

# STATE OF INDIANA

## EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 24-02

FOR: TEMPORARILY POSTPONING CERTAIN TECHNOLOGY REQUIREMENTS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, Ind. Code § 4-22-2-17(c) and (d) provide that a public hearing or public meeting at which an agency receives comments concerning a rulemaking action from the general public must: (i) be webcast on the state website during the hearing or meeting for the public to view the proceedings, with those webcasts archived as public records on the state website, and (ii) provide a method by which members of the general public can attend and comment remotely;

WHEREAS, Ind. Code § 4-22-2-17(e) provides the Office of Management and Budget (OMB) shall consult with the Indiana Office of Technology (IOT) and the publisher, to establish how and where webcasts will be available, how agencies will provide opportunities for the general public to attend and comment remotely, and where the notices of upcoming webcasts will be posted;

WHEREAS, OMB and IOT are working to implement the technological capabilities necessary for webcasting and archiving such hearings and meetings on the state website, but additional technical challenges remain, as evidenced by technical difficulties prohibiting the webcast of the first such hearing by the Family & Social Services Administration (FSSA) on December 4, 2023 (the "FSSA Rulemaking");

WHEREAS, Ind. Code § 4-22-2-17(e) further provides that, in the event the governor finds that implementation of Ind. Code § 4-22-2-17(c) and (d) are not yet technically feasible, the governor may delay their implementation by executive order; and

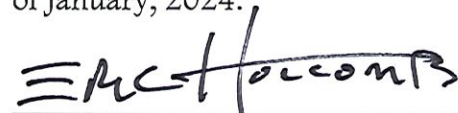
WHEREAS, it has been appropriately demonstrated, by the technical difficulties encountered during the recent FSSA Rulemaking, that the webcasting and archiving of all the rulemaking hearings and public meetings are not yet technically feasible, but progress is being made with the continuing goal to achieve compliance as soon as reasonably possible, and, accordingly, it is necessary and appropriate to delay, for a limited period of time, the implementation of Ind. Code § 4-22-2-17(c) and (d);

NOW, THEREFORE, I, Eric J. Holcomb, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that, for state agencies subject to the above-referenced laws:

1. The implementation of the requirements found in Ind. Code § 4-22-2-17(c) and (d), shall be delayed until September 1, 2024. Notwithstanding, the continuing goal remains to achieve compliance as soon as reasonably possible.
2. For affected hearings and meetings held prior to September 1, 2024, agencies shall, to the extent reasonably possible: (a) livestream and record such hearings and meetings using available audiovisual livestream technology (e.g., Teams, Zoom, Facebook Live, YouTube, etc.), so that the general public may view those proceedings; and (b) make the recordings available to the general public.



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 29th day of January, 2024.



Eric J. Holcomb  
Governor of Indiana

ATTEST:   
Diego Morales, Secretary of State