

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 02-15

FOR: CREATION OF THE COMMISSION ON HOME AND COMMUNITY-BASED SERVICES

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, one of the most important responsibilities of state government is to ensure the health and safety of its most vulnerable citizens, including those citizens under its direct care; and

WHEREAS, over the last several years, Indiana has moved toward a system of integrated community-based services, and will continue to do so, but institutional care remains an important part of the continuum of state services; and

WHEREAS, there is a need to address the capacity of community-based services and expand relationships with providers, communities, advocates, and all stakeholders;

WHEREAS, there is a need to expand strategies that transition the current system of state operated care to community care; and

WHEREAS, there is a need to develop a comprehensive plan that supports the transition of the current system of state operated care to community care that encompasses previous planning efforts, specifically the work of the Governor's Council on State-operated Care Facilities completed November 30, 2000; and

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 Commission on Home and Community-Based Services is created and established;
2. The Commission shall use all relevant state agency resources to complete its work;
3. The Commission shall assess the current capacity of services in the community;
4. The Commission shall identify aspects of current regulations and funding that support institutional care over community care;
5. The Commission shall use all previous efforts focused on increasing community capacity for persons at risk of being institutionalized;
6. The Commission shall work with individual communities, providers, and businesses across the state to address the gap in services in the community, thereby developing a plan to meet the needs for community transition. The plan will consider changes in the types of services provided and the delivery of those services;
7. The Commission shall consist of no more than 21 members, who shall be appointed by and serve at the pleasure of the Governor. The 21 members of the Commission will include four legislators representing both the House of Representatives and the State Senate, as recommended for service by the Speaker of the House and the President Pro Tem of the Senate.
8. The Commission shall submit an interim report in October 2002 and a final report no later than April 2003.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of Indiana on this 9th day of July 2002.

BY THE GOVERNOR: Frank O'Bannon
Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy
Secretary of State

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 02-16

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

TO ALL TO WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, Under the provisions of I.C. 10-4-1, 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; and

WHEREAS, The State of Indiana, 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; and

WHEREAS, The State of Indiana, 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 and transportation accidents; and

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

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 I.C. 10-8-2-4, 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, Frank O'Bannon, Governor of the State of Indiana, pursuant to the powers vested in me by the Constitution and laws of this State, do hereby order the following:

1. All previous Executive Orders detailing state agency responsibilities relating to emergency management are hereby rescinded.
2. The Director of the State Emergency Management Agency, appointed pursuant to I.C. 10-8-2-2, 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.
3. There is hereby established the Governor's Emergency Advisory Group, composed of the following members:
 - Superintendent of the Indiana State Police;
 - 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; and
 - Director of the Indiana Counter-terrorism and Security Council.

The Superintendent of the Indiana State Police 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 establish an 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 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 traveling 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.

5. In accordance with I.C. 10-4-1-5 and I.C. 10-4-1-12, 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 my 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 I.C. 10-4-1-7, and is subject to my 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 me, or my Chief of Staff in my 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, all agencies of the state government shall promptly send a senior agency official to the State Emergency Operations Center to monitor and analyze information and participate as each agency's representative in performing all tasks relating to the State's response to the incident.

10. In accordance with I.C. 10-4-1-5, 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. 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 (liaison) for all emergency and disaster matters and shall forward the name of the coordinator to the Governor's Executive Assistant for the State Emergency Management Agency:

State Police
Department of Health
Military Department

Executive Orders

Department of Transportation
Department of Natural Resources
Department of Education
State Auditor
Attorney General
Utility Regulatory Commission
Department of Commerce
State Budget Agency
State Board of Accounts
State Board of Animal Health
Civil Rights Commission
Department of Insurance
Department of Labor
Department of Revenue
Public Safety Training Institute
Office of Commissioner of Agriculture
Commodity Warehouse Licensing Agency
Department of Family and Social Services
Department of Fire and Building Services
Department of Personnel
Department of Environmental Management
Department of Workforce Development
Bureau of Motor Vehicles
Department of Correction
Department of Administration
Port Commission
Commission on Public Records
State Office Building Commission
Information Technology Oversight Commission
Housing Finance Authority
Gaming Commission
Department of Local Government Finance

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

IN TESTIMONY WHEREOF, I have Hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 22nd day of July, 2002.

BY THE GOVERNOR: Frank O'Bannon
Governor of Indiana

SEAL

ATTEST: Sue Anne Gilroy
Secretary of State
