



C.L. "BUTCH" OTTER
GOVERNOR

EXECUTIVE DEPARTMENT
STATE OF IDAHO
BOISE

EXECUTIVE ORDER NO. 2009-10
ESTABLISHING A POLICY FOR ALL STATE AGENCIES CONCERNING PUBLIC FUNDS
REPEALING AND REPLACING 2006-40

WHEREAS, the President signed the American Recovery and Reinvestment Act of 2009 into law on February 17, 2009; and

WHEREAS, the State of Idaho has a responsibility to its citizens to ensure that public funds, including but not limited to state tax dollars and federal stimulus funds, are not paid to those who have entered our nation illegally or cannot legally work in the United States; and

WHEREAS, those who choose to enter our nation illegally should not be rewarded for their actions; and

WHEREAS, the State of Idaho should work to ensure that jobs funded with state tax dollars and federal stimulus funds are available for those who are lawfully entitled to work in our State and nation; and

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 order the following:

- 1. The Division of Human Resources shall continue to develop and implement procedures to verify and ensure that all new employees with any agency of the State of Idaho are eligible for employment under federal and state law.*
- 2. All state agencies, consistent with state law, including but not limited to the Department of Health and Welfare and Department of Labor, shall evaluate existing procedures and programs and if necessary implement new procedures or programs consistent with state and federal law to ensure that only individuals who are legally in the United States receive government benefits involving state or federal stimulus funds.*
- 3. All contracts and requests for proposals, bids and information for state projects or services provided to the state that involve state or federal stimulus funds issued after the effective date of this executive order shall include notice that all contractors and subcontractors declare to the contracting state agency that they have substantiated that all employees providing services or involved in any way on projects funded directly by or assisted in whole or part by state funds or federal stimulus dollars can legally work in the United States.*
- 4. The Department of Administration and other state agencies shall develop and implement procedures by July 1, 2009 to ensure that all contracts for projects or services performed for the State of Idaho with state, federal or stimulus funds are with businesses that employ individuals who are eligible under federal and state law to work in the United States.*
- 5. The Department of Administration shall work with state agencies to evaluate existing procedures and programs and if necessary implement new policies and procedures regarding contractual penalties consistent with state law by July 1, 2009, for an employer who knowingly and willfully fails to confirm that an employee is eligible to work in the United States or knowingly and willfully employs a person who cannot legally work in this country. Penalties may include immediate cancellation of the contract, reversion of unspent public funds, and monetary penalties. After July 1, 2009, every*

contract by a state agency for a state project or service performed for the State of Idaho shall include appropriate civil penalties for violating this executive order.

- 6. The Department of Correction, in conjunction with the Commission for Pardons and Parole, shall evaluate all procedures and programs and if necessary implement new procedures or programs to ensure that individuals who are incarcerated in Idaho correctional facilities and in the United States illegally are deported after their sentence or as soon as possible in conformance with state law.*
- 7. For the purpose of this executive order and only this executive order “agency” shall mean all offices, departments, divisions, bureaus, boards, and commissions of the State, excluding the department of education, legislative and judicial branches of government.*
- 8. For the purposes of this executive order and only this executive order the term “legally work in the United States” would include any citizen of the United States or individual who is eligible for employment under federal law.*



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 29th day of May 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.

**C.L. “BUTCH” OTTER
GOVERNOR**

**BEN YSURSA
SECRETARY OF STATE**