STATE OF INDIANA

EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER 20-23

FOR: **ADDITIONAL RELIEF FOR THE BUSINESS COMMUNITY AND ADDITIONAL HEALTH DIRECTIVES IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, on March 6, 2020, I issued Executive Order 20-02 which declared a public health emergency exists throughout the State of Indiana as result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and a confirmed report of the disease in our state;

WHEREAS, since then, 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 dangerous virus;

WHEREAS, the virus has now spread to every county throughout Indiana. On March 6th, the ISDH confirmed the first case of COVID-19 and on March 16th, the ISDH reported the first death in Indiana due to COVID-19. Within the span of 6 weeks, Indiana now has nearly 12,500 confirmed cases with over 660 deaths. Unfortunately, we expect these numbers to continue and rapidly increase in the days ahead. On April 3, 2020, I extended the declaration of a public health emergency for an additional thirty (30) days;

WHEREAS, the financial impact on Hoosiers has been significant and severe with over 300,000 Hoosiers applying for unemployment in the first 3 weeks of the public health emergency;

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;

WHEREAS, those who work in clinics, hospitals, and care facilities are the dauntless heroes fighting this disease and are being stretched to capacity and beyond, requiring additional steps to reinforce them;

WHEREAS, as Governor, under Indiana's Emergency Management and Disaster Law, Ind. Code ch. 10-14-3 ("Emergency Disaster Law"), I have been given broad authority to take actions necessary 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; and

WHEREAS, as Governor, my authority and powers under the Emergency Disaster Law to declare and respond to public health emergencies on behalf of our State, specifically include:

- making, amending and rescinding the necessary orders, rules and regulations to carry out the response to a disaster; and
- 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, and for the duration of this public health emergency unless otherwise specified, do hereby order:

1. **Business Personal Property Tax Returns**

   The deadline of May 15, 2020, for submitting business personal property returns as required by Ind. Code § 6-1.1-3-1.5 is suspended and the deadline is extended until Monday, June 15, 2020. The deadline of May 15, 2020, for submitting compliance statements as required by Ind. Code §§ 6-1.1-12.1-5.1 & 5.3 is suspended and the deadline is extended until Monday, June 15, 2020. The deadline of May 15, 2020, for submitting property tax incentive applications as required by Ind. Code §§ 6-1.1-45-10 and 6-1.1-46.2-10 is suspended and the deadline is extended until Monday, June 15, 2020.

2. **Reinstatement of Administratively Dissolved Businesses**

   The relevant provisions of Ind. Code § 23-0.5-6-3 pertaining to the five (5) year limitation on business reinstatements and the requirement for the businesses to submit a certificate of clearance when applying for reinstatement are suspended to allow businesses to qualify to seek federal assistance under programs such as the Paycheck Protection Program (PPP) and Economic Injury Disaster Loans (EIDL).

3. **Conducting Annual Business Meetings Remotely**

   The relevant provisions of Ind. Code §§ 23-1-29-1, 23-17-10-1 & 23-17-15-1 are suspended to allow the following:

   a. *Remote Meetings of Shareholders.* With respect to a corporation formed under the Indiana Business Corporation Law and subject to the reporting requirements of §13(a) and §15(d) of the Securities Exchange Act of 1934, as amended, and the rules and regulations promulgated thereunder:

      i. if, as a result of the public health threat caused by the COVID-19 pandemic, the board of directors wishes to change a meeting currently noticed for a physical location to a meeting conducted solely by remote communication, it may notify shareholders of the change solely by a document publicly filed by the corporation with the Securities and Exchange Commission pursuant to §13, §14 or §15(d) of such Act and a press release, which shall be promptly posted on the corporation's website after release; and

      ii. if it is impracticable to convene a currently noticed meeting of shareholders at the physical location for which it has been noticed due to the public health threat caused by the COVID-19 pandemic, such corporation may adjourn such meeting to another date or time, to be held by remote communication, by providing notice of the date and time and the means of remote communication in a document filed by the corporation with the Securities and Exchange Commission pursuant to §13, §14 or §15(d) of such Act and a press release, which shall be promptly posted on the corporation's website after release.

   b. Remote Meetings for Nonprofit Corporations. With respect to a nonprofit corporation formed under Indiana law:

      i. if, as a result of the public health threat caused by the COVID-19 pandemic, a nonprofit corporation wishes to hold a meeting of its members, board of

directors, or committees of the board of directors solely by remote communication, including changing a meeting currently noticed for a physical location to a meeting conducted solely by remote communication, it may notify its members, directors, and board committee members according to the procedures stated in its articles or bylaws regarding notice of meetings; and

ii. if the conduct of a meeting of its members, board of directors, or committees of the board of directors to be in held in person at a physical location is not permitted or advisable as a result of the public health threat caused by the COVID-19 pandemic and the conduct of such a meeting cannot be convened by remote communication because meetings by remote communication are not expressly permitted by law or authorized in the corporation's articles of incorporation or bylaws, such meeting may be properly held using any means of communication by which all members or directors, as the case may be, participating may simultaneously hear each other during the meeting. A member or director participating in a meeting by this means is to be considered to be present in person at the meeting.

4. **Embossed Form Requirement for Alcoholic Beverage Permits**

The relevant provisions of Ind. Code § 7.1-3-21-15 pertaining to the requirement that the property tax clearance Form 1 include an embossed seal of the county treasurer is suspended. Therefore, the applicant for a new, transfer, or renewal alcoholic beverage permit may submit the property tax clearance Form 1 without the embossed seal for the duration of the public health emergency.

5. **Documents for Alcoholic Beverage Permit Hearings**

The relevant provisions of Ind. Code § 5-10.2-3-6.5 pertaining to the requirement that an applicant for a new or transfer alcoholic beverage permit in a county having a consolidated city provide documentation required by Ind. Code §§ 7.1-3-1-5.5 and 7.1-3-1-5.6 at the public hearing is suspended provided the applicant submits the required documentation after the public hearing but before the permit is issued.

6. **Expediting Unemployment Insurance Claim Adjudications**

The relevant provisions of Ind. Code §§ 4-15-2.2-12(a)(4) and -21(a)(1) pertaining to the classification and retention of employees working in Unemployment Insurance shall be suspended, consistent with federal law, through December 31, 2020, for the limited purpose of allowing the Department of Workforce Development, in conjunction with the State Personnel Department, to expedite hiring, training and employment of temporary staff to adjudicate and hear appeals of Unemployment Insurance claims.

7. **In-Person Designation of a Health Care Representative**

The provisions in Ind. Code § 16-36-1-7(b)(2) requiring a healthcare representative appointment be signed in the presence of the person making the appointment when the appointment is signed by a designee is waived when the person making the appointment is a COVID-19 patient.

8. **ISDH Public Health Study**

As part of its response to the public health emergency caused by the COVID-19 pandemic, the ISDH is cooperating with the Indiana University Fairbanks School of Public Health to conduct a COVID-19 prevalence study in Indiana. To allow the

survey and study to be conducted expeditiously and effectively by the ISDH or its agents, the relevant provisions Ind. Code § 24-5-14-5 pertaining to automatic dialing and any other relevant statutes are suspended for the limited purpose of conducting this survey and study.

IT IS SO ORDERED.

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 April, 2020.

Eric J. Holcomb
Governor of Indiana

ATTEST: Connie Lawson
Secretary of State