salary or benefits, as described herein, of a state employee currently in active military service or ordered into active military service on or after the date hereof.

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 12th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 05-19

FOR: DIRECTIVE TO DEPARTMENT OF LOCAL GOVERNMENT FINANCE REGARDING SCHOOL BUILDING PROJECT FINANCINGS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, education is the largest expense of state government in Indiana, and properly so;

WHEREAS, recent practices have led to a disproportionate ratio of facilities spending to academic instruction spending, with the result that too much of what our State spends on public school students is diverted to purposes unrelated to the only result that counts—equipping those students with an education that prepares them for life;

WHEREAS, while remaining committed to the principle that every student should have the opportunity to learn in a place of safety and reasonable comfort, the State must take measures to reprioritize the objectives of its education spending, and do so in a manner that places greater emphasis on academic achievement and less emphasis on the size and cost of our school buildings and their non-academic facilities;

WHEREAS, the Department of Local Government Finance (DLGF) has the authority, pursuant to IC 6-1.1-19-4.2, to consider the following six factors in determining whether or not to approve a school building construction project:

- the current and proposed square footage of school building space per student,
- enrollment patterns within the school corporation;
- the age and condition of the current school facilities;
- the cost per square foot of the school building construction project;
- the effect that completion of the school building construction project would have on the school corporation’s tax rate; and
- any other pertinent matter;

WHEREAS, the DLGF has, pursuant to IC 6-1.1-19-8, three months in which to render a decision to approve, disapprove, or approve subject to modification a school corporation’s proposed bond issue, lease rental agreement or similar financing arrangement (each,

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a “school building project financing”), and such period is capable of being extended, with proper notice, for an additional three months;

WHEREAS, at this time of fiscal crisis, and as a first step in regaining an appropriate balance between facilities spending and academic instruction spending, the DLGF must exercise the full extent of its statutory authority to scrutinize closely all pending or newly-proposed school building project financings; and

WHEREAS, the DLGF should establish guidance to facilitate its efforts to carry out its responsibilities under IC 6-1.1-19-4.2 and IC 6-1.1-19-8 and to ensure that school building project financings are approved only after careful consideration of all pertinent matters;

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. Effective as of the date of this Executive Order, and pursuant to its authority under IC 6-1.1-19-8, the DLGF shall impose a 120-day moratorium on the consideration and approval of any school building project financings.
2. The DLGF shall immediately inventory all school building project financings that are currently pending or that have been proposed prior to the date hereof and report such inventory to the Governor and the Director of the Office of Management and Budget.
3. The DLGF shall immediately develop guidance to facilitate its review of school building project financings in accordance with IC 6-1.1-19-4.2 and IC 6-1.1-19-8 and to ensure that any such projects are approved only after careful consideration of the factors set forth in IC 6-1.1-19-4.2, including without limitation all matters deemed pertinent by the DLGF. In developing such guidance, the DLGF shall, for example, give due regard to the ratio of academic facilities to non-academic facilities in, and the effectiveness of the cost structure of, any proposed school building project financing.
4. In the event that any school corporation has, prior to the date of this Executive Order, filed a petition requesting approval from the DLGF to incur bond indebtedness or to enter into a lease rental agreement or other school building project financing, the DLGF shall (i) consider such a petition in the light of the criteria set forth in IC 6-1.1-19-4.2, the guidance developed by the DLGF as described in paragraph 3 above, and the intent and purpose of this Executive Order, and (ii) use such portion of the review period available under IC 6-1.1-19-8 as the DLGF deems appropriate, including any extensions thereof, in deciding whether to approve, disapprove, or approve subject to modification the school building project financing.
5. Upon the conclusion of the 120-day moratorium period, the DLGF shall report to the Governor on whether any rulemaking or legislation may be necessary or appropriate in order to give more permanent or complete effect to the measures described in 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 19th day of January, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State