

**EXECUTIVE ORDERS, PROCLAMATIONS OF  
GENERAL APPLICABILITY, AND STATEMENTS  
ISSUED BY THE GOVERNOR  
PURSUANT TO A.R.S. § 41-1013(B)(3)**

The Administrative Procedure Act (APA) requires the full-text publication of all Executive Orders and Proclamations of General Applicability issued by the Governor. In addition, the *Register* shall include each statement filed by the Governor in granting a commutation, pardon or reprieve, or stay or suspension of execution where a sentence of death is imposed. With the exception of egregious errors, content (including spelling, grammar, and punctuation) of these orders has been reproduced as submitted.

**\* DECLARATION OF EMERGENCY – Hazardous Materials Contingency \***

[M08-55]

**WHEREAS**, there continues to be a threat of incidents arising from the transport, storage, use, production, and disposal of hazardous materials throughout the state; and

**WHEREAS**, hazardous materials incidents create a constant and continual need to protect the lives, health and property of a considerable number of citizens and residents of the State of Arizona; and

**WHEREAS**, state and local agencies respond to these incidents daily incurring unbudgeted fiscal expenditures; and

**WHEREAS**, the state previously had a hazardous materials contingency declaration for the period January 1, 2002 – January 1, 2007; and

**WHEREAS**, there have been ongoing hazardous materials contingencies since January 1, 2007 that justify a renewed declaration; and

**WHEREAS**, the Governor is authorized to declare an emergency for a contingency pursuant to A.R.S. § 26-303(D); and

**WHEREAS**, the Legislature has authorized the expenditure of funds in an event of an emergency pursuant to A.R.S. § 35-192;

**NOW, THEREFORE I**, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine the threat of hazardous materials incidents and the need to respond to such contingencies justifies a declaration of a State of Emergency, pursuant to A.R.S. § 26-303(D), and I do hereby:

- a. Declare an emergency statewide due to the on-going need for hazardous materials response efforts, effective January 1, 2007 and continuing; and
- b. Direct that the sum of up to \$200,000 from the General Fund be made available annually to the Director of the State Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, Executive Order 79-4 and policy established by the Arizona Emergency Response Commission; and
- c. Authorize the Adjutant General to mobilize and call to activate all or such part of the National Guard as is determined necessary to assist in the protection of life and property throughout the State.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 1 day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

**Janice K. Brewer**

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**Secretary of State**

**\* DECLARATION OF EMERGENCY – Search and Rescue Contingency \***

[M08-56]

**WHEREAS**, there is a continuing demand to provide emergency search and rescue assistance to individuals lost, injured, stranded or deceased in remote inaccessible areas of the State of Arizona; and

**WHEREAS**, the State of Arizona and the County Sheriffs conduct search and rescue missions and incur costs above and beyond their capability; and

**WHEREAS**, without search and rescue assistance individuals' lives and welfare may be in jeopardy; and

**WHEREAS**, the state previously had a search and rescue contingency declaration for the period January 1, 2002 – January 1, 2007; and

**WHEREAS**, there have been ongoing search and rescue contingencies since January 1, 2007 that justify a renewed declaration; and

**WHEREAS**, the Governor is authorized to declare an emergency for a contingency pursuant to A.R.S. § 26-303(D); and

**WHEREAS**, the Legislature has authorized the expenditure of funds in an event of an emergency pursuant to A.R.S. § 35-192;

**NOW, THEREFORE I**, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby determine the continuing demand for search and rescue missions justifies a declaration of a State of Emergency, pursuant to A.R.S. § 26-303(D), and I do hereby:

- a. Declare an emergency for Search and Rescue Contingency statewide due to the on-going need for search and rescue missions, effective January 1, 2007 and continuing; and
- b. Direct that the sum of up to \$200,000 from the General Fund be made available annually to the Director of the State Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, A.R.S. § 11-251.02, A.R.S. § 11-441.C, Executive Order 79-4; and
- c. Authorize the Adjutant General to mobilize and call to activate all or such part of the National Guard as is determined necessary to assist in the protection of life and property throughout the State.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 1 day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

**Janice K. Brewer**  
**Secretary of State**

**TERMINATION OF EMERGENCY**

**\* AZ Pre-Suppression Wildfire Resources Emergency \***

[M08-70]

**WHEREAS**, the State of Arizona experienced the driest winter in recorded history coupled with above average temperatures and the earliest start to the wildfire season in 2006; and

**WHEREAS**, a state of emergency was declared on February 22, 2006 to prepare resources for the 2006 wildfire season; and

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**WHEREAS**, all of the eligible response and recovery work pertaining to the emergency has been completed, audited and reimbursed; and

**WHEREAS**, the Governor's Emergency Funds were expended pursuant to A.R.S. § 35-192, as amended; and

**WHEREAS**, pursuant to A.R.S. § 26-303(F), the Governor is authorized to proclaim the termination of a state of emergency;

**NOW, THEREFORE I**, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby terminate the declaration of the State of Emergency of February 22, 2006. All unexpended funds allocated to the emergency shall revert to the General Fund.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 7th day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

**Janice K. Brewer**  
**Secretary of State**

**TERMINATION OF EMERGENCY**  
**\* Brins Wildfire Emergency \***

[M08-69]

**WHEREAS**, the Brins Fire ignited in the Coconino National Forest near the communities of Sedona and Oak Creek Canyon on June 18, 2006; and

**WHEREAS**, a state of emergency was declared on June 19, 2006 to activate the AZ 2-1-1 Call Center; and

**WHEREAS**, all fire fighting and related fire suppression costs were covered by the Fire Management Assistance Grant; and

**WHEREAS**, all of the eligible response and recovery work pertaining to the emergency has been completed, audited and reimbursed; and

**WHEREAS**, the Governor's Emergency Funds were expended pursuant to A.R.S. § 35-192, as amended; and

**WHEREAS**, pursuant to A.R.S. § 26-303(F), the Governor is authorized to proclaim the termination of a state of emergency;

**NOW, THEREFORE I**, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby terminate the declaration of the State of Emergency of June 19, 2006. All unexpended funds allocated to the emergency shall revert to the General Fund.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 7th day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

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**Janice K. Brewer**  
Secretary of State

**TERMINATION OF EMERGENCY**  
**\* Pima County Flash Flood Emergency \***

[M08-68]

**WHEREAS**, intense heavy rains and flash flooding caused significant damage to public infrastructure throughout Pima County in August 2005; and

**WHEREAS**, a state of emergency was declared on September 16, 2005 to address health and safety concerns of the citizens, as well as the repair of public infrastructure; and

**WHEREAS**, all eligible response and recovery work pertaining to the emergency has been completed, audited and reimbursed; and

**WHEREAS**, the Governor's Emergency Funds were expended pursuant to A.R.S. § 35-192, as amended; and

**WHEREAS**, pursuant to A.R.S. § 26-303(F), the Governor is authorized to proclaim the termination of a state of emergency;

**NOW, THEREFORE I**, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and Laws of the State, do hereby terminate the declaration of the State of Emergency of September 16, 2005. All unexpended funds allocated to the emergency shall revert to the General Fund.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 7th day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

**Janice K. Brewer**  
Secretary of State

**EXECUTIVE ORDER 2008-12**  
**Continuing the Governor's Commission to Prevent Violence Against Women**  
**(Amending Executive Order 2008-09)**

[M08-54]

**WHEREAS**, violence against women affects Arizonans of all races, ethnicities, religions and socioeconomic classifications; and

**WHEREAS**, nationally, one in three women have been beaten, coerced into sex, or otherwise abused in their lifetime, usually by a family member or intimate partner; and

**WHEREAS**, in 2007, Arizona had 124 known deaths related to domestic violence; and

**WHEREAS**, nationally, ninety-two percent (92%) of women indicate that reducing domestic violence and sexual assault should be at the top of any formal efforts taken on behalf of women today; and

**WHEREAS**, witnessing violence between one's parents or caretakers is the strongest risk factor for transmitting violent behavior from one generation to the next, increasing the chance of perpetuating the cycle of violence in adult relationships; and

**WHEREAS**, despite often going unreported, nationally, more than one in four women (26.5%) above the age of 65 have

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been the victim of physical, sexual or psychological violence by their spouse or intimate partner, and abuse of the elder and vulnerable adult population is increasing;

**NOW, THEREFORE**, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the powers vested in me by the Constitution and laws of this State, hereby continue the Governor's Commission to Prevent Violence Against Women (the "Commission") and order as follows:

1. The Commission shall:
  - A. Consist of no fewer than 13 and no more the 19 members, each of whom shall be appointed by the Governor and shall serve, without compensation, at the pleasure of the Governor. The Governor shall also appoint a chairperson who shall serve at the pleasure of the Governor.
  - B. Meet at the call of the Governor or the Commission Chair, but no fewer than four times per year.
  - C. To the extent practicable, be comprised of a cross-section of Arizonans who provide ethnic, geographic, gender, age and socio-economic diversity.
  - D. Include a Governor's designee, and others who demonstrate expertise in issues related to violence against women; in addition, it may include ex-officio members representing state agencies, including the Arizona Department of Economic Security, the Arizona Attorney General's Office and the Arizona Department of Health Services.
  - E. Work with entities throughout the State to increase awareness about the issues of violence against women.
  - F. Provide a forum for addressing input from the community and respond to new information on violence against women.
  - G. Continue to oversee the implementation and progress of the Domestic and Sexual Violence State Plan, and revise this State Plan as needed.
  - H. Provide a report to the Governor regarding the activities and outcomes of the Commission by January 31, 2009 and annually thereafter.
  - I. Sunset on December 31, 2011, unless extended by future Executive Order.
2. The Commission may establish sub-committees at the discretion of the Chair to work on issues related to violence against women. Sub-committees may include interested members of the community who are not Commission members. The Chair shall recommend community members of the sub-committees, but they shall be approved by, and serve at the pleasure of, the Governor.
3. Members of the Commission may, with the Governor's permission, send designees to serve on the Commission; provided, however, that such designees shall have been delegated by the member with full authority to vote and otherwise act on behalf of the member.
4. This Executive Order supersedes Executive Order 2003-13.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 1 day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

**Janice K. Brewer**

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Secretary of State

**EXECUTIVE ORDER 2008-13**  
**Establishing a Meet and Confer Process in the Department of Corrections**  
**(Amending and Superseding Executive Order 2008-11)**

[M08-66]

**WHEREAS**, the state of Arizona and the Arizona Department of Corrections ("ADOC") are committed to providing employees a voice in the determination of working conditions; and

**WHEREAS**, the State of Arizona and the ADOC recognize that communications with employees is critical to effective and sound public policy; and

**WHEREAS**, it is not possible to meet and confer with every individual employee of the ADOC about working conditions; and

**WHEREAS**, it is the intent of this Executive Order to ensure that a process exists within ADOC for qualifying employee organizations to have a forum to meet and confer with the ADOC Director on a regular basis;

**NOW, THEREFORE**, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby order and direct as follows:

1. In addition to any existing policies relating to communications with ADOC employees, the Director of the ADOC shall meet on at least a quarterly basis with the duly elected representative of any qualifying Department of Corrections employee organization. The Director shall develop policies to determine what constitutes a qualifying employee organization, provided, however, that any such organization whose members constitute at least 50 percent of all Department of Corrections employees who participate in payroll deductions for employee organizations shall qualify.
2. The meetings referenced in paragraph one (1) may cover a variety of topics related to ADOC working conditions, including:
  - A. Hours and conditions.
  - B. Employee safety issues.
  - C. ADOC disciplinary policies.
  - D. Staff recognition and employee morale issues.
  - E. ADOC budgeting strategy and requests.
  - F. Such other topics as may be relevant to the ADOC working environment.
3. This order shall not be construed to:
  - A. Affect or limit the existing right of the ADOC to:
    1. Direct the work of department employees.
    2. Hire, promote, demote, transfer, assign and retrain department employees.
    3. Suspend, discharge or discipline department employees.
    4. Maintain the efficiency of governmental operations.
    5. Relieve department employees from job responsibilities due to lack of work or other legitimate reasons.
  - B. Invalidate or limit other rights, remedies or procedures of this state relating to any issue of employment of ADOC employees.

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4. If a disagreement arises during a meeting between a qualifying employee organization and the Director of the ADOC concerning a condition of employment at the ADOC, and the possibility of resolution is remote after the parties meet and confer for a reasonable period of time, the ADOC or the employee organization may offer to the other party a written request to mediate the issue. Any such mediation process shall be voluntary and nonbinding. The mediation process shall use a neutral third party mediator to assist the parties in reaching a voluntary agreement. During the mediation process, each party shall agree to make a good faith attempt to resolve the issues, to cooperate with the mediator and to be open, candid and complete. The mediator shall only facilitate the meet and confer process and shall not in any manner adjudicate any issue being mediated. If the parties reach an agreement during the mediation process, the agreement shall be submitted to the Arizona Department of Administration ("ADOA"). If the mediation process does not resolve all disputed issues between the parties, ADOA will resolve the issues that remain in dispute.
5. The ADOA may adopt policies to govern the process established pursuant to this Executive Order.
6. In addition to information that may be required by the Director pursuant to paragraph one (1) above, any employee organization seeking recognition as a qualifying employee organization shall file the following with the ADOC:
  - A. The name and address of the organization;
  - B. A copy of its charter, constitution and by-laws, if they exist;
  - C. The names, titles, addresses and telephone numbers of its duly elected officers; and
  - D. A statement that membership in such organization is open to all eligible employees of the unit and is not denied because of race, creed, color, gender, national origin, ancestry, religion or age;
7. Upon determining that an employee organization qualifies pursuant to paragraphs one (1) or six (6) above, ADOC shall certify the employer organization as entitled to participate in the meet and confer process set forth in this Executive Order. Once ADOC has certified an authorized employee organization, it shall not revoke such certification for a period of one (1) year.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

**Janet Napolitano**  
**G O V E R N O R**

**DONE** at the Capitol in Phoenix on this 4 day of February in the year Two Thousand Eight and of the Independence of the United States of America the Two Hundred and Thirty-second.

**ATTEST:**

**Janice K. Brewer**  
**Secretary of State**