

Arizona Administrative Register / Secretary of State
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.

*** CHRONIC PAIN AWARENESS MONTH ***

[M12-323]

WHEREAS, over 2.5 million Arizonans suffer from chronic pain, with debilitating conditions like chronic lower back pain, diabetic peripheral neuropathy, fibromyalgia, and arthritis; and

WHEREAS, significant barriers to adequate pain care exist for Arizonans; often patients consult multiple health care providers and live with the pain for years before it is properly diagnosed and managed; and

WHEREAS, studies show that significant savings could be achieved through better treatment of acute pain, reduction in workers' compensation costs and lost tax revenues, and a reduced burden of opioid abuse and misuse; and

WHEREAS, increased awareness and education to raise patient, provider and public understanding of pain, its consequences, its management and its prevention, will allow communities to better support patients who struggle with chronic pain; and

WHEREAS, public awareness of chronic pain issues is important in order to gain a better understanding of the extent, consequences and causes of the disease.

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

*** CHRONIC PAIN 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 twenty-third day of August in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

***COLLEGE SAVINGS MONTH ***

[M12-337]

WHEREAS, the State of Arizona is committed to ensuring that our children have the education and skills needed to successfully compete in a global economy; and

WHEREAS, it is in the State's best interest that its citizens participate in higher education; and

WHEREAS, the amount of student loan debt has risen to more than \$1 trillion nationally, leaving college graduates with the increasing burden of paying for their education long after graduating; and

WHEREAS, students who have any amount saved in their name for higher education are six times more likely to attend college than students with no dedicated college savings account; and

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WHEREAS, the State of Arizona has established the Arizona Family College Savings Program as the State's Section 529 Savings Plan, which provides a tax-advantaged way for families to save for the costs of higher education; and

WHEREAS, in recognition of the value of saving for higher education, the State of Arizona provides both a state income tax exemption on earnings and an income tax deduction for contributions to family college savings programs.

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

*** COLLEGE SAVINGS MONTH ***

and urge families and employers throughout the State to recognize the benefits of higher education, and urge the citizens of Arizona to save for their children's and grandchildren's education.

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 September in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

*** LIFE INSURANCE AWARENESS MONTH ***

[M12-333]

WHEREAS, life insurance owned by individuals and businesses provides much needed income to spouses and families who have lost loved ones whose income they relied upon for sustenance and economic well-being; and

WHEREAS, life insurance tools such as wealth transfer, estate tax equity and estate planning help provide economic stability and security for families throughout our great State; and

WHEREAS, according to the LIMRA study, nearly 95 million Americans lack life insurance coverage and that widows and widowers had to make difficult financial adjustments after loved ones died, including having to work additional jobs or longer hours, borrow money from friends and family, withdraw money from savings and investment accounts, or move to smaller, less expensive housing; and

WHEREAS, the Life and Health Insurance Foundation for Educate (LIFE), the National Association of Insurance and Financial Advisors (NAIFA), and a coalition representing hundreds of leading life insurance companies and organizations have designated September as "Life Insurance Awareness Month" with the goal to make consumers more aware of their life insurance needs, encourage them to seek professional advice, and take the actions necessary to achieve the financial security of their loved ones.

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

*** LIFE INSURANCE 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 fourth day of September in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

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ATTEST:
Ken Bennett
Secretary of State

* SENIOR CENTER MONTH *

[M12-313]

WHEREAS, local communities support over 15,000 Senior and Active Adult Centers across the United States, serving close to 11 million older adults annually; and

WHEREAS, Arizona is a community that includes more than 1.2 million citizens aged 60 and older; and

WHEREAS, centers affirm the dignity, self-worth and independence of older persons by facilitating their decisions and knowledge, and enabling their continued contribution to the community; and

WHEREAS, encouraged and supported by the Older Americans Act, centers function as service delivery focal points, help older persons to help themselves and each other, and offer opportunities to become physically active, mentally challenged, emotionally supported and socially involved; and

WHEREAS, the month of September has historically been proclaimed Senior Center Month, and communities across the country are giving special recognition to older persons and the role of Senior and Active Adult Centers in serving them.

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

* SENIOR CENTER 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 twenty-first day of August in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-seventh.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2012-03

State Regulatory Review, Moratorium and Streamlining 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 December 31, 2014, as a notice to the public regarding state agencies' rulemaking activities.

[M12-226]

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 any additional burdens on Arizona's private sector employers and political subdivisions; and

WHEREAS, this rule making review and moratorium process has continued by session law or executive order to this day; and

WHEREAS, a predictable regulatory climate in this State will promote job creation and retention; and

WHEREAS, Arizona's efforts are being rewarded, such as being ranked as one of the top ten best states for business in a survey of chief executive officers this year, the eighth best for job growth in the last year, and the top state for innovators starting new business; and

WHEREAS, last January, I determined that State agencies needed to quicken the pace on streamlining existing rules and reducing wasted time in regulatory processes to increase Arizona's economic competitiveness and job creation, while still

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protecting public health, safety and the environment; and

WHEREAS, the 50th Legislature passed and I signed into law House Bill 2744 (2012 Arizona Laws, Chapter 352) which permits a state agency to conduct expedited rulemaking to streamline existing rules; and

WHEREAS, this expedited rulemaking authority will be used, in part, by State agencies to implement the "lean" waste reduction initiative I announced last January to increase the efficiency and service quality of State agencies; and

WHEREAS, I encourage the general public and regulated community to bring forward ideas to State agencies and the Governor's Regulatory Review Council on what rules need to be streamlined and how that can be best achieved while still protecting public health, safety and the environment; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2012.

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 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 to 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 rulemaking 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, 2014 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 process.
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 the Governor by July 31, 2012 all pending and anticipated rule making requests. Beginning fiscal year 2013 all state agencies shall submit to the Office of the Governor by the end of each fiscal year an annual report of all pending and anticipated rule making to Office of the Governor.
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.
9. This Executive Order expires on December 31, 2014.

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 26th day of June in the year Two Thousand Twelve and of the Independence of the United States of America the

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Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State