

**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.

*** ARIZONA PREPAREDNESS MONTH ***

[M11-283]

WHEREAS, the residents of Arizona are called to action to be prepared for any emergency, large or small; and

WHEREAS, the threat of foreign and domestic terrorism has caused all Americans to re-evaluate their levels of preparedness; and

WHEREAS, the State of Arizona and its residents often endure monsoon rains, flash floods, wildfires and extreme heat, which can damage property and infrastructure, threaten public safety, strain resources and impact state commerce; and

WHEREAS, residents are encouraged to be prepared for emergencies in their homes, businesses and schools by developing family communication plans and disaster preparedness kits; and

WHEREAS, state agencies and state employees should be prepared to educate others and provide help during and after a disaster; and

WHEREAS, emergencies and disasters can strike without provocation, making it imperative that individuals, families, schools and industry "Prepare a Plan," "Make a Kit" and "Be Informed" straight away; and

WHEREAS, the State of Arizona has partnered with Arizona Citizen Corps Councils, the Arizona Department of Homeland Security, the Arizona Department of Emergency and Military Affairs, the Arizona Department of Health Services, the Arizona Department of Education, and the Area Agency on Aging – Region One, among others, in recognizing the need for a broad public education program about the importance of being prepared.

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

*** ARIZONA PREPAREDNESS MONTH ***

and encourage all residents to develop their own emergency preparedness plans.

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 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

*** ARIZONA RECOVERY MONTH ***

[M11-281]

WHEREAS, individuals with substance use and mental disorders continue to experience unacceptable discrimination and other harmful effects due to ongoing stigma; and

Governor's Executive Orders/Proclamations

WHEREAS, individuals with substance use and mental disorders should have access to and be able to fully participate in community life, including economic advancement and prosperity; fair and decent housing; quality education; and positive opportunities to benefit from and contribute to material, cultural, and social progress; and

WHEREAS, it is critical to educate our policymakers, friends and family members, health care providers, and businesses that substance use and mental disorders are treatable, and that people should seek assistance for these conditions, with the same urgency as they would any other health condition; and

WHEREAS, substance use and mental disorders are a serious public health issue that deserves the same attention as physical health conditions such as obesity, diabetes, and heart disease receive; and

WHEREAS, in 2009, 4.3 million people received treatment for a substance use disorder and 30.2 million people received treatment for a mental health problem (*2009 National Survey on Drug Use and Health*), we must continue to reach the millions more who need help; and

WHEREAS, to help more people achieve long-term recovery, and to learn how recovery positively benefits the Nation's overall health and well-being, the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Arizona Department of Health Services Division of Behavioral Health invite all residents of Arizona to participate in National Recovery Month.

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

*** ARIZONA RECOVERY MONTH ***

and call upon the people of our State to observe this month with appropriate programs, activities, and ceremonies supporting this year's theme, "*Join the Voices for Recovery: Recovery Benefits Everyone.*"

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 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

*** AUSTRIAN-AMERICAN DAY ***

[M11-280]

WHEREAS, 2011 marks the commemoration of the 64th anniversary of the Marshall Plan, which greatly assisted in turning Austria from a war-ravaged ruin into a prosperous democracy; and

WHEREAS, the Austrian Society of Arizona, Austrian-American Councils and Austrian-American friendship group of the United States will celebrate the 15th official "Austrian-American Day" on September 26, 2011, as a solemn reminder of the establishment of the first provisional Austrian post-war government on September 26, 1945; and

WHEREAS, the people of America and Austria are united in friendship and exhibit a camaraderie that transcends physical distance, facilitated by shared goals and interests; and

WHEREAS, the cultural, intellectual, economic, political, scientific, and social contributions of the Austrian people have become a necessary and integral part of American society.

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

*** AUSTRIAN-AMERICAN DAY ***

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

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 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

* **COLLEGE COLORS DAY** *

[M11-279]

WHEREAS, College Colors Day, which coincides with both “back to school” and the kick-off of intercollegiate athletics on Arizona campuses, seeks to celebrate and promote the traditions and spirit that make college experience great by encouraging fans, alumni and students to wear the colors of their favorite college throughout the day of September 2, 2011; and

WHEREAS, the colleges and universities located in Arizona, provide educational opportunities to thousands of Arizona residents and non-residents; and

WHEREAS, for more than 125 years, Arizona institutions of higher learning have been educating citizens of the State of Arizona; and

WHEREAS, intercollegiate athletics in the State of Arizona provide scholarship opportunities to thousands of young men and women; and

WHEREAS, College Colors Day promotes higher education in Arizona through increased public awareness and celebrates the achievements of higher education in our state, acknowledging its critical and fundamental importance to the State of Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 2, 2011 as

* **COLLEGE COLORS 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 nineteenth 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

* **FAMILY DAY** *

[M11-282]

WHEREAS, 16 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families, the less likely they are to smoke, drink, use illegal substances and abuse prescription drugs; and

WHEREAS, the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS, parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances; and

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

WHEREAS, it is recognized that family dinners have long constituted a substantial pillar of family life in America.

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

*** FAMILY 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 nineteenth 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

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

- 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.
 - 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