EXECUTIVE ORDER: 02-01

FOR: CREATION OF THE COMMISSION ON JUVENILE LAW

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, the laws governing children in need of services and delinquent juveniles are complicated and sometimes in conflict; and

WHEREAS, the laws governing children in need of services and delinquent juveniles occasionally are at odds with what may be in the best interests of the child; and

WHEREAS, from time to time it is advisable to review and revise the laws; and

WHEREAS, the General Assembly has indicated in House Enrolled Act 459 in the Second Regular Session of the 108th General Assembly that a commission on juvenile law is needed; and

WHEREAS, there are no state general funds available to fund a commission on juvenile law as contemplated by House Enrolled Act 459 in the Second Regular Session of the 108th General Assembly; and

WHEREAS, it is desirable to have representatives from other sectors of our society on a commission on juvenile law;

NOW, THEREFORE, I Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

- 1. The Indiana Commission on Juvenile Law composed of no more than 20 persons knowledgeable in juvenile law and the care and custody of children.
- 2. The commission shall have as its major purpose to study and purpose to the legislature, judiciary, and the governor revision in the laws governing children in need of services and juvenile delinquents and the law governing their parents, guardians, and custodians. It is believed that the best interests of our children and our citizens are best served by having the laws affecting the component parts of the juvenile justice system studied as a whole rather than as separate units.
- 3. The commission consists of the following members appointed by and serves at the pleasure of the governor:
 - (a) Two (2) members of the house of representatives, who may not be members of the same political party, recommended by the speaker of the house of representatives;
 - (b) Two (2) members of the senate, who may not be members of the same political party, recommended by the president pro tempore of the senate;
 - (c) One (1) member representing the Indiana prosecuting attorneys council with expertise in juvenile law;
 - (d) One (1) member representing the Indiana public defenders council with expertise in juvenile law;
 - (e) One (1) member representing the Indiana judicial conference having responsibility for juvenile law recommended by the chief justice of the Indiana Supreme Court;
 - (f) One (1) judge or justice of a court having appellate jurisdiction over juvenile law cases recommended by the chief justice of the Indiana Supreme Court;
 - (g) The secretary of the Indiana family and social services administration or a designee;
 - (h) The commissioner of the department of correction or a designee;
 - (i) The director of the criminal justice institute or a designee;
 - (j) One (1) person affiliated with a non-governmental organization that addresses delinquency and juvenile justice issues;
 - (k) One (1) attorney licensed to practice law in Indiana who is a member of the Indiana State Bar Association's Committee on Civil Rights for children;
 - (l) One (1) representative of a law enforcement agency;
 - (m) The chairman of the State Advisory Committee on Juvenile Justice and Delinquency Prevention or a designee;
 - (n) One (1) representative of a probation department;
 - (o) One (1) person who has been under the jurisdiction of a juvenile court within the past ten (10) years;
 - (p) One (1) parent, guardian, or custodian of a person who has been under the jurisdiction of a juvenile court within the past ten (10) years; and
 - (q) Two (2) citizens who have a special interest or expertise in juvenile justice.

- 4. The chairman, vice-chairman and secretary shall be appointed by and serve at the pleasure of the governor.
- 5. The Indiana criminal justice institute shall staff the commission and provide administrative support. The institute shall seek funding from grants or other alternatives to state general funds to support the commission.
- 6. The legislative services agency may provide support for bill drafting and fiscal analysis upon request of a legislative member of the commission.
- 7. Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
- 8. Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.
- 9. Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council.
- 10. The majority of the members appointed to the commission shall constitute a quorum. The affirmative votes of a majority of the members appointed to the commission are required for the commission to take action on any measure, including final reports.

The commission may delegate to any one or more of its members or agents such powers and duties as it may deem proper.

IN TESTIMONY WHEREOF, I have set my hand and caused to be affixed the Great Seal of the State of Indiana this 25th day of April, 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-02

FOR: TRANSITION AND CLOSURE OF MUSCATATUCK STATE DEVELOPMENTAL CENTER AND RELATED COMMUNITY BASED SERVICES FOR PEOPLE WITH DISABILITIES

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, the State of Indiana is committed to providing services to people with disabilities in settings that promote their independence and their development; and

WHEREAS, the State of Indiana has actively included the input of people with disabilities, their families, advocates, providers, and community members of all types as it plans for the future of community-based services; and

WHEREAS, the State of Indiana must aggressively and proactively pursue systems and procedures that help ensure and assure the health and safety of all people with disabilities served by the state or by the private sector, whether they receive services in a state-operated care facility or in the community; and

WHEREAS, the State of Indiana has previously undertaken the transition and closure of both public and private intermediate care facilities for people with mental retardation and/or developmental disabilities, such as the Muscatatuck State Developmental Center, and seeks to actively apply the standards for quality, health and safety developed through this experience; and

WHEREAS, the State of Indiana seeks the continued and valued input of consumers, families, advocates and other policy makers in planning for the continued transition to community-based services; and

WHEREAS, the General Assembly passed Senate Enrolled Act 217, which included many positive provisions concerning the transition and closing of Muscatatuck State Development Center, but which contained provisions that were inconsistent with federal law related to deinstitutionalization of people with disabilities; and

WHEREAS, because of these concerns, I vetoed SEA 217, but I remain committed to many of the same values expressed in SEA 217 by the General Assembly, to the extent that it would not interfere with the state's commitment to community-based services and the provisions of the ruling of the U.S. Supreme Court in *Olmstead v. L.C*.

NOW, THEREFORE, I Frank O'Bannon, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

- 1. The Family and Social Services Administration, Division of Disability, Aging and Rehabilitation Services shall continue to work with individual consumers and their families on the appropriate placement and treatment options for residents of Muscatatuck State Developmental Center.
- 2. The Family and Social Services Administration shall conduct regular forums and meetings with parents and guardians, community members, state employees, and members of the Commission on Mental Retardation and Developmental Disabilities, as well as publish regular newsletters, updates and other information to assist these stakeholders in obtaining important information regarding the transition and closure of Muscatatuck State Developmental Center.
- 3. The Family and Social Services Administration shall work with and assist the Commission on Mental Retardation and Developmental Disabilities as it works to review and develop long-range plans to stimulate further development of cost effective, innovative models of community-based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.
- 4. The Family and Social Services Administration shall work with the Commission on Mental Retardation and Developmental Disabilities as both the agency and the commission focus on the development of appropriate community residential and family support services, services for aging families caring for their children who are mentally retarded and developmentally disabled adults, services for families in emergency and crisis situations, services needed to move children and adults from nursing homes and state hospitals to the community, and study and make recommendations for proposed use of state employees in future community-based services.
- 5. The Family and Social Services Administration and its Division of Disability, Aging and Rehabilitation Services shall study and make recommendations to me and the Secretary of the Family and Social Services Administration regarding state funding needed to provide a residential living allowance for room and board expense for individuals; shall monitor and make recommended changes for improvements in the implementation of home and community-based services waivers offered by the State of Indiana or contracted with private providers; and shall continue to develop and enhance statewide standards and plans to address quality assurance in community-based services.
- 6. The Department of Workforce Development and the Department of Commerce shall support the Jennings County Economic Development Commission in its efforts to pursue regional plans for the future economic development of Jennings County, and the possible reuse of the Muscatatuck State Developmental Center property near Butlerville, Ind. The Family and Social Services Administration shall coordinate with the Department of Workforce Development and the State Personnel Department to identify opportunities for training and job placement services for displaced workers from the Muscatatuck State Developmental Center and Madison State Hospital.

This Executive Order shall expire on June 30, 2003 unless renewed by the Governor.

IN TESTIMONY WHEREOF, I, Frank O'Bannon, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 25th day of April 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

EXECUTIVE ORDER: 02-03 FOR: AARON ABBOTT

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, AARON ABBOTT was convicted in the Dubois County Superior Court on March 14, 1983 for the crime of Battery, Class B Misdemeanor and received a sentence of 6 months and Battery, Class C Felony and received a sentence of 5 years; and

WHEREAS, the petitioner in this case has been crime free for 18 years; and

WHEREAS, the petitioner has earned the confidence and support from his peers in the community; and

WHEREAS, the petitioner has several letters of recommendation to grant a pardon; 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, Frank O'Bannon, 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 AARON ABBOTT.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-04 **FOR:** DAVID MULLETT

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, DAVID MULLETT was convicted in the Elkhart County Superior Court in April of 1964 for the crime of Second Degree Burglary and received a sentence of 2 - 5 years; and

WHEREAS, the petitioner has letters of recommendation to grant a pardon; and

WHEREAS, the petitioner requests a pardon to clear his name; 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, Frank O'Bannon, 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 DAVID MULLETT.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-05

FOR: John Wayne Agee

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, JOHN WAYNE AGEE was convicted in the Madison County Court on July 15, 1982 and received a sentence of 2 years probation for the crime of Conspiracy to Deal in Marijuana, Dealing in a Counterfeit Substance, Dealing in Marijuana, Possession of Marijuana; and

WHEREAS, the petitioner in this case was 18 years of age when this offense occurred; and

WHEREAS, the petitioner in this case wants a pardon so that he can maintain his current employment; 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, Frank O'Bannon, 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 JOHN WAYNE AGEE.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-06 **FOR:** JOHN ERIC HENRY

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, This petitioner was convicted in the Marion County Court on June 25, 1981 and received a sentence of 5 years, suspended with provision of 2 years probation for the crime of Theft, and petitioner was convicted in the Shelby County for the crime of Theft and received a sentence of two years; and

WHEREAS, the petitioner in this case has been crime free for over 20 years; and

WHEREAS, the petitioner has earned the confidence and support from his peers in the community; and

WHEREAS, the petitioner has several letters of recommendation to grant a pardon; 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, Frank O'Bannon, 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 JOHN ERIC HENRY.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-07

FOR: RAYMOND D. THOMPSON

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, RAYMOND D. THOMPSON was convicted in the Montgomery County Circuit Court on May 11, 1979 and received a sentence of 2 years suspended to probation for the crime of Theft; and

WHEREAS, the petitioner was 20 years of age when this offense occurred; and

WHEREAS, this offense took place over 22 years 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, Frank O'Bannon, 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 RAYMOND D. THOMPSON.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

EXECUTIVE ORDER: 02-08

FOR: ROBERT NEUMANN

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, ROBERT NEUMANN was convicted in the LaPorte County Circuit Court on October 29, 1979 for the crime of Theft by Deception and received a sentence of two years; and

WHEREAS, the petitioner wants a pardon because he wants to run for public office; and

WHEREAS, the petitioner wishes to clear his name; and

WHEREAS, the petitioner has letters of recommendation to grant a pardon; 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, Frank O'Bannon, 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 ROBERT NEUMANN.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-09

FOR: BILL MILLER

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, BILL MILLER was convicted in the Porter County Court on February 10, 1952 for the crime of Grand Larceny and received a sentence of 1-10 years; and

WHEREAS, the petitioner in this case was 18 years of age at the time of the offense; and

WHEREAS, the petitioner has letters of recommendation to grant a pardon; 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, Frank O'Bannon, 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 BILL MILLER.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-10

FOR: THOMAS JOSEPH KELLEY

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, THOMAS JOSEPH KELLEY was convicted in the Adams County Circuit Court on November 26, 1954 for the crime of Second Degree Burglary and received a sentence of 2 - 5 years; and

WHEREAS, the petitioner in this case has been crime free for over 47 years; and

WHEREAS, this is petitioner's only offense; and

WHEREAS, the petitioner requests a pardon to clear his name; 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, Frank O'Bannon, 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 THOMAS JOSEPH KELLEY.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-11 **FOR:** TIMMY HUBER

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, TIMMY HUBER was convicted in the Tippecanoe County Superior Court on March 30, 1992 for the crime of

Conspiracy to Commit Dealing in Marijuana and received a sentence of 2 years, suspended to probation, 2 years served on Tippecanoe County Work Release; and

WHEREAS, the petitioner has several letters of recommendation to grant a pardon; and

WHEREAS, the petitioner requests a pardon so that he and his wife can adopt a child; 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, Frank O'Bannon, 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 TIMMY HUBER.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-12 **FOR:** PEGGY HIGGINS

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, PEGGY HIGGINS was convicted in the Gibson County Court on April 20, 1986 for the crime of Attempted Murder and received a sentence of 20 years, suspended to 5 years probation; and

WHEREAS, the petitioner in this case has several letters of recommendation to grant a pardon; and

WHEREAS, the petitioner in this case requests a pardon to clear her name; and

WHEREAS, the petitioner in this case requests a pardon to improve her employment opportunities; 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, Frank O'Bannon, 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 PEGGY HIGGINS.

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 23rd day of May 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

EXECUTIVE ORDER: 02-13

FOR: GERALD PRICE

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETING:

WHEREAS, GERALD PRICE was convicted in the Allen County Circuit Court on May 23, 1960 and received a sentence of 2 - 5 years for the crime of Second Degree Burglary; and

WHEREAS, the petitioner in this case has been crime free for over 40 years; and

WHEREAS, the judge in this case has no objection to a pardon being granted; and

WHEREAS, the petitioner has earned the confidence and support from his peers in the community; 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, Frank O'Bannon, 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 GERALD PRICE.

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 3rd day of June 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy Secretary of State

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER: 02-14

FOR: DECLARING A DISASTER EMERGENCY IN THE STATE OF INDIANA DUE TO FLOODING AND HIGH WINDS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS,

WHEREAS, a series of severe storms, with heavy rains and high winds began in Indiana on April 28, 2002; and

WHEREAS, the April storms saturated the ground and filled rivers and streams; and

WHEREAS, on May 6th and 7th, another series of severe storms caused flash flooding, followed by more rain and yet another series of severe storms on May 12th and 13th that caused extensive flooding throughout central and southern Indiana; and

WHEREAS, the flooding and high winds associated with the storms severely affected public roads and bridges as well as public and private buildings; and

WHEREAS, heavy rains associated with the storms flooded farm fields at a critical time in the growing season, which will adversely affect the state's agricultural economy; and

WHEREAS, all state resources available will be directed to assist the victims of the storms.

NOW THEREFORE, I Frank O'Bannon, by virtue of authority vested in me as Governor of the State of Indiana, do hereby

DECLARE a state of disaster emergency exists in central and southern 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 and to coordinate assistance with appropriate federal and state agencies.

This declaration of disaster emergency was in effect beginning April 28, 2002 and continues.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed, the Great Seal of Indiana on this 4^{th} day of June 2002.

BY THE GOVERNOR: Frank O'Bannon

Governor of Indiana

SEAL