

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-8

FOR: GIFT-GIVING TO EXECUTIVE BRANCH EMPLOYEES

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, the State of Indiana is served by tens of thousands of public employees who strive daily to do their jobs well for the benefit of their fellow Hoosiers; and

WHEREAS, many state employees have contact with a variety of vendors, contractors, and others who do business with the state; and

WHEREAS, current ethics rules regarding receipt of gifts by state employees have proved unnecessarily difficult to understand and cumbersome to apply; and

WHEREAS, simplification of the rules regarding receipt of gifts by state employees will advance public confidence in the integrity of government, which is essential to the exercise of good government.

NOW, THEREFORE, I, JOSEPH E. KERNAN, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. As of July 5, 2004, no agency employee shall accept gifts, favors, services, entertainment, food, or drink in any amount from a person who has a business relationship with the employee's agency, except as permitted under 40 Indiana Administrative Code § 2-1-6(a) or 40 Indiana Administrative Code § 2-1-6(b)(1)-(6), or any amendments thereto.
2. As of July 5, 2004, no person who has a business relationship with an employee's agency shall provide gifts, favors, services, entertainment, food, or drink in any amount to such employee, except as permitted under 40 Indiana Administrative Code § 2-1-6(a) or 40 Indiana Administrative Code § 2-1-6(b)(1)-(6), or any amendments thereto.
3. The Indiana State Ethics Commission shall educate agency employees regarding their new obligations under this Executive Order.
4. The Indiana State Ethics Commission shall educate persons who have a business relationship with an agency regarding their new obligations under this Executive Order.
5. The Indiana State Ethics Commission shall consider amending the state ethics rules to reflect the changes contained in this Executive Order.
6. The Commissioner of the Department of Administration shall ensure that all future contracts and other agreements with persons who contract with agencies shall contain a provision requiring that the contractor and its agents shall abide by all ethical requirements that apply to persons who have a business relationship with an agency, as set forth in Indiana Code § 4-2-6 et seq., the regulations promulgated thereunder, and this Executive Order. The Commissioner shall further require that if the contractor is not familiar with these ethical requirements, the contractor should refer any questions to the Indiana State Ethics Commission, or visit the Indiana State Ethics Commission website at <http://www.in.gov/ethics/>. The Commissioner shall further require that if the contractor or its agents violate any applicable ethical standards, the agency may terminate the contract immediately in its sole discretion.
7. Independent bodies corporate and politic shall follow the requirements of this Executive Order if they have adopted State Ethics Commission rules. Independent bodies corporate and politic that have not adopted State Ethics Commission rules shall revise their ethics policies to substantially comply with the terms of this Executive Order.
8. Terms used herein have the same meaning as like terms defined in Indiana Code § 4-2-6-1.

IN TESTIMONY WHEREOF, I, Joseph E. Kernan, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 27th day of April, 2004.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

Executive Orders

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-9

FOR: OFFICE OF CHIEF INVESTIGATOR

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, the Executive Branch of state government has nearly 35,000 employees and its agencies spend more than \$10 billion annually for the benefit of Hoosiers; and

WHEREAS, the Executive Branch of state government has investigative capabilities within the Indiana State Police, state agencies, the Indiana State Ethics Commission, and the Indiana State Board of Accounts to ensure that all Executive Branch employees meet the highest standards of conduct; and

WHEREAS, these investigative units have uncovered instances of state employees who have engaged in fraudulent or unethical behavior which have been referred to proper authorities for action; and

WHEREAS, agency investigative units would benefit from additional coordination of efforts and resources, and from consultation regarding fraud detection programs; and

WHEREAS, a fraud prevention program based upon national best practices will complement these investigative efforts by deterring fraud by state employees and other persons from occurring in the first instance; and

WHEREAS, the best method to institute best practices in fraud prevention is to create a new office that is independent of other state agencies and has the Governor's authority.

NOW, THEREFORE, I, JOSEPH E. KERNAN, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Office of Chief Investigator is established.
2. The Chief Investigator is appointed by, and reports to, the Governor.
3. The Chief Investigator shall work with the State Police, State Ethics Commission, State Board of Accounts, and agency investigative units to coordinate efforts and resources, and consult with agency investigators regarding fraud detection;
4. The Chief Investigator shall examine fraud prevention procedures in all state agencies and may conduct interviews with, and obtain documents from, any and all Executive Branch employees as part of the Chief Investigator's responsibilities.
5. The Chief Investigator shall develop and implement best practices to build upon existing fraud prevention efforts.
6. The Chief Investigator shall be authorized to call upon the resources of the Indiana State Police, state agencies' internal investigators, the Indiana State Board of Ethics, and the Indiana State Board of Accounts to examine, develop, and implement fraud prevention practices.

IN TESTIMONY WHEREOF, I, **Joseph E. Kernan**, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 27th day of April, 2004.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-10

FOR: SENIOR-LEVEL EXECUTIVE BRANCH EMPLOYEES LEAVING STATE GOVERNMENT

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, Executive Branch policymakers collaborate closely with other members of their office or agency to fulfill their public responsibilities;

WHEREAS, Executive Branch policymakers sometimes leave state government to work in the private sector for parties who are affected by the policymaking decisions of state government; and

WHEREAS, the public should be confident that adequate protections are in place to ensure Executive Branch policymakers who accept employment with private parties do not have greater access to their counterparts in state government;

NOW, THEREFORE, I, JOSEPH E. KERNAN, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. Within twelve months after retirement or termination of employment, the Governor's and Lieutenant Governor's Chief of Staff; Counsel; Press Secretary; Deputy Chiefs of Staff; and Policy Directors shall not knowingly make, with the intent to influence, any communication to or appearance before any employee of the Governor's Office or Lieutenant Governor's Office, or any agency appointing authority, if that communication or appearance is made on behalf of any other person (other than the state, an agency, a political subdivision, or other public institution), in connection with any matter concerning which he or she seeks official action by that employee.
2. Within twelve months after retirement or termination of employment, agency appointing authorities shall not knowingly make, with the intent to influence, any communication to or appearance before any employee of the Governor's Office or Lieutenant Governor's Office, any other agency appointing authority, or any employee of the agency in which the appointing authority served if that communication or appearance is made on behalf of any other person (other than the state, an agency, a political subdivision, or other public institution), in connection with any matter concerning which he or she seeks official action by that employee.

IN TESTIMONY WHEREOF, I, **Joseph E. Kernan**, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 27th day of April, 2004.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

**STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS**

EXECUTIVE ORDER: 04-11

FOR: REGISTRATION OF EXECUTIVE BRANCH LOBBYISTS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, many individuals and businesses seek to influence the decisions of the Executive Branch of government relating to policies, procurement, and other business;

Executive Orders

WHEREAS, the Executive Branch decisions that these individuals and businesses seek to influence involve the expenditure of billions of taxpayers' dollars and the operations of all aspects of government;

WHEREAS, it is important that Executive Branch business be conducted in the most transparent manner possible, so that citizens have full information about efforts directed at influencing Executive Branch policies and procurement, including funds expended by private individuals and businesses in an effort to influence these matters; and

WHEREAS, the General Assembly already has undertaken a similar process to register persons who lobby the General Assembly by establishing the Lobby Registration Commission and procedures for lobbyists to register and report their activities and expenditures.

NOW, THEREFORE, I, JOSEPH E. KERNAN, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. The Commissioner of the Indiana Department of Administration (the "Commissioner") shall promulgate rules requiring registration for individuals who lobby the Executive Branch in order to influence Executive Branch action (the "Executive Branch Lobbying Rules").
2. For purposes of the Executive Branch Lobbying Rules, "lobby" means contacts made to promote, support, influence, modify, oppose, or delay the outcome of an Executive Branch action by direct communication with designated Executive Branch officials and employees.
3. The Executive Branch Lobbying Rules shall require such lobbyists to report their lobbying activities to the Commissioner on at least a semi-annual basis.
4. The Commissioner shall be authorized to create enforcement mechanisms for the Executive Branch Lobbying Rules to the extent permitted under applicable law.
5. The Commissioner shall submit proposed Executive Branch Lobbying Rules for inclusion in the Indiana Register no later than July 5, 2004.
6. Nothing herein shall restrict the Commissioner's authority, through the rulemaking process, to promulgate the Executive Branch Lobbying Rules with such definitions, standards, and requirements as the Commissioner deems to be in the best interests of public policy.

IN TESTIMONY WHEREOF, I, **Joseph E. Kernan**, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 27th day of April, 2004.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State

STATE OF INDIANA
EXECUTIVE DEPARTMENT
INDIANAPOLIS

EXECUTIVE ORDER: 04-12

FOR: ETHICS EDUCATION REQUIREMENTS

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS:

WHEREAS, the duties of state government must be carried out according to the highest ethical standards; and

WHEREAS, those who work for, or have a business relationship with, an agency must be fully educated regarding their ethical obligations; and

WHEREAS, current statutes and rules contain no provisions requiring state employees or those doing business with the State of Indiana to receive initial or ongoing ethics education; and

WHEREAS, public confidence in the integrity of government is essential to the exercise of good government.

NOW, THEREFORE, I, JOSEPH E. KERNAN, by virtue of the authority vested in me as Governor of the State of Indiana, do hereby order that:

1. As of July 5, 2004, the appointing authority of each agency shall ensure and document that each of its new employees reviews the “Ethics Orientation for State Employees” training video or receives in-person training.
2. For each new employee, an agency shall:
 - a. Obtain a signed “Acknowledgment of Receipt of the State Ethics Rules,” which shall be placed in the new employee’s file;
 - b. Provide (i) the contact information for the agency’s ethics officer and (ii) a fraud hotline number, to which the employee may report alleged ethical violations anonymously to the Indiana State Ethics Commission.
3. As of July 5, 2004, the appointing authority for each agency shall ensure that every one of its employees completes ethics “refresher” training at least every two years by reviewing the most current version of the Indiana State Ethics Commission training video, receiving in-person ethics training, or in some other manner deemed equally effective by the State Ethics Commission.
4. The Indiana State Ethics Commission shall conduct annual education programs (potentially including continuing legal education) that explain the ethical obligations for those parties who have a business relationship with an agency. The Commission also shall provide other education for parties with business relationships with agencies, including Internet-based education.
5. The Indiana State Ethics Commission shall consider amending the state ethics rules to reflect the changes contained in this Executive Order.
6. Terms used herein have the same meaning as like terms defined in Indiana Code § 4-2-6-1.

IN TESTIMONY WHEREOF, I Joseph E. Kernan, have herewith set my hand and caused to be affixed the Great Seal of the State of Indiana on this 27th day of April, 2004.

Joseph E. Kernan
Governor of Indiana

SEAL

ATTEST: Todd Rokita
Secretary of State
