

**EXECUTIVE ORDER BY THE GOVERNOR
IMPLEMENTING THE PROVISIONS OF THE
AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
IN THE STATE OF NEVADA**

WHEREAS, Article 5, Section 1 of the Nevada Constitution provides that “The supreme executive power of this State, shall be vested in a Chief Magistrate who shall be Governor of the State of Nevada”; and

WHEREAS, Article 5, Section 7 of the Nevada Constitution further provides that the Governor “shall see that the laws are faithfully executed”; and

WHEREAS, the State of Nevada is committed to working with the federal government to move our state forward in these challenging economic times; and

WHEREAS, President Barack Obama signed the “American Recovery and Reinvestment Act of 2009” (“ARRA”) into law on February 17, 2009; and

WHEREAS, the ARRA provides stimulus funding for job creation, infrastructure development, energy efficiency, developing new technologies, and State and local fiscal stabilization; and

WHEREAS, the State of Nevada has and will continue to receive significant additional federal funding as a result of the passage of ARRA to be used in a manner consistent with the purposes described above; and

WHEREAS, on March 10, 2009 pursuant to the provisions of ARRA, as Governor, I officially certified that the State would request and use funds provided by the ARRA and that these funds would be used in accordance with the legal requirements set forth in the ARRA to create jobs and promote economic growth; and

WHEREAS, the ARRA requires the State to manage fiscal stimulus resources in a manner that is prudent, accountable and transparent, and in a manner that is as expeditious as possible; and

WHEREAS, the ARRA requires the State to be prepared for the receipt of stimulus funds which must be obligated within very constrained timeframes, so as to ensure investments are infused into the economy as quickly as possible; and

WHEREAS, the ARRA requires the State to provide the federal government with timely, comprehensive reports on the uses and management of stimulus funds and to comply with significant transparency and accountability requirements; and

WHEREAS, Nevadans continue to endure the pressures of the national economic crisis, making it imperative that Nevada quickly move the federal stimulus money into our communities, maintain current jobs, create new jobs and invest in long-term economic growth for the state; and

WHEREAS, the first progress reports under the ARRA must be submitted between October 1 and October 10, 2009. Failure to show substantial progress in distributing stimulus funds, creating jobs and promoting economic growth and/or noncompliance with the ARRA reporting requirements may place the awarding of additional federal stimulus funds to the State of Nevada at risk; and

WHEREAS, pursuant to Article 4, Section 2 of the Nevada Constitution the Nevada Legislature is not scheduled to convene until the first Monday of February, 2011; and

WHEREAS, the Nevada Legislature cannot reasonably be called into special session each time a state agency receives additional stimulus funding under the ARRA; and

WHEREAS, the provisions of NRS 223.210 allow the Governor, in lieu of forfeiting a federal grant, and with proper legislative authority pursuant to federal legislative authority of the U.S. Congress vis-à-vis the American Recovery and Reinvestment Act of 2009, to expend, for the purpose required, any money so accepted from the Federal Government.

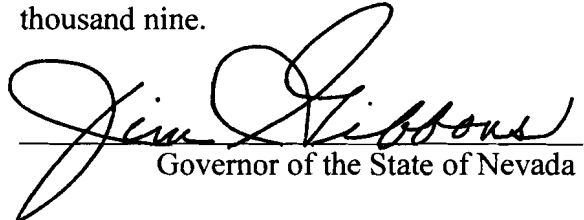
NOW, THEREFORE, I, Jim Gibbons, Governor of the State of Nevada, by virtue of the power and authority vested in me by the Constitution and laws of the State of Nevada do hereby order as follows:

1. Establish the position of Nevada State ARRA Director as a non-classified position within the Office of the Governor funded by ARRA funds. The Nevada State ARRA Director shall: serve as the single point of contact in Nevada relating to the ARRA, track grants and awards and ensure timely and compliant reporting by Executive Branch ARRA recipients pursuant to Section 1512 and other applicable provisions of ARRA, reconcile Executive Branch data to recovery.gov and to the Nevada state ARRA web site, manage the content of the Nevada state ARRA web site to provide timely and accurate data pursuant to the ARRA, serve as liaison to state and federal government agencies and members of the public to promote an understanding of the provisions of the ARRA, and provide outreach and technical assistance to potential sub-recipients of ARRA fund grants within Nevada communities.
2. Authorize the Nevada State ARRA Director, within available ARRA funding, to employ such persons, enter into contracts, and expend such funds as fiscally prudent and necessary to facilitate the acceptance and distribution of ARRA funding in a manner which complies with all requirements of the Act.
3. Require the head of each agency of the Executive Branch that applies for or receives funds pursuant to the American Recovery and Reinvestment Act of 2009 to designate, within their existing staff, an agency accountability officer who shall be responsible for ensuring all funds received by said agency pursuant to the Act are spent in a manner that complies with all requirements of the Act. Each agency accountability officer is required to make timely progress reports with updated statistical and performance data as requested by the Nevada State ARRA Director and as required by Section 1512 of the ARRA.
4. Authorize the head of each agency of the Executive Branch who receives federal stimulus funds under the ARRA to expend such funds pursuant to the federally approved Nevada state plan for the program under the oversight and direction of the Nevada State ARRA Director.
5. Require the Nevada State ARRA Director to submit periodic informational reports regarding the expenditure of the ARRA funds to the Subcommittee for Federal Stimulus Oversight of the Interim Finance Committee established in the Legislative Counsel Bureau pursuant to NRS 218.6825.

BE IT FURTHER ORDERED, that the Director of the Department of Administration, pursuant to NRS 353.215, and the State Controller, pursuant to NRS 227.310, act with haste to facilitate the processing of budgetary work programs to implement the provisions of this Executive Order.


IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this fourteenth day of August, in the year two thousand nine.




Governor of the State of Nevada

By the Governor:


Secretary of State


Deputy Secretary of State