

Governor's Executive Orders/Proclamations

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.

*** PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK ***

[M11-251]

WHEREAS, the State of Arizona is proud to recognize the 3,687 Community Probation Personnel responsible for monitoring the activities of adult and juvenile offenders under the supervision of the State of Arizona and the Courts; and

WHEREAS, Community Corrections and Probation professionals diligently ensure that offenders receive services and guidance in making the transition from prison to a more stable, productive life in the communities they reside; and

WHEREAS, Community Corrections and Probation professionals involve the community in efforts to ensure justice and enhance public safety. They work in partnership with community agencies and groups to promote prevention and intervention contributing to more peaceful neighborhoods; and

WHEREAS, Community Corrections and Probation professionals collaborate on solutions that provide services, support, and protection for crime victims; and

WHEREAS, the State of Arizona is pleased to pay tribute to this group of men and women who maintain the highest standards and idealism of professionalism while continuing to make a positive difference. These men and women face tremendous challenges working in a dangerous profession that rarely yields any thanks for the risks that are taken.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim July 17-23, 2011 as

*** PROBATION, PAROLE AND COMMUNITY SUPERVISION WEEK ***

and encourage all Arizona citizens to pause and honor these professionals for the important record of public services faithfully rendered and to observe this week with appropriate ceremonies and activities.

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 twelfth day of July in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** BULK FOODS WEEK ***

[M11-253]

WHEREAS, the Bulk is Green (BIG) Council is a leading organization dedicated to increasing awareness of the environmental and economic benefits of shopping in the bulk aisle; and

WHEREAS, shopping in bulk offers consumers the opportunity to reduce waste by purchasing only the amount need and decrease carbon footprints by using limited packaging; and

WHEREAS, shopping in bulk offers the consumer the opportunity to save money, anywhere from 30 to 75 percent; and

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

WHEREAS, the BIG Council has a goal of educating consumers about the eco-friendly and affordable nature of buying in bulk; and

WHEREAS, the Bulk is Green Council is partnering with retailers nationwide to offer National Bulk Foods Week; and

WHEREAS, National Bulk Foods Week is a time to celebrate the environmental and economical benefits of buying in bulk and reach out to consumers who have never shopped in the bulk aisle to begin experiencing the fun and savings of buying in bulk.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the October 16 – 22, 2011 as

*** BULK FOODS 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 nineteenth day of July in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** BULLYING PREVENTION AWARENESS DAY ***

[M11-263]

WHEREAS, bullying is physical, verbal, sexual, or emotional harm or intimidation directed at a person or group of people; and

WHEREAS, bullying occurs in neighborhoods, playgrounds, schools, and through technology, such as the Internet; and

WHEREAS, various researchers have concluded that bullying is the most common form of violence, affecting millions of American children and adolescents every year; and

WHEREAS, children who bully are at greater risk of engaging in more serious violent behaviors; and

WHEREAS, targets of bullying are more likely to acquire physical, emotional, and learning problems and students who are repeatedly bullied often fear such activities as riding the bus, going to school, and attending community activities; and

WHEREAS, a large percentage of children who are bullied believe that adult help is infrequent and ineffective.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 30, 2011 as

*** BULLYING PREVENTION AWARENESS DAY ***

and encourage all Arizona schools, parents, recreation programs, religious institutions, and community organizations to engage in a variety of awareness and prevention activities designed to make our communities safer for all children and adolescents.

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 eighth day of August in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

ATTEST:
Ken Bennett
Secretary of State

*** CONCUSSION AWARENESS DAY ***

[M11-262]

WHEREAS, concussions have the potential to result in death and long-term neurological impairment; and

WHEREAS, concussions affect at least 10% of youth athletes in Arizona each year; and

WHEREAS, the State of Arizona has recognized the importance of evaluation and management of every youth athlete in the State who experiences a concussion; and

WHEREAS, Arizona recognizes the importance of outreach programs to educate health care providers in the evaluation and management of youth athletes who have sustained a concussion; and

WHEREAS, Arizona recognizes the importance of concussion education of athletes, parents of athletes, and athletic personnel, with the passage of Senate Bill 1521, Chapter 167, from the 2011- Fiftieth Legislature- First Regular Session, signed by Governor Brewer on April 18, 2011.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the August 20, 2011 as

*** CONCUSSION AWARENESS DAY ***

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 ninth day of August in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** SINGAPORE NATIONAL DAY 2011 ***

[M11-264]

WHEREAS, Singapore National Day 2011 marks the 46th Anniversary of the Independence of the Republic of Singapore; and

WHEREAS, Singapore National Day is observed annually in celebration of its independence from the Federation of Malaysia on August 9, 1965; and

WHEREAS, one of the most notable traditions of this holiday is the Singapore National Day Parade, which is a national parade in commemoration of Singapore's independence and includes a spectacular display of fireworks to mark the height of each celebration; and

WHEREAS, the first National Day Parade was celebrated on August 9, 1966, with Singapore's first President, Mr. Yusof bin Ishak, and Singapore's first Prime Minister, Mr. Lee Kuan Yew, seated on the steps of City Hall with other members of government; and

WHEREAS, over the years the Singapore National Day Parade has become the biggest national event in Singapore; and

WHEREAS, the 2011 National Day Parade will be held at the Float at Marina Bay in San Francisco, California, in the spirit of this year's theme: "Majulah [Onward]! The Singapore Spirit".

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim August 9, 2011 as

*** SINGAPORE NATIONAL DAY 2011 ***

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

and extend best wishes for the continued success and prosperity to Consul-General of the Republic of Singapore, Mr. Hock Seng CHIN and Mrs. Julie CHIN, as they celebrate Singapore's 46th National Day on Friday, August 12, 2011.

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 ninth day of August in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** WOMEN'S EQUALITY DAY ***

[M11-270]

WHEREAS, on, August 26, 2011, we honor the hard work and perseverance of those who helped to secure women's suffrage in the United State and in Arizona; and

WHEREAS, the first women's rights convention, held in July 1848, in Seneca Falls, New York, witnessed the early defenders of women's rights, such as Lucretia Mott, Elizabeth Cady Stanton, Mary Ann McClintock, and Frederick Douglas, signing the Declaration of Sentiments, declaring all women and men are created equal and, in one of the accompanying resolutions, called for universal women's suffrage; and

WHEREAS, on August 26, 1920, the 19th Amendment to the Constitution of the United States was adopted giving women the right to vote; and

WHEREAS, in 1977 President Jimmy Carter signed the first Presidential Proclamation declaring August 26 as Women's Equality Day, a precedent followed by every U.S. President who followed him; and

WHEREAS, as we look to the future, we honor the resilience, accomplishments, and history of the women in the United States and Arizona, and celebrate their extraordinary accomplishments.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim August 26, 2011 as

*** WOMEN'S EQUALITY DAY ***

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 eleventh day of August in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** SPINAL MUSCULAR ATROPHY AWARENESS MONTH ***

[M11-271]

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, Spinal Muscular Atrophy crosses all racial, ethnic and religious boundaries, and can strike anyone of any age, race or gender; and

Governor's Executive Orders/Proclamations

WHEREAS, increased awareness of Spinal Muscular Atrophy 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.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim the month of August, 2011 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 eleventh day of August in the year Two Thousand and Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

DECLARATION OF EMERGENCY

*** TOMBSTONE WATERLINE FLOODING ***

[M11-272]

WHEREAS, between June 12, 2011 and July 26, 2011, a series of seasonal monsoon rains passed over the Huachuca Mountains and areas that were severely burned by the Monument Fire; and

WHEREAS, the heavy rains resulted in significant flooding, erosion, and mud slides which caused significant damage to the primary source of water for the citizens of the City of Tombstone; and

WHEREAS, the debris and heavy sediment flow damaged several areas of the aqueduct and transmission system that conveys water from this source; and

WHEREAS, the damage has completely disrupted this critical water supply that provides between 50 and 80 percent of the City of Tombstone's ongoing water needs; and

WHEREAS, the City of Tombstone's Mayor and Common Council have declared a State of Emergency for their city for the flooding and subsequent damage to critical infrastructure; 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 flooding event in the Huachuca Mountains 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 the City of Tombstone due to flooding, effective June 12 through July 26, 2011; and
- b. Direct that the sum of \$50,000 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.

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 seventeenth day of August in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium 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 June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[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

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.

Arizona Administrative Register / Secretary of State
Governor's Executive Orders/Proclamations

- 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

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