

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA
EXECUTIVE ORDER

Executive Order 2016-05

State Governmental Units; Professional Lobbyist Contracts; Prohibition

WHEREAS, ensuring fiscal responsibility of state agencies is a top priority of my administration; and

WHEREAS, the expenditure of public dollars, by state governmental units, on professional lobbyists to lobby the Arizona State Legislature, at the expense of taxpayers, professional licensee fee-payers, and rate-payers is unnecessary and unjustified; and

WHEREAS, professional lobbyists representing state governmental units often spend public dollars in efforts to expand the regulatory authority of government and impose additional transaction costs for those in the regulated community; and

WHEREAS, private organizations that operate on voluntary membership fees are better positioned than state governmental units to hire professional lobbyists, as these private organizations exist to advance the goals of a profession or group, as opposed to state governmental units, which exist to enforce state policy as set by this office and the Legislature; and

WHEREAS, state governmental units are subject to the Arizona Procurement Code with respect to all outside vendor contracting, including professional lobbyists; and

WHEREAS, the Arizona Procurement Code, A.R.S. § 41-2501(B), applies “to every expenditure of public monies” made “by this state, acting through a state governmental unit” and further applies to “any contract;” and

WHEREAS, the term “state governmental unit” is defined as “any department, commission, council, board, bureau, committee, institution, agency, government corporation or other establishment or official of the executive branch or corporation commission of this state,” A.R.S. § 41-2503(37).

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and Laws of the State of Arizona, hereby declare the following:

1. The Director of the Department of Administration (the “Director”), pursuant to the authority delegated in A.R.S. § 41-2511(C), shall direct all state procurement officers or administrators to revoke procurement authority to all state governmental units with respect to contracts for professional lobbyists or lobbying services.
2. The Director shall terminate or direct the termination of all existing contracts between a state governmental unit and professional lobbyists or private entities that includes a scope of work to provide lobbying services for state government.

3. No state governmental unit shall contract for professional lobbyists or lobbying services in regard to legislation pending before the Arizona State Legislature without receiving prior approval from the Director.
 - (a) The Director shall require that a state governmental unit provide a written petition for approval that shall demonstrate, with clear and convincing evidence, that a contract for professional lobbying services is in the best interest of the public health, safety, and welfare of the state, the taxpayers, and the specific community(ies) and industry(ies) regulated by the state governmental unit.
 - (b) Decisions by the Director shall be in writing. Approvals shall include specific findings with respect to the standard set forth in Paragraph 3(a) of this Order. In the event that a petition is denied, the Director shall indicate the reasons for denial and inform the state governmental unit that it may obtain government-relations assistance from an appropriate state agency.
4. The terms "legislation," "lobbying," and "lobbyist" shall have the same meaning as those terms are defined in A.R.S. § 41- 1231(10), (11), and (12).
5. This Order shall apply to every state governmental unit, as that term is defined in A.R.S. § 41-2503(37), except for any other state governmental unit that is (a) headed by one or more elected officials or (b) exempted from the Arizona Procurement Code in a manner that would include contracts for professional lobbyists.
6. This Order does not apply to the employment relationship of a lobbyist who is a state employee directly employed by a state governmental unit for whom the employee acts as a lobbyist or lobbying is part of the employee's job description. The term "state employee" shall have the same meaning as that term is defined in A.R.S. § 41-1231(22).
7. The Director shall take all action necessary to enforce this Order.

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



Douglas R. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Twenty-ninth day of June in the Year Two Thousand and Sixteen and of the Independence of the United States of America the Hundred and Fortieth.

ATTEST: *Michelle Reagan*

Secretary of State