EXECUTIVE ORDER 2010-11

Establishing Governor's Border Security & Immigration Legal Defense Fund

WHEREAS, Section 41-1105, Arizona Revised Statutes, authorizes the Governor to "accept and expend private gifts, grants, donations or monies for the purpose of promoting the interests of the state"; and

WHEREAS, federal border security failures resulting in high incidences of drug trafficking, human smuggling, kidnappings, attacks on law enforcement and other crimes threaten the interests of the state and the security of its citizens; and

WHEREAS, Senate Bill 1070 was signed into law on April 23, 2010, and establishes a statewide policy to discourage and deter the unlawful entry and presence of aliens and economic activity by persons unlawfully present in the United States; and

WHEREAS, House Bill 2162, an amendment to Senate Bill 1070, was signed into law on April 30, 2010 (collectively, "Senate Bill 1070"); and

WHEREAS, certain parties from within and outside of Arizona have filed lawsuits against the Governor challenging certain provisions of Senate Bill 1070 and the state's right to enforce the law; and

WHEREAS, the State Attorney General, Terry Goddard, has informed the Governor that he will not defend her against these lawsuits; and

WHEREAS, Senate Bill 1070 authorizes the Governor to "direct counsel other than the attorney general to appear on behalf of this state to defend any challenge" relating to Senate Bill 1070; and

WHEREAS, the Governor has received unsolicited donations from Arizona citizens and others throughout the United States to assist with the costs of defending such lawsuits on behalf of the Governor and to assist the state with other costs pertaining to border security and illegal immigration; and

WHEREAS, A.R.S. § 41-1105 permits the approval of the expenditure of private monies consistent with any terms and conditions under which the monies are received and for a purpose authorized by this section without regard to any other restrictions or limits placed on expenditures of public monies by any other provisions of law;

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, do hereby establish the **Governor's Border Security and Immigration Legal Defense Fund** ("Border Security Fund") to be maintained in compliance with the provisions of A.R.S. § 41-1105; Title 35, Chapter 2, Article 1 and as follows:

1. Only private gifts, grants, donations or monies shall be deposited in the Border Security Fund.
2. Donations to the Border Security Fund may be accepted under terms or conditions restricting their use to the promotion of border security interests, the

legal defense of the Governor related to Senate Bill 1070, and other interests of the state.

3. All donations to the Border Security Fund shall be promptly remitted to the State Treasurer together with the information required by A.R.S. § 35-149 and shall be placed and retained in a separate account bearing the title of this fund indicating its source and purpose.
4. Disbursements from the Border Security Fund account shall be made in accordance with the procedures set forth in A.R.S. § 41-1105.
5. Interest earned on deposits to the Border Security Fund shall accrue to the Fund and be disbursed in the same manner as the principal.
6. The Border Security Fund shall be monitored and administered by three Trustees to be named by the Governor. At least two of the Trustees shall approve any expenditures from the Border Security Fund. Expenditures shall be approved only if they are made in accordance with the provisions of this Executive Order.
7. In order to maintain the integrity of the Border Security Fund, disbursements to businesses or organizations in which a trustee, a member of the Governor's staff, the Governor, or any of their relatives as defined in A.R.S. § 38-502(9), has a direct or indirect pecuniary or proprietary interest shall not be approved. This policy shall not preclude disbursements to reimburse any of these individuals for amounts they advanced to other businesses or organizations for approved expenditures.

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
GOVERNOR

DONE at the Capital in Phoenix, Arizona this 26th day of May in the Year Two Thousand and Ten and of the Independence of the United States of America the Two Hundred and Thirty-Fourth.

ATTEST:

Ken Bennett
SECRETARY OF STATE