

**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.

**DECLARATION OF EMERGENCY
* GLADIATOR FIRE EMERGENCY ***

[M12-194]

WHEREAS, a human-caused fire which originated from a structure fire on private property moved onto the Prescott National Forest east of Crown King in Yavapai County on May 13, 2012; and

WHEREAS, the Gladiator Fire continues burning uncontrolled and approximately 15,622 acres have burned to date; and

WHEREAS, federal and state fire suppression resources have responded and are currently working to suppress the fire; and

WHEREAS, evacuations have been ordered for the residents of Crown King due to the extreme fire behavior and ongoing red flag conditions; and

WHEREAS, six structures have been destroyed and numerous homes in the Pine Flat subdivision are currently threatened; and

WHEREAS, there is a high probability of fire impacting the Towers Mountain communication sites and other public infrastructure; and

WHEREAS, all costs associated with the suppression and fire resource responses to the event to date are being supported by the Arizona State Department of Forestry; and

WHEREAS, all state agencies will provide resources to support this event upon request of the Arizona State Department of Forestry for suppression efforts and/or the Arizona Division of Emergency Management for response and/or recovery efforts; 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 the event of an emergency pursuant to A.R.S. § 35-192;

NOW, THEREFORE, I, Ken Bennett, Acting 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 Gladiator Fire 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 Yavapai County due to the Gladiator Fire, effective May 13, 2012 and continuing; and
- b. Direct the sum of \$10,000 from the General Fund be made available to the Director of the Division of Emergency Management to be expended in accordance with A.R.S. § 35-192 and A.A.C. R8-2-320 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; and
- d. Authorize the Adjutant General to mobilize and call to activate all or such part of the Arizona National Guard as is determined necessary to assist in the protection of life and property throughout the State.

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

Arizona Administrative Register / Secretary of State
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Ken Bennett
A C T I N G G O V E R N O R

DONE at the Capitol in Phoenix, Arizona on this twenty-third day of May in the year Two Thousand and Twelve and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Jim Drake
Acting Secretary of State

*** OLDER AMERICANS MONTH ***

[M12-166]

WHEREAS, Arizona is a community that includes more than 1.2 million citizens aged 60 and older, and more than 800 Arizona centenarians who have helped to build this great State over the last century; and

WHEREAS, the older adults in Arizona are the roots from which our community grows, who bestow gifts of wisdom and insight upon younger generations, and strengthen the bonds between neighbors to create a better place to live; and

WHEREAS, increasing numbers of adults are reaching retirement age and remaining strong and active for longer than ever before; and

WHEREAS, the older adults in Arizona deserve recognition for the contributions they have made and will continue to make to the culture, economy, and character of our State and our Nation; and

WHEREAS, our State can provide that recognition and respect by improving the quality of life for older Americans by: increasing their opportunities to remain active and engaged in community life; providing individualized services and support systems to maintain the dignity, independence, and self-determination of older Americans as they age.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 2012 as

*** OLDER AMERICANS 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 twentieth day of April in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

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

[M12-167]

WHEREAS, the State of Arizona is proud to recognize the Community Corrections and 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 incarceration 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, and 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

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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 15 – 21, 2012 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 twentieth day of April in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** WATER SAFETY MONTH ***

[M12-168]

WHEREAS, we recognize the vital role that swimming and aquatic-related activities relate to good physical and mental health and enhance the quality of life for all people; and

WHEREAS, it is essential to understand the crucial role that water safety education plays in preventing drowning and recreational water-related injuries; and

WHEREAS, significant contributions are made by the recreational water industry, as represented by the Association of Pool & Spa Professionals, the National Recreation & Park Association and the World Waterpark Association by developing safe swimming facilities, aquatic programs, home pools and spas, and related activities providing healthy places to play, learn and grow, build self-esteem, confidence and sense of self-worth which contributes to the quality of life in our community; and

WHEREAS, it is appropriate to recognize the on-going efforts and commitments to educate the public on pool and spa safety issues and initiatives by the pool, spa, waterpark, recreation and parks industries; and

WHEREAS, Arizona residents understand the vital importance of communicating water safety rules and programs to families and individuals of all ages, whether owners of private pools, users of public swimming facilities, or visitors to water-parks.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 2012 as

*** WATER SAFETY 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 twentieth day of April in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

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* ARIZONA CHARTER SCHOOLS WEEK *

[M12-156]

WHEREAS, more than 134,000 students attend 525 charter schools in Arizona; and

WHEREAS, charter schools encourage choice, competition, and innovation in public education; and

WHEREAS, charter schools contribute to the statewide effort to improve public education; and

WHEREAS, charter schools encourage community and parental involvement in public education; and

WHEREAS, the State of Arizona joins the Arizona Charter Schools Association and others in celebrating the accomplishments and contributions of charter schools to public education.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 6 – 12, 2012 as

* ARIZONA CHARTER SCHOOLS 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 thirtieth day of April in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

* LYME DISEASE AWARENESS MONTH *

[M12-157]

WHEREAS, Lyme disease is a vector-borne bacterial infectious disease that has been reported in many states across the country; and

WHEREAS, if not diagnosed properly in its early stages of infection, Lyme disease can develop into a chronic, disabling, multi-system illness; and

WHEREAS, there are two published standards of care for the treatment of Lyme disease; and

WHEREAS, patients with Lyme disease and co-infections need to receive proper clinical diagnoses, and patients need treatment to improve their quality of life.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 2012 as

* LYME DISEASE AWARENESS MONTH *

and encourage all health care providers to properly diagnose and utilize published standards of care when providing treatment and benefits to Lyme disease patients.

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 thirtieth day of April in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

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ATTEST:
Ken Bennett
Secretary of State

*** NURSES WEEK ***

[M12-158]

WHEREAS, nearly 3 million registered nurses in the United States, with over 72,000 registered nurses in Arizona, comprise our Nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meets the different and emerging health care needs of the American population in a wide range of settings; and

WHEREAS, registered nurses of this country are working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component in the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever because of the aging of the American population, the continuing expansion of life-sustaining technology, and the explosive growth of home health care services; and

WHEREAS, the cost-effective, safe and quality health care services provided by registered nurses will be an ever more important component of the health care system in the future; and

WHEREAS, Nurses Week 2012 will celebrate the ways in which registered nurses strive to provide safe and quality patient care and map out the way to improve our health care system.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 6 – 12, 2012 as

*** NURSES 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 thirtieth day of April in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** ASTHMA AWARENESS MONTH ***

[M12-178]

WHEREAS, asthma is a long-term, inflammatory disease characterized by airflow obstruction, airway hyper-responsiveness, and underlying inflammation. Common asthma symptoms include wheezing, breathlessness, chest tightness, and coughing; and

WHEREAS, asthma currently affects more than 25 million Americans, occurring at any age but is most common among children, females, and non-Hispanic blacks; and

WHEREAS, in Arizona, 21 percent of adolescents and 15.6 percent of adults have a history of asthma; but, through improved management, it has become a relatively rare cause of death among children in the State of Arizona; and

WHEREAS, an asthma attack can occur when people are exposed to airborne allergens and irritants such as dust mites, mold, pests, pet dander, and tobacco smoke; and

WHEREAS, asthma is treatable and controllable through medication and avoiding exposure to potential environmental asthma triggers; and

WHEREAS, it is especially important for parents or guardians of children who have asthma to consult a doctor or their school nurse to complete an asthma plan that can be provided to the school in case of an asthma attack; and

WHEREAS, the State of Arizona participates in several programs that work to help control asthma, including the Arizona Department of Health Services Bureau of Tobacco and Chronic Disease, the Arizona Department of Environmental Quality's Air Quality Division, and the Arizona Asthma Coalition.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 2012 as

*** ASTHMA AWARENESS MONTH ***

and urge all Arizona citizens to identify and reduce their exposures to environmental asthma triggers in homes, schools, and outdoors, and to incorporate environmental controls into their asthma management 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 first day of May in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** MENTAL HEALTH MONTH ***

[M12-177]

WHEREAS, one in four Americans will experience a mental health disorder in a given year regardless of age, gender, sexual orientation, race, ethnicity, religion, or economic status; and

WHEREAS, mental health conditions are real and prevalent in our State and Nation, and all Arizonans experience times of difficulty and stress in their lives; and

WHEREAS, mental health is essential to everyone's overall health and well-being; and

WHEREAS, prevention is an effective way to reduce the burden of mental health conditions; and

WHEREAS, with effective services and supports, individuals with mental health conditions can recover and lead full, productive lives; and

WHEREAS, the Arizona Department of Health Services and each business, school, government agency, healthcare provider, organization and citizen has a responsibility to promote the mental well-being as part of a person's overall health.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 2012 as

*** MENTAL HEALTH MONTH ***

and urge Arizona citizens, government agencies, public and private institutions, businesses, schools and communities to re-commit to increasing awareness and understanding of mental health, the steps our citizens can take to protect their mental health, and the need for appropriate and accessible services for all people with mental health needs.

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 first day of May in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

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ATTEST:
Ken Bennett
Secretary of State

*** SENIOR CORPS WEEK ***

[M12-176]

WHEREAS, older Americans bring a lifetime of skills and experience as parents, grandparents, workers, and citizens that can be tapped to meet challenges in our communities; and

WHEREAS, for more than four decades, the three programs of Senior Corps – RSVP, Senior Companions, and Foster Grandparents – have proven to be a highly effective way to engage Americans ages 55 and over in meeting national and community needs; and

WHEREAS, each year, Senior Corps provides service opportunities for older Americans across the nation, including nearly 1,900 seniors in Arizona who served more than 795,000 hours, valued at nearly \$17,000,000 through the three Senior Corps programs. Foster Grandparents serve one-on-one as tutors and mentors to more than 1,400 young Arizonans who have special needs. Senior Companions help more than 860 homebound Arizona seniors and other adults maintain independence in their own homes. RSVP volunteers conduct safety patrols for local police departments, protect the environment, tutor and mentor youth, respond to natural disasters, and provide other services through more than 220 groups across Arizona; and

WHEREAS, last year, Senior Corps volunteers provided more than 98 million hours of service worth more than \$2 billion, helping to improve the lives of our most vulnerable citizens, strengthen our educational system; protect our environment, provide independent living services, and contribute to our public safety; and

WHEREAS, at a time of mounting social needs and growing interest in service by older Americans, there is an unprecedented opportunity to harness the talents of 55-plus volunteers to address community challenges; to help volunteers by keeping them active, healthy, and engaged; help our communities by solving local problems, and help our nation by saving taxpayer dollars, reducing healthcare costs, and strengthening our democracy; and

WHEREAS, Senior Corps Week, taking place May 7 – 11, 2012, is an opportunity to thank Senior Corps volunteers for their service and recognize their impact and value to our communities and nation.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 7 – 11, 2012 as

SENIOR CORPS WEEK

and urge all citizens to appreciate Senior Corps volunteers for touching the lives of others by making a difference in the community through their commitment to civic participation.

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 fourth day of May in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** WOMEN'S HEALTH WEEK ***

[M12-175]

WHEREAS, National Women's Health Week celebrates the efforts of national and community organizations working together with partners and volunteers to improve awareness of key women's health issues; and

WHEREAS, all women, at every stage of life, have unique health needs that should be addressed in their own right; and

WHEREAS, Women's Health Week is distinguished as a celebration of women taking responsibility for their own health through greater knowledge, understanding and opportunities; and

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WHEREAS, women can improve their overall health and prevent disease and illness by incorporating simple, preventive health behaviors into everyday life; and

WHEREAS, Arizona's commitment to keeping women healthy remains stronger than ever, and keeping women healthy and safe is strengthened through partnerships with social and health services and other organizations.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim May 13 – 19, 2012 as

*** WOMEN'S HEALTH WEEK ***

and encourage citizens to come together to support and advance the health status of women and to increase awareness of important women's health issues.

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 fourth day of May in the year Two Thousand and Twelve, 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.

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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.
 - 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