

**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2009-06**

**ESTABLISHING A PROCESS TO EVALUATE AND IMPLEMENT "THE FEDERAL AMERICAN  
ECONOMIC RECOVERY AND REINVESTMENT ACT OF 2009"**

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*WHEREAS, Congress has passed the American Economic Recovery and Reinvestment Act of 2009 (Act); and*

*WHEREAS, the President signed the Act into law on February 17, 2009; and*

*WHEREAS, the Act encompasses over \$789 billion in spending and tax cuts; and*

*WHEREAS, the Act would provide federal stimulus dollars to the State of Idaho, contingent upon a request by the Governor within forty-five (45) days of enactment to receive federal funding under the Act and certification that requested funding would be used to create jobs and promote economic growth; and*

*WHEREAS, federal stimulus funding must not impede or inhibit the constitutional mandate to provide a balanced state budget for the people of Idaho;*

*NOW, THEREFORE, I, C.L. "BUTCH" OTTER, Governor of the State of Idaho, by the authority vested in me under the Constitution and laws of this state do hereby order:*

*(1) Any state agency anticipating federal funds under the Act shall report to the Administrator of the Division of Financial Management (DFM) within fifteen (15) days of enactment of the Act, but no later than noon on March 4, 2009, the following information:*

- (a) The amount of federal funding it anticipates receiving under the Act;*
- (b) Timeframe for receipt of funds;*
- (c) Whether the anticipated federal funding is allocated through an existing or new federal program;*
- (d) Current levels of state funding for the agency that is appropriated, requested or held in any account by or for the agency that would be impacted positively or negatively by the receipt of federal stimulus funding;*
- (e) Whether additional spending authority would be necessary to expend the federal funds;*
- (f) Whether any additional state employees are necessary to oversee or administer the federal funds and if so how many;*
- (g) Requirements under the Act associated with spending federal funding, including but not limited to state match or cost share requirements, percentage limitations and timeframes;*
- (h) When federal funding ends; and*
- (i) A plan detailing how the funds will be spent and how the agency will address the absence of federal funding after it ends.*

*(2) Every state agency shall review and evaluate whether it would request federal funding under any provision of the Act. If an agency determines it is eligible and desires federal funding under a provision of the Act it shall notify the Administrator of DFM within fifteen days of enactment of the Act, but no later than noon on March 4, 2009, and provide the following information:*

- (a) *The amount of federal funding desired under the Act;*
  - (b) *The title(s) and section(s) of the Act under which the funding is provided;*
  - (c) *The requirements and deadline for applying for federal funding;*
  - (d) *The requirements associated with the desired funding, including but not limited to spending limitations, state match or cost share requirements, percentage limitations and timeframes;*
  - (e) *When the federal funding would end;*
  - (f) *Whether additional spending authority would be necessary to expend the federal funds;*
  - (g) *Whether any additional state employees are necessary to oversee or administer the federal funds and if so how many; and*
  - (h) *A plan detailing how the funds will be spent and how the agency will address the absence of federal funding after it ends.*
- (3) *State agencies are prohibited from directly applying for any funding under the Act without prior written approval from the Governor.*
- (4) *Any state agency that receives federal funding under the Act must immediately notify the Administrator of DFM and is required to spend such funds only in a manner consistent with state law, current or subsequent legislative appropriations.*
- (5) *Any individual hired by a state agency in connection with or as a result of funding under the Act shall be a limited service employee and their employment shall not last beyond the expenditure of federal stimulus funds.*
- (6) *Obligations or expenditures of federal stimulus funds by state agencies shall not exceed the actual federal money allocated pursuant to the Act.*
- (7) *Anyone outside of state government who believes they are eligible to receive federal stimulus funding and wants the Governor to apply for stimulus money on their behalf should present their request to the Administrator of DFM within fifteen days of enactment of the Act, but no later than noon on March 4, 2009, and provide the following information:*
- (a) *Whether they are a public, private or non-profit entity;*
  - (b) *Who they represent;*
  - (c) *The amount of federal funding desired under the Act;*
  - (d) *The title(s) and section(s) of the Act under which the funding is provided;*
  - (e) *The requirements and deadline for applying for federal funding;*
  - (f) *The requirements associated with the desired funding, including but not limited to spending limitations, match or cost share requirements, percentage limitations and timeframes;*
  - (g) *When the federal funding would end;*
  - (h) *Number of potential jobs required or created by the use of federal stimulus funds; and*
  - (i) *A plan detailing how the funds will be spent and how the individual or entity will address the absence of federal funding after it ends.*

(8) *The creation of a stimulus executive committee (committee) comprised of members appointed by and serving at the pleasure of the Governor. The number of members of the committee shall be determined by the Governor. The committee shall be staffed by the Administrator of DFM, Legal Counsel to the Governor and any other staff within the Office of the Governor as directed by the Governor.*

(9) *The committee to review all state agency information submitted to the Administrator of DFM and provide its findings and non-binding recommendations to the Governor within thirty (30) days of the enactment of the Act, but no later than the close of business on March 19, 2009. The findings and recommendations shall include:*

- (a) Which funds under the Act the Governor should request, with priority given to federal funds that are allocated for one-time projects or reducing the need for state general fund dollars in FY 09, 10 or 11 without the need for future, ongoing state expenditures;*
- (b) Potential impacts or savings to the state general fund from the recommended federal funds;*
- (c) Positive and negative impacts to state agency budgets for FY 09, 10, 11 and 12 if federal funding is requested and received;*
- (d) Whether state agencies have adequate spending authority for the federal funds recommended; and*
- (e) Any other recommendations or information as the Governor desires.*

(10) *Records containing information submitted by state agencies to the Administrator of DFM and the recommendations and findings of the Committee are public records and subject to the provisions of the Idaho Public Records laws.*

(11) *Nothing in this executive order shall prohibit local governments, local educational agencies as defined in the Act or any eligible entity as determined under the Act from seeking federal funding.*

(12) *For the purposes of this executive order the term "state agency" shall mean any state department, office, board, commission, division or subset thereof within the executive branch. The term does not include any constitutional officer within the executive branch of state government.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho in Boise on this 17th day of February in the year of our Lord two thousand and nine and of the Independence of the United States of America the two hundred thirty-third and of the Statehood of Idaho the one hundred nineteenth.*

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**C.L. "BUTCH" OTTER  
GOVERNOR**

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**BEN YSURSA  
SECRETARY OF STATE**