

**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.

EXECUTIVE ORDER 2011-03
Governor's Solar Energy Advisory Task Force
(Amending and Superseding Executive Order 2010-01)

[M11-226]

WHEREAS, many intervening events have transpired since the issuance of Executive Order 2010-01 creating the Solar Energy Advisory Task Force, and;

WHEREAS, the interest in converting Arizona's abundant sunshine into renewable solar energy continues to rise, and;

WHEREAS, the sustainability, technology and economics of renewable solar energy continues to play a vitally important role in the present and future of Arizona, and;

WHEREAS, "Business Facilities" a national publication has ranked Arizona as the "solar king," noting we offer "the highest solar power potential in the nation," and;

WHEREAS, in the past several years the Renewable Energy Tax Incentive Program and the Arizona Competiveness Package was passed by the legislature, and signed into law, to attract and promote the growth of solar energy companies and other renewable energy companies, and;

WHEREAS, the Governor's Office of Energy Policy was created to promote energy production, and;

WHEREAS, inadequate information continues to exist to fully evaluate the effectiveness of the incentives, and;

WHEREAS, there continues to be various impediments which have hampered several promising, proposed solar energy projects, and therefore there is a continuing need to correct these deficiencies, and;

WHEREAS, there continues to be a need for greater effectiveness and efficiency in public processes and competitive taxation structures to advance development and meet the promise of solar energy in Arizona, and;

WHEREAS, there is no single entity to research, evaluate and propose changes to Arizona's solar energy programs and policies to advise the Executive on these matters in order to ensure that Arizona becomes the leading solar energy producer in the world;

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby amend Executive Order 2010-01 which authorized and created the Governor's Solar Energy Advisory Task Force, and orders as follows:

1. The Governor shall appoint members of the Solar Energy Advisory Task Force (Task Force) who shall serve without compensation at the pleasure of the Governor.
2. The Task Force is charged with the following:
 - a) Evaluate incentives provided to solar energy producers and manufacturers and recommend their continuation, elimination, improvement and/or expansion.
 - b) Identify impediments which have halted or discouraged solar energy projects and have limited the implementation of distributive solar and recommend improvements regarding the same.
 - c) Evaluate and propose reforms to public agency processes and tax structures that may advance development of solar energy.
 - d) Advise the Governor on any solar energy matters deemed worthy by the task force.
3. The Task Force shall be comprised of not more than 21 members, including those members already appointed, and

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shall be Co-Chaired by the Director, Office of Energy Policy, and a member selected by the Governor who represents the business community.

4. The Governor's Office of Energy Policy shall provide administrative support.
5. The Task Force members shall meet at the joint call of the Co-Chairmen, shall vote in person and not by proxy, and may not send a designee for voting purposes.
6. The Co-Chairmen may form subcommittees and workings groups as required.
7. The Task Force shall submit its written findings and recommendations about issues requiring legislative enactment to the Governor annually December 31, 2011, December 31, 2012 and a final written report of all findings and recommendations by December 31, 2013.
8. The Task Force and this Executive Order shall expire December 31, 2013.

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

Janice K. Brewer
G O V E R N O R

DONE at the Capital in Phoenix, Arizona this the 23rd day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-04
Designating the Arizona Department of Administration as the State Agency Responsible for Preparing Official Population Estimates and Projections for the State of Arizona
(Amending and Superseding Executive Order 2009-01)

[M11-233]

WHEREAS, the Arizona Department of Commerce has been restructured into a public-private partnership called the Arizona Commerce Authority to increase Arizona's global competitiveness through leadership and collaborative partnerships; and

WHEREAS, the demographic, employment, and economic research functions previously performed by the Arizona Department of Commerce are of vital importance to the State of Arizona; and

WHEREAS, the need exists to revise Executive Order 2009-01 to designate the Arizona Department of Administration as the State agency responsible for official population estimates and projections, with the Arizona Department of Economic Security having final signature approval of population estimates by authority of the Arizona Constitution, Article 9, Section 20 and A.R.S. § 41-1954.

NOW THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by the authority vested in me by the Arizona Constitution and the laws of the State, do hereby order and direct as follows:

1. The Arizona Department of Administration (ADOA) shall be the agency designated to produce the official population estimates and projections for the State of Arizona.
2. The Council for Technical Solutions (the "Council") shall be continued and provide recommendations to ADOA on the technical means to improve the quality of the population data, methodology, standards, and analytic techniques. The Council shall be comprised of the following:
The State Demographer (who shall be the chairperson of the Council)
A representative of each of the three State universities in Arizona
A representative of each of the six Regional Councils of Governments in Arizona
A representative of the Arizona Department of Health Services
A representative of the Arizona Department of Transportation
At least one demographic expert selected by ADOA and any additional demographic experts selected by ADOA
3. ADOA shall produce annual official population estimates, which shall be dated as of July 1 and released to the public by December 15 of that same year. The official population estimates shall include estimates for the State, its counties, its incorporated jurisdictions and the unincorporated balance of each county.
4. ADOA shall produce the official population projections for each year for a minimum of the next 25-year period.

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The projections shall be dated as of July 1 and shall include projections for the State, its counties, its incorporated jurisdictions and the unincorporated balance of each county.

5. ADOA shall release the State and county projections as soon as possible following the release of detailed decennial census data by the U.S. Department of Commerce, Bureau of the Census, but no later than December 31 in years ending in 2. These projections shall be updated twice, at three year intervals, prior to the release of the next decennial census data and no later than December 31 in years ending in 5 and 8.
6. ADOA shall release the projections for the State's incorporated jurisdictions and the unincorporated balance of each county as soon as possible following the release of the State and county projections, but no later than nine months thereafter.
7. All executive branch State agencies shall cooperate with ADOA by providing access to records and data necessary to prepare the population estimates and projections. To allow for year to year and longitudinal comparisons of estimates and projections, all executive branch State agencies that provide data used by ADOA to formulate its estimates and projections (e.g., births, deaths, driver license data, etc.) shall ensure each year's data is collected and measured using methods consistent from year to year, starting as of the year 2000.
8. ADOA shall work with Regional Councils of Governments to obtain data necessary to calculate the population estimates and projections, including the Regional Councils of Governments' population estimates and projections for incorporated jurisdictions and the unincorporated balance of counties. The Regional Councils of Governments shall provide work files sufficient in detail for ADOA to confirm that the assumptions and methods are consistent with the ADOA assumptions and methods used in determining population estimates and projections. The Regional Councils of Governments shall submit population projection data for incorporated jurisdictions and the unincorporated balance of counties to ADOA no later than six months after ADOA's release of State and county population projections in order to be included in ADOA's projections.
9. ADOA, with assistance from the Council, shall develop a user challenge process by which any city or county included in the population estimates may challenge ADOA's annual estimate. The challenge must be made in writing within 90 calendar days of the official release of the annual population estimates. The challenge process shall explicitly identify the data required to invoke a challenge. This shall be a cooperative process between ADOA and the challenging government.
10. Population estimates and population projections produced by ADOA in accordance with this Executive Order shall be used by all State agencies for all purposes, including those required by federal law, which necessitate the development of population estimates or population projections.

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on the 23rd day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05
State Regulatory Rule Making Review and Moratorium To Promote Job Creation and Retention

[M11-234]

WHEREAS, my first official action as Governor was to institute a regulatory rule making review and moratorium process ("regulatory review and moratorium") in order to prevent additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

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WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and laws of this State, hereby declare that for fiscal year 2011-2012 ending June 30, 2012, the following:

1. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any rule making except as permitted by this Order. The objective of this Order is eliminate any unnecessary increased monetary or regulatory costs on employers, persons, individuals, other state agencies, or political subdivisions of this State. This prohibition includes any informal rule making prior to the commencement of the formal rule making process.
2. Paragraph 1 does not apply to state agency rule making for any one or more of the following reasons:
 - a. To fulfill an objective related to job creation in this State.
 - b. To lessen or ease a regulatory burden while achieving the same regulatory objective.
 - c. To prevent a significant threat to the public health, peace or safety.
 - d. To avoid a violation of a court order or federal law that would result in sanctions by a court or federal government against an agency for failure to conduct the rule making action.
 - e. To comply with a federal statutory or regulatory requirement or a state statutory requirement if the applicable statute or regulation contains a date certain for compliance on or before December 31, 2012 or is necessary under subparagraph (c) of this Paragraph.
 - f. To fulfill an obligation related to fees or any other action necessary to implement the state budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
 - g. To promulgate a rule or other item that is exempt from title 41, chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
 - h. To address matters pertaining to the control, mitigation or eradication of waste, fraud or abuse within a state agency or wasteful, fraudulent or abusive activities perpetrated against a state agency.
3. A state agency, subject to this Order pursuant to Paragraph 4, shall not conduct any informal or formal rule making pursuant to Paragraph 2 or otherwise without the prior written approval of the Office of the Governor.
4. This Order applies to all state agencies, except for: (a) any state agency that is headed by a single elected state official, (b) the corporation commission, or (c) any state agency whose agency head is not appointed by the Governor.
5. All state officials and state agencies that are not subject to this Order pursuant to Paragraph 4 are encouraged to participate voluntarily within the context of their own rule making processes.
6. State agencies may continue a rule making that was authorized by the Office of the Governor on or after January 22, 2009. All state agencies, subject to this Order pursuant to Paragraph 4, shall report to the Office of Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
7. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a state agency.
8. For the purposes of this executive order, "person", "rule" and "rule making" have the same meanings prescribed in section 41-1001, Arizona Revised Statutes.

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

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Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix, Arizona this 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

*** DECLARATION OF EMERGENCY *
WALLOW FIRE EMERGENCY**

[M11-213]

WHEREAS, a wildfire broke out in the Apache-Sitgreaves National Forest in Greenlee County on May 29, 2011 at approximately 1:30 p.m. (MST); and

WHEREAS, the fire continues burning uncontrolled and has crossed into the San Carlos Apache Reservation, Apache County and is threatening White Mountain Apache Tribe; and

WHEREAS, federal and state fire suppression resources have responded and are currently working to suppress the fire; and

WHEREAS, numerous homes and public infrastructure are threatened and approximately 200,000 acres has burned to date; and

WHEREAS, Arizona State Forestry Division received a Fire Management Assistance Grant from FEMA on June 2, 2011. This federal assistance grant will support the reimbursement of costs associated with suppression of the fire being directed by the Incident Management Team and emergency protective measures and response efforts conducted by county and state agencies as directed by the county; and

WHEREAS, funding allocated by this declaration is to support costs not covered by the fire management assistance grant and/or for recovery support following suppression of the fire; and

WHEREAS, all costs associated to the suppression and responses to the event to date are being supported by the fire management assistance grant; and

WHEREAS, all state agencies will provide resources to support this event upon request of the Arizona State Forestry Division, impacted counties and/or the Arizona Division of Emergency Management; and

WHEREAS, the Governor is authorized to declare an emergency 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, Janice K. Brewer, 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 that the Wallow Fire justifies a declaration of a State of Emergency, pursuant to A.R.S. § 26.303(D), and I do hereby:

- a. Declare that a State of Emergency exists in Apache and Greenlee Counties due to the Wallow Fire, effective May 29, 2011 and continuing; and
- b. Direct that the sum of \$200,000 from the general fund be made available to the Director of the Arizona Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, and Executive Order 79-4; and
- c. Direct that the State of Arizona Emergency Response and Recovery Plan be used to direct and control state and other assets and authorize the Director of the Arizona Division of Emergency Management to coordinate state assets; and
- d. Authorize the Adjutant General to mobilize and call to activate all or such part of the Arizona 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

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Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this sixth day of June in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State

CALLING A THIRD SPECIAL SESSION OF THE FIFTIETH LEGISLATURE OF THE STATE OF ARIZONA [M11-216]

By the power vested in me by the Arizona Constitution, Article IV, Part 2, Section 3, and Article V, Section 4, respectively, I, Janice K. Brewer, Governor of the State of Arizona, call the 50th Legislature to meet in a third special session at the Capitol on the 10th Day of June, 2011, at 10:00 a.m.

The subject to be considered at the Special Session shall be:

1. Amend applicable time periods so that eligible individuals can receive available federal unemployment extended benefits that are completely funded by federal funds that otherwise would not be available based on the time periods for the formula currently specified in Arizona Revised Statutes, Section 23-630.
2. Amend existing accountability measures for an individual who is receiving federal unemployment extended benefits.
3. Amend the percentage rate of the federal excise tax that determines when the Arizona job training tax and state unemployment tax offset is applied to employers.

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

Janice K. Brewer
G O V E R N O R

DONE at the Capitol in Phoenix on this 8th day of June in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State