

**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 2008-28

Establishing the Governor's Sustainable State Parks Task Force

[M08-537]

WHEREAS, the Arizona State Parks Board is charged with managing and preserving and enhancing areas of natural resources and cultural significance and providing recreation opportunities for its citizens;

WHEREAS, the population of the State of Arizona is projected to continue to grow, increasing demand for more and diverse recreation and environmental park areas;

WHEREAS, the recent economic downturn has been hard on all of state government, including state parks;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, by virtue of the power vested in me by the Constitution and laws of this State, do hereby create the Governor's Sustainable State Parks Task Force (the "Task Force"), and order as follows:

1. The Task Force shall:
 - Assess the current physical and financial state of the Arizona State Parks system;
 - Study how projected growth in Arizona will impact the current state park system and make recommendations as to how the system should adapt and respond to change through 2030;
 - Assess the economic impact of the Arizona State Parks system on the overall economic development of the State.
 - Study and make recommendations as to how the Arizona State Parks system can achieve financial sustainability into the future;
 - Study and make recommendations to improve promotion of the state parks; and
 - Study and make recommendations how to leverage resources between Arizona State Parks and other State and Federal agencies.
2. Task Force members shall be appointed by and serve at the pleasure of the Governor and serve without compensation. The Task Force shall consist of not more than 21 members.
3. The Governor shall designate the Chairperson of the Task Force.
4. Arizona State Parks shall provide administrative support for the Task Force.
5. The Task Force shall meet at the call of the Chairperson. Task Force members shall vote in person and not by proxy. They may not send a designee for voting purposes.
6. The Chairperson may form subcommittees and working groups as required.
7. The Task Force shall submit its written findings and recommendations to the Governor by June 30, 2009.
8. The Commission and this Executive Order shall expire June 30, 2009.

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 11 day of December in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

EXECUTIVE ORDER 2008-29
Energy Conservation and Renewable Energy Utilization

[M08-542]

WHEREAS, implementation of energy efficiency measures provides a cost effective and environmentally responsible way to address ever increasing energy usage, energy costs and air pollution.

WHEREAS, it is vital that the State of Arizona undertake aggressive efforts to promote energy efficiency and the development of renewable energy.

WHEREAS, State funded energy improvements in public buildings will reduce energy consumption, save money, reduce greenhouse gas emissions, and create jobs.

WHEREAS, the widespread implementation of solar power throughout the State has the potential to transform Arizona's economy by creating additional private sector jobs associated with manufacturing and installation, by improving the environment and reducing power plant emissions, and by generating revenues from the sale of solar energy,

NOW, THEREFORE, I, Janet Napolitano, by virtue of the authority vested in me as Governor of the State of Arizona, do hereby declare and order the following initiatives to provide the foundation of vigorous energy efficiency and renewable energy effort in Arizona State government and direct:

1. All State agencies in cooperation with the Arizona Energy Office, to conduct an analysis of their energy usage and identify what is required of each to reach the existing goals for energy usage reductions in State buildings contained in ARS 34-451 and Executive Order 2005-05 and Executive Order 2003-14. This analysis should be completed by January 15, 2009.
2. The Department of Administration to immediately begin initiating energy performance contracts to implement energy efficiency and renewable energy projects in all State agencies that are not in compliance with ARS 34-451. The Department of Administration shall report on its progress on a quarterly basis beginning on April 1, 2009.
3. The Arizona Energy Office to accelerate efforts to promote the use of energy performance contracts as an appropriate financing mechanism to fund energy efficiency and renewable energy projects for school districts and local governments.

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 16 day of December in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

EXECUTIVE ORDER 2008-30
Establishing a Meet and Confer Process for Executive Agencies of State Government

[M08-550]

WHEREAS, the State of Arizona recognizes that communication with employees is critical to improving the cost-efficiency of government, assuring the high quality of services provided to the public and creating effective and sound public policy;

WHEREAS, the State of Arizona believes in exploring ways that provide employees a voice in determining their working environment;

WHEREAS, Arizona's Department of Corrections has been meeting and conferring with an employee-selected employee representative organization for the last year with mutually beneficial success;

WHEREAS, the State of Arizona should expand the successful employee and employer relationship developed in the Department of Corrections to other agencies of the State; and

WHEREAS, it is the intent of this Executive Order to ensure that a process exists for the State to expand the meet and confer process with employee organizations that can provide the State a source of employee input within the Executive Agencies with the goal of making State government more effective, efficient, reliable and accountable;

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. For purposes of this Executive Order, the following definitions shall apply:

“Duly Elected Representative” means the employee representative who receives the majority (i.e. more than 50%) of the votes of all Qualified Agency Employees voting in a duly called Representative Election.

“Executive Agency” means the Governor's cabinet level agencies, excluding the Department of Public Safety and the Arizona National Guard.

“Qualified Agency Employee” means those employees within an Executive Agency who are listed in the Department of Administration State Service Personnel System, except those employees (a) whose job responsibilities include determining agency personnel policy or procedures; (b) who are supervisors pursuant to the Department of Administration policies; (c) who are temporary employees; or (d) who have regular access to confidential information regarding the formulation of agency personnel policy or procedures or whose job responsibilities provide them with regular access to confidential information contained in the personnel records of other employees. The Arizona Department of Administration shall be the final arbiter of whether an employee is a Qualified Agency Employee.

“Representative Election” is the secret ballot election noticed by the Department of Administration pursuant to this Executive Order to consider selection of a Duly Elected Representative.

2. The director of an Executive Agency shall meet on a regular and at least a quarterly basis with the Duly Elected Representative of the Qualified Agency Employees to confer about the Executive Agency's policies and programs that will improve the Executive Agency's cost effectiveness and quality of services it provides the public through collaborative efforts with the Executive Agency's public employees.
3. Any employee organization may petition for a “Representative Election” by filing with the Department of Administration evidence that 30% of the Qualified Agency Employees in an Executive Agency desire to be represented by such employee organization. Acceptable evidence of desire for representation must:
 - a. be in writing and executed by signature of the individual Qualified Agency Employee;
 - b. be executed by the Qualified Agency Employee within four months of the date the petition for election is filed with the Department of Administration;
 - c. be evident to the signatory employee that he is selecting a representative employee organization; and
 - d. contain any other information the Department of Administration may reasonably require to authenticate the signa-

tory is a Qualified Agency Employee at the time of the filing of the petition.

The Department of Administration shall provide examples of acceptable evidence of desire for representation as a guide to employee organizations.

Qualified Agency Employees who are dues paying members of the employee organization at the time the petition for election is filed will be counted as employees who desire representation through the employee organization.

In no event will the State distribute non-public, personal contact information about the State's employees to employee organizations as part of this qualification process.

4. The Department of Administration will determine the sufficiency of the employee organization's petition for election filing. The Department of Administration may appoint a third party or hire additional staff to verify the sufficiency of the petition filings, the cost of which will be borne by the employee organization whose petition filing is being reviewed. If the Department of Administration determines the filing is sufficient, the agency will set the date of and provide notice of a Representative Election no sooner than 5 days and no longer than 20 days after the determination of sufficiency, unless additional time is required due to the requirement to verify additional petition filings for the same Representative Election submitted pursuant to paragraph 5 below.
5. Any other employee organization that wishes to intervene in the election must submit a filing meeting the required evidence of support from Qualified Agency Employees within 10 days of date of notice of the Representative Election.
6. Once the Department of Administration notices a Representative Election, the Department shall select a third party unaffiliated with the State of Arizona or the employee organization, but with sufficient experience in labor relations elections, to administer the election. The employee organizations participating in the election shall in equal part bear the costs associated with conducting and administering the election, including printing, postage, and other supplies, as well as any temporary staff or any outside agency retained to conduct the election. Elections may take place by mail ballot, on-site balloting, or a combination thereof, as determined by the Department of Administration.
7. The employee organization who qualifies as the Duly Elected Representative for the Executive Agency shall provide the Department of Administration as a condition of the commencement of the meet and confer process:
 - a. the name and address of the employee organization;
 - b. a copy of its charter, constitution and bylaws;
 - c. the names, titles, addresses and telephone numbers of its duly elected officers; and
 - d. a statement that membership in such employee organization is open to all Qualified Agency Employees without regard to race, creed, color, gender, national origin, ancestry, religion, age or disability.
8. The objective of the meet and confer process is to provide the Executive Agency director with information on employment and personnel issues and to aid in informed governmental decision making. Topics will relate to State employees' working conditions, including, but not limited to:
 - a. methods of improving cost-efficiency and the quality of services to the public;
 - b. Executive Agency budget strategy to maximize the best return on the public's tax dollars;
 - c. Executive Agency employee recognition and morale issues;
 - d. Executive Agency employee safety issues;
 - e. Executive Agency employee disciplinary policies;
 - f. Executive Agency hours and conditions; and
 - g. such other topics as may be relevant to the working environment.

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Matters affecting all Executive Agency employees statewide or that necessitate statewide uniformity shall be discussed on a collaborative basis with all Duly Elected Representatives in concert with the executive officials charged with administering matters to be discussed.

9. The Duly Elected Representative will be the designated representative for the Qualified Agency Employees for a period of at least one year following the Representative Election for purposes of the meet and confer process described herein (after which the Qualified Agency Employees may petition for an election for another employee organization or to decertify); provided, however, that nothing in this Executive Order is to be construed to preclude the appearance before management by any employee or group of employees on his, her or their own behalf at any time.
10. This Executive Order shall not be construed to affect or limit the existing right of the State to:
 - a. direct the work of State employees;
 - b. hire, promote, demote, transfer, assign and retrain State employees;
 - c. suspend, discharge or discipline State employees;
 - d. maintain the efficiency of governmental operations;
 - e. relieve State employees from job responsibilities due to lack of work or other legitimate reasons; or
 - f. invalidate or limit other rights, remedies or procedures of this State relating to any issue of employment of employees.

This Executive Order shall not be construed to diminish the Governor's or usurp the legislature's powers and authority, including with regard to setting budgets, total employee compensation and other employment related policies.

11. Department of Administration may adopt additional policies and procedures to govern the process established in this Executive Order.

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 17 day of December in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State