

THE OFFICE OF THE GOVERNOR

**EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE**

EXECUTIVE ORDER NO. 2011-03

PROHIBITING EXECUTIVE BRANCH DEPARTMENTS, AGENCIES AND INSTITUTIONS OF THE STATE FROM IMPLEMENTING THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

WHEREAS, the Patient Protection and Affordable Care Act, P.L. 111-148, 124 Stat. 119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, 124 Stat. 1029 (2010) (PPACA) was signed into law by the President on March 23, 2010; and

WHEREAS, PPACA represents a dramatic attempt to assert federal command and control over this country's health care system, which accounts for one-sixth of our nation's economy; and

WHEREAS, the power to require or regulate a person's choice in the mode of securing health care services, require employers to provide health insurance coverage to their employees, determine the content of health insurance policies, or limit the construction or expansion of the hospital or medical facilities or to impose a penalty related thereto, is not found in the United States Constitution; and

WHEREAS, I have opposed the overreaching nature of the PPACA and its infringement on Idahoans and the authority of the State under the Tenth Amendment of the United States Constitution; and

WHEREAS, there are serious questions about the wisdom of any further efforts in this state to implement the PPACA after two separate federal courts have overturned it or its provisions as unconstitutional; and

WHEREAS, whether court, congressional or state action ends the PPACA, there will remain a need for homegrown solutions to healthcare issues in Idaho; and

WHEREAS, it is in the State's best interest to retain control over decisions concerning public health initiatives and health care for its citizens regardless of the constitutionality of the PPACA; and

WHEREAS, consistent with my obligation to protect Idaho's sovereign interests and those of its citizens, the boundary between state and federal government must be maintained to prevent an unwise and unsustainable federal takeover of health care in 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 the State of Idaho do hereby:

- 1. Direct every executive branch department, agency and institution of the State as follows:*
 - a. No executive branch department, agency, institution or employee of the State shall establish or amend any program or promulgate any rule to implement any provisions of the PPACA;*
 - b. No executive branch department, agency, institution or employee of the State shall enter into any agreement or obligation to implement any provisions of the PPACA;*
 - c. No executive branch department, agency, institution or employee of the State shall provide assistance or resources of any kind to any agency, public official, employee or agent of the federal government to implement or enforce the PPACA; and*
 - d. No executive branch department, agency, institution or employee of the State shall accept or expend federal funds to implement the provisions of the PPACA.*

2. *Establish the following review and waiver process:*
- a. *Any executive branch department, agency, institution or employee of the State seeking a waiver from the prohibitions in section 1 of this executive order shall submit a written request to the Governor justifying the need for such a waiver;*
 - b. *The written request shall include:*
 - i. *An explanation of why the action prohibited in section 1 is required, mandated or otherwise desired;*
 - ii. *Confirmation that the requesting entity reasonably explored and exhausted available options that would have limited or negated the need for the waiver;*
 - iii. *An explanation of the desired action, detail of the funds that will be expended by fund source, a timetable for implementation and the number of employees who will be hired or involved; and*
 - iv. *Any additional information requested by the Governor.*
 - c. *The Governor will review all written requests. He must consent in writing before an executive branch department, agency, institution or employee of the State can undertake any of the actions prohibited in section 1 of this executive order.*



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 20th day of April in the year of our Lord two thousand and eleven and of the Independence of the United States of America the two hundred thirty-fifth and of the Statehood of Idaho the one hundred twenty-first.

C.L. "BUTCH" OTTER
GOVERNOR

BEN YSURSA
SECRETARY OF STATE