STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-09

FOR: **RELATING TO THE CONTINUITY OF OPERATIONS OF GOVERNMENT**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02, which declared that a public health emergency exists in our State as result of the coronavirus disease 2019 ("COVID-19"), and, since that time, the virus has spread to more than twenty (20) counties in Indiana and caused several deaths, with these numbers expected to increase in the days ahead;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 to be a global pandemic, and on March 13, 2020, the President of the United States declared a national emergency with respect to this virus;

WHEREAS, despite significant steps being taken in our State, this virus remains a serious threat to the health, safety, and welfare of all residents of Indiana, and further efforts are needed to address, control, and reduce the evolving threat posed by COVID-19;

WHEREAS, the COVID-19 disease has rapidly spread throughout the United States and Indiana, requiring more stringent measures to mitigate the spread of the disease;

WHEREAS, in light of the above, it is necessary and proper to take action(s) to protect the health and well-being of all Hoosiers in connection with the continuing and evolving threat posed to public health by COVID-19;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code Ch. 10-14-3, I have authority to take necessary actions to prepare for, and respond to, the prompt and efficient rescue, care, and treatment of persons victimized or threatened by disasters, which include an epidemic, public health emergency and any other public calamity requiring emergency action;

WHEREAS, as Governor, I also have broad authority and powers under Indiana law to declare and respond to public health emergencies on behalf of our State, including but not limited to: (a) making, amending, and rescinding the necessary orders, rules, and regulations to carry out Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3, and (b) suspending the provisions of any regulatory statute prescribing the procedures for conduct of state business, including the orders, rules, or regulations of any state agency if strict compliance with any of these provisions would in any way prevent, hinder, or delay necessary action in coping with the emergency;

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor by the Indiana Constitution and the laws of the State of Indiana, do hereby:

1. For a period of two weeks, beginning at 5:00 p.m. today, March 23, 2020, and continuing until 8:00 a.m. on April 7, 2020, access to all state government buildings, offices and facilities by the public will be restricted to only those members of the public needing to conduct services essential to public health and safety and which cannot otherwise be conducted electronically, telephonically and/or delayed notwithstanding Ind. Code § 4-1-2-1 which provides for state offices to be open. This restriction extends to the Indiana Government Center, Indianapolis office locations and other offices throughout the state.

2. The executive head of each state agency (as defined by Ind. Code § 4-2-6-1(a)(2)) shall require all personnel, unless the employee's physical presence is required to perform an essential function, to work remotely via telework.

3. The expiration of any state agency-issued license, certification or permit which has expired during, or is set to expire during, this public health emergency shall be extended automatically to Friday, May 22, 2020. This suspension and extension of expiration dates applies to, among other things, occupational, professional and firearms licenses held by Hoosiers. State-issued identification cards, drivers licenses and vehicle registration renewals shall be extended by the process delineated in Executive Order 20-05. This extension does not suspend or change any other renewal requirement for any license, certification or permit.

   The Superintendent of State Police is directed to notify all law enforcement agencies within Indiana of the extension of expiration of State-issued identification cards drivers licenses, vehicle registration renewals and firearms licenses and must make reasonable efforts to notify law enforcement of this extension in other states.

   Law enforcement agencies within Indiana should suspend enforcement actions against individuals solely based on expired credentials, licenses, and registrations which occurred during this public health emergency.

4. As strict compliance with various deadlines found in regulatory statutes are preventing, hindering and delaying necessary action in coping with the emergency, the following actions are authorized:

   A. *Open Door Law*: Suspend the requirement of governing bodies of public agencies to explicitly adopt a policy for electronic participation and suspend the requirement to have any members be physically present for meetings deemed to be essential. (See Ind. Code § 5-14-1.5-3.6(c), (f), (g) & (h)). All other provisions of Ind. Code § 5-14-1.5 *et seq.* remain in effect. Therefore, for the duration of this public health emergency, all governing bodies may meet by videoconference or by telephone conferencing so long as a quorum of members participate and any meeting is made available to members of the public and media.

      Any political subdivision or entity subject to the provisions of Ind. Code § 5-14-1.5-3.5 may comply with the provisions of section 3.6 as modified by Executive Order 20-04 and as amended in this Order in conducting public meeting for the duration of this public health emergency.

   B. *Public Records*: For a period of two weeks, beginning at 5:00 p.m. today, March 23, 2020, and continuing until 8:00 a.m. on April 7, 2020, suspend the ability of a member of the public to request a public record in person or by telephone and any request during this period shall be submitted remotely via U.S. Mail, fax, or electronic mail.

      For public records requests submitted remotely via U.S. Mail, fax, or electronic mail between 5:00 p.m. today, March 23, 2020, and 8:00 a.m. on April 7, 2020, public agencies will acknowledge receipt of the public records request within a reasonable amount of time following this two week period. I suspend the requirement that requests are deemed denied if not acknowledged within seven days.

   C. *Public Access Counselor*: Suspend any mandatory deadline or requirement found in Ind. Code § 5-14-5-8, 9 & 10 regarding formal complaints for alleged public access violations for the duration of the public health emergency and those provisions shall be carried out by the public access counselor within a reasonable time.

   D. *Depository Rule*: Suspend Ind. Code § 5-13-6-1 which governs the procedure for the deposit of public funds; for state agencies and local governmental units, may reduce deposits to no less than twice weekly provided that on intervening days any funds are properly secured and subject to adequate internal controls.

   E. *Emergency Purchases*: Suspend Ind. Code § 4-13-2-20 which governs state purchases being paid in arrears if, conditioned on the approval of the Director of the Office of Management and Budget, a state agency needs to agree to

purchase equipment or services essential to respond to this public health emergency and further needs to agree to make payment before the receipt of the essential equipment or services.

F. *Law Enforcement Training*: Due to the closure of the Indiana Law Enforcement Academy and the volume of officers needing required training, for those officers who have completed the pre-basic course, I extend for an additional year, the ability of an officer to exercise powers before completion of basic training as provided in Ind. Code § 5-2-1-9(e).

This Executive Order is a supplement to, and deemed to be part of, Executive Orders 20-02 & 20-04. This Executive Order supersedes any prior Executive Order and should any term herein be inconsistent with the provisions in this Order.

IT IS SO ORDERED.

Connie Lawson

ATTEST: Connie Lawson
Secretary of State

IN TESTIMONY WHEREOF, I, Eric J. Holcomb, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana, on this 23rd day of March, 2020.

Eric J. Holcomb
Governor of Indiana