

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER _____
09-07

FOR: RENAMING THE GOVERNOR'S COUNCIL FOR PHYSICAL FITNESS AND SPORTS THE INSHAPE INDIANA COUNCIL

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, engaging in regular physical activity, making proper dietary decisions, and avoiding harmful substances are essential components of public health; and

WHEREAS, decisions to the contrary greatly increase the risk of the development of health problems, including cardiovascular disease, diabetes, respiratory problems, and certain cancers; and

WHEREAS, Hoosiers should be encouraged to develop healthy lifestyle habits at a young age and continue them through their lifetimes; and

WHEREAS, doing so leads to high performance in school, work and personal pursuits; and

WHEREAS, employers seek a vibrant workforce, making a healthy population attractive to organizations looking to do business in and with Indiana; and

WHEREAS, direct and indirect costs related to inadequate physical activity, poor eating habits, and tobacco use, place a significant burden on individuals, businesses, and the State; and

WHEREAS, Indiana has the environment and human resources to affect a significant positive change in the health of our population; and

WHEREAS, Indiana perceives a compelling public interest in assuring the mental and physical well-being of all Hoosiers is championed; and

WHEREAS, the establishment of an Indiana not-for-profit corporation, which would seek to become a qualifying organization under Section 501(c)(3) of the Internal Revenue Code, is the most reasonable and desirable means to cooperate with public entities and private enterprises to achieve the State's compelling public interest in this area; and

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

- 1) The Governor's Council for Physical Fitness and Sports is renamed the INShape Indiana Council.
 - a. The Council shall coordinate and promote public programs, private initiatives, and public-private partnership efforts to promote physical activity, improved nutrition and smoking cessation in order to encourage healthy lifestyles for persons of all ages.
 - b. The Council shall consist of twelve (12) to fifteen (15) members to be appointed by and serve at the pleasure of the Governor. These members shall represent a diversity of interests related to health and fitness in Indiana. The commissioner of the Indiana State Department of Health shall be an *ex officio* member of the Council.

- c. The Governor may appoint to the Council an honorary chairperson for a term of two (2) years. An honorary chairperson may not vote on Council business. Additionally, the Governor may appoint any number of honorary members, non-voting members, not to exceed twenty (20) members to assist with the Council's business. These members are to provide insight and assistance to the Council that is necessary and proper.
- d. Each member of the Council shall be appointed for a term of two (2) years. In the event of a vacancy arising on the Council for any reason, the Governor may, in his discretion, appoint a substitute member to serve the unexpired term. Members of the Council may be reimbursed for their actual expenses incurred on Council business in accordance with state law and with the policies of the Department of Administration and the State Budget Agency.
- e. The Governor shall appoint the chairperson and vice-chairperson of the Council from among its members.
- f. The Council may, by majority vote, form task forces when necessary to study and make recommendations regarding matters before the Council. Task force participants, who do not otherwise hold lucrative state offices, may be reimbursed for their actual expense incurred on Council business in accordance with state law and with the policies of the Department of Administration and the State Budget Agency
- g. The Council shall meet at the call of the Chairperson or a majority request from the members of the Council. Further, the Council shall perform other duties and carry out such other responsibilities as shall be requested by the Governor for the purpose of promoting public health and fitness initiatives. The honorary members may attend the regularly scheduled meetings.
- h. Staff of the Office of the Governor or other state agencies may be assigned to assist the Council in carrying out its duties.

2) INShape Indiana, Inc. shall be established as follows:

Section 1. Establishment of the Corporation. Articles of Incorporation as a not-for-profit corporation shall be filed on behalf of the INShape Indiana, Inc. ("INShape") with the Indiana Secretary of State and all other general requirements shall be taken in order to obtain and maintain a certificate of incorporation issued by the Indiana Secretary of State.

Section 2. Directors of INShape. The Governor shall appoint the directors of INShape, as specified in the By-Laws of INShape, and as noted in the Articles of Incorporation for the INShape. The directors shall each serve for a term of two years and until a successor is appointed by the Governor, and shall also serve as members of the larger INShape Indiana Council concurrently.

Section 3. Acceptance of Contributions for INShape's Purposes. INShape is hereby authorized to take all necessary steps to become a qualifying organization under Section 501(c)(3) of the Internal Revenue Code, and is further authorized to accept and expend all funds, grants, gifts, and contributions of money, property, labor, and other things of value from public and private sources. Any and all contributions to and expenditures of INShape shall be subject to full and periodic disclosure as a matter of public record maintained by the State Ethics Commission.

Section 4. Debts of INShape. Any debt incurred by INShape under authority of this Executive Order does not represent or constitute a debt of the State within the meaning of the Constitution or statutes of the State of Indiana.

Section 5. Period of Existence. The period during which INShape shall continue is perpetual. INShape shall possess the right, privilege and power,

among other things, to cease its activities and surrender its corporate franchise and, in the event of any such dissolution, all property remaining after payment and discharge of INShape's obligations shall be transferred and conveyed, in accordance with the Articles of Incorporation of INShape and subject to any contractual or legal requirements, to the State or to one or more other not-for-profit corporations selected by the Board of Directors and organized and operated for purposes substantially similar to those of INShape.

Section 6. Effective Date of Order. This Order shall be effective as of the date of execution. The terms of this original Order, unless modified by an Executive Order by the Governor, shall remain in effect until such time as the effective date of any preemptive legislation adopted by the Indiana General Assembly.



IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 24th day of September, 2009.

M E Daniels, Jr.

Mitchell E. Daniels, Jr.
Governor of Indiana

Todd Rokita

ATTEST:
Todd Rokita
Secretary of State