

**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 2012-06

Re-Affirming Intent of Arizona Law In Response to the Federal Government's Deferred Action Program

[M12-303]

WHEREAS, United States Citizenship and Immigration Services (USCIS) plans to issue employment authorization documents to certain unlawfully present aliens who are granted Deferred Action under federal immigration laws; and

WHEREAS, the USCIS has confirmed that the Deferred Action program does not and cannot confer lawful or authorized status or presence upon the unlawful alien applicants; and

WHEREAS, unless otherwise made available under applicable law, 8 United States Code § 1621 provides that aliens unlawfully present in the United States are not eligible for any state or local public benefit – as defined in both federal and Arizona law; and

WHEREAS, 8 United States Code § 1622 authorizes states to determine eligibility for any state public benefits for most classes of aliens, including unlawfully present aliens with Deferred Action; and

WHEREAS, the Deferred Action program is purportedly an act of prosecutorial discretion and the program does not provide for any additional public benefit to unlawfully present aliens beyond the delayed enforcement of United States immigration laws and the possible provision of employment authorization; and

WHEREAS, Arizona Revised Statutes § 1-501 and § 1-502 limit access to public benefits to persons demonstrating lawful presence in the United States; and

WHEREAS, Arizona Revised Statutes § 28-3153 prohibits the Arizona Department of Transportation (ADOT) from issuing a drivers license or nonoperating identification license unless an applicant submits proof satisfactory to ADOT that the applicant's presence in the United States is authorized under federal law; and

WHEREAS, the federal executive's policy of Deferred Action and the resulting federal paperwork issued could result in some unlawfully present aliens inappropriately gaining access to public benefits contrary to the intent of Arizona voters and lawmakers who enacted laws expressly restricting access to taxpayer funded benefits and state identification; and

WHEREAS, allowing more than an estimated 80,000 Deferred Action recipients improper access to state or local public benefits, including state issued identification, by presenting a USCIS employment authorization document that does not evidence lawful, authorized status or presence will have significant and lasting impacts on the Arizona budget, its health care system and additional public benefits that Arizona taxpayers fund.

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 of Arizona, do hereby order and direct as follows:

1. The issuance of Deferred Action or Deferred Action USCIS employment authorization documents to unlawfully present aliens does not confer upon them any lawful or authorized status and does not entitle them to any additional public benefit.
2. State agencies that provide public benefits, as defined in 8 United States Code § 1621 shall conduct a full statutory, rule-making and policy analysis and, to the extent not prohibited by state or federal law, initiate operational, policy, rule and statutory changes necessary to prevent Deferred Action recipients from obtaining eligibility, beyond those available to any person regardless of lawful status, for any taxpayer-funded public benefits and state identification, including a driver's license, so that the intent of Arizona voters and lawmakers who enacted laws expressly restricting access to taxpayer funded benefits and state identification are enforced.

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3. All state agencies that confer taxpayer-funded public benefits and state issued identification shall undergo emergency rule making to address this issue if necessary.

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 15th day of August in the year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-07
Establishing the Government Transformation Office

[M12-309]

WHEREAS, the citizens of Arizona deserve to have the most efficient and effective government their tax dollars can provide; and

WHEREAS, efficiency is a central element of the Governor's economic competitiveness and regulatory reform agenda; and

WHEREAS, state agencies are facing increasing demand for services with limited resources to provide those services; and

WHEREAS, it is prudent to maintain a smaller government workforce that is more efficient and continually focusing on process improvement and innovation; and

WHEREAS, less government means more freedom and opportunity for Arizonans; and

WHEREAS, it is necessary to provide the training and tools to state government agencies to enable the implementation of significant and meaningful process improvements and redesigns; and

WHEREAS, it is necessary to systematically report performance measures and accomplishments using standard, simple, transparent, and practical methodologies; and

WHEREAS, it is recognized that deploying and sustaining a culture of continuous improvement requires leadership, purpose, and direction; and

WHEREAS, organizations from the public and private sector have employed continuous improvement methods to advance service delivery and the costs of core processes; and

WHEREAS, a commitment to improving and innovating government processes must remain a high priority for all agencies and any similar initiatives throughout government must be synchronized and collaborative.

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

- 1) The Government Transformation Committee (hereafter Committee) is established. The Committee shall consist of the following individuals (or designee):
 - Director of the Department of Administration (Chairman)
 - Director of the Department of Economic Security
 - Director of the Department of Transportation
 - Director of the Department of Environmental Quality
 - Director of the Department of Land
 - Director of the Office of Strategic Planning and Budgeting
 - Two Representatives from the Private SectorThe following member shall serve as an ex officio member of the Committee:
 - Arizona State Treasurer

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- 2) The Committee shall provide guidance and oversight to the Government Transformation Office (hereafter GTO). Through an established meeting format, the Committee shall:
 - Review the continuous improvement efforts across the state agencies to ensure alignment with the strategic priorities of the state.
 - Review the deployment and sustainment model for continuous improvement to ensure that it balances implementation with the other strategic priorities within state agencies.
 - Deliver recognition to agencies and individuals that implement improvements and innovations to state processes.
- 3) The Committee shall hold regular meetings to review the performance of agencies. As part of the review process, agencies will be required to:
 - Develop clear, relevant, and easy-to-understand measures that demonstrate whether or not continuous improvement efforts are successful.
 - Demonstrate how programs contribute to the priorities of the Executive Branch and of the citizens being served.
 - Communicate best practices along with project methodologies and results that can be shared across agencies.
- 4) The Government Transformation Office is hereby established. The mission of the GTO is to enable government agencies to develop and sustain a culture of continuous improvement and innovation with an emphasis on service excellence and the relentless elimination of process inefficiency. Under the direction of the Committee, the GTO shall:
 - Assist agencies with identifying high value process improvement projects.
 - Manage the training strategy in Lean Six Sigma and other process excellence tools, leading to the development of agency experts deployed throughout state government.
 - Support the development and sustainment of a continuous improvement culture.
 - Provide facilitation and/or consultation in the implementation of improvement projects in agencies.
 - Develop consistent toolkits, resources, and materials for agency use.
 - Assist agencies to prepare and present results to the Committee.
 - Assist the Committee in organizing and implementing performance review meetings with agencies.
 - In a transparent manner, measure, track, and communicate cumulative results to the Committee and the public.
- 5) The GTO shall prepare and submit an annual report by September 30th of each year. The annual report will contain a summary of accomplishments, including benefits to the state, benefits to the customer, process improvements, and fiscal savings as a result of improvement projects. The GTO shall annually submit this report electronically to the following recipients:
 - The Governor
 - The President of the Arizona State Senate
 - The Speaker of the Arizona House of Representatives
 - The Director of the Office of Strategic Planning and Budgeting
 - The Director of the Joint Legislative Budget Committee
 - The Government Transformation Committee Members
 - The Director of the Arizona State Library, Archives and Public Records
- 6) All Executive Branch agencies, boards, and commissions, are authorized and directed to cooperate with the Committee and the GTO in implementing the provisions of this order.
- 7) The Department of Administration shall provide administrative support to the GTO as directed by the Committee.
- 8) This Executive Order shall take effect immediately upon signature.

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 15th day of August in the year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

*** COMMUNITY HEALTH CENTER WEEK ***

[M12-258]

WHEREAS, Community Health Centers, some of which are also known as Federally Qualified Health Centers, are community directed providers of comprehensive primary health care to the medically underserved in the State of Arizona; and

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WHEREAS, Community Health Centers are at the core of our health care system, delivering high quality, cost effective and accessible primary care to all individuals regardless of their ability to pay, keeping communities healthy and productive; and

WHEREAS, Community Health Centers ensure access to high-quality primary and preventive health care and other medical services, such as oral and behavioral health services, integrated with outreach, patient education, translation and other enabling services for 20 million individuals throughout the United States; and

WHEREAS, Community Health Centers are models for managing chronic disease, reducing racial and ethnic disparities and curbing infant mortality and preventable death, while upholding the highest quality of care in a cost-effective manner; and

WHEREAS, Community Health Centers are a critical component of Arizona's commitment to the provision of accessible, high-quality health care.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim August 5 – 11, 2012 as

*** COMMUNITY HEALTH CENTER WEEK ***

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 twenty-fifth day of July in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

*** SPINAL MUSCULAR ATROPHY AWARENESS MONTH ***

[M12-263]

WHEREAS, Spinal Muscular Atrophy (SMA) is the leading genetic killer of children under the age of two and one in 40 Americans carry the gene that causes SMA which is known to cause degeneration in voluntary muscle movement for those that survive with the disease; and

WHEREAS, SMA crosses all racial, ethnic and religious boundaries, and can strike anyone of any age, race or gender; and

WHEREAS, increased awareness of SMA will lead to increased knowledge and increased support for both disease research and the families affected by the disease, hopefully leading to a cure; and

WHEREAS, patient groups have named August as National Spinal Muscular Atrophy Awareness Month in order to raise awareness and help promote research into this devastating disease; and

WHEREAS, families of SMA can offer family support, resource sharing and understanding when it is most needed.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim August 2012 as

*** SPINAL MUSCULAR ATROPHY AWARENESS MONTH ***

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 twenty-fifth day of July in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

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ATTEST:
Ken Bennett
Secretary of State

*** TECHNICAL COMMUNICATION WEEK ***

[M12-257]

WHEREAS, recognition is given to the importance of having a bridge between those who create technology and those who use it; and

WHEREAS, recognition is given to the creative work of information designers and technical communicators who build those bridges of understanding and usability; and

WHEREAS, recognition is given to the standards of professional excellence and ethical behavior exhibited by these individuals.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 14 – 20, 2012 as

*** TECHNICAL COMMUNICATION WEEK ***

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 twenty-fifth day of July in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining To Promote Job Creation and Retention

Editor's Note: This Executive Order is being reproduced in each issue of the Administrative Register until its expiration on December 31, 2014 as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

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 any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

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

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

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WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

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 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 to 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 rulemaking 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, 2014 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 process.
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 the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
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.
9. This Executive Order expires on December 31, 2014.

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, Arizona this 26th day of June in the year Two Thousand Twelve and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State