

**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.

*** MASSING OF THE COLORS DAY ***

[M12-334]

WHEREAS, it is fitting that we honor those American patriots who made the supreme sacrifice in the wars and conflicts in which our country has engaged and to the heroes of 9/11; and

WHEREAS, it is most appropriate that a period of time be set aside and consecrated during which we may revere and honor the memory of these honored dead, pay due homage to their valor, deeds, and sacrifice, and reflect upon their high service to our community and our nation; and

WHEREAS, it is for us, the living, to rededicate ourselves to the preservation of the heritage, traditions, and ideals for which these patriots gave their lives that our flag may forever wave in freedom and our people never suffer the burden of oppression; and

WHEREAS, the 48th Annual Massing of the Colors and Service of Remembrance is made possible by the Phoenix Chapter of the Military Order of the World Wars.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 9, 2012 as

*** MASSING OF THE COLORS DAY ***

and urge all Arizonans to honor and revere the memory of all those who have died on the battlefield in defense of our beloved land, in the preservations of the ideals on which our Nation was founded, and upon which it has endured.

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

*** NO TEXTING WHILE DRIVING DAY ***

[M12-335]

WHEREAS, Arizona holds the health and safety of its teens as a paramount concern; and

WHEREAS, wireless phone use has become ever-present through our community, and the use of text messaging has dramatically increased; and

WHEREAS, any time a driver attempts to send or read an electronic text message while driving, his or her attention is diverted from the road; and

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WHEREAS, a recent study found that those who send text messages while driving are 23 times more likely to be in a crash, and 97% of teens say texting while driving is dangerous; and

WHEREAS, texting and driving continues to be a serious and life-threatening issue; and

WHEREAS, no text message is so urgent that it is worth diverting attention from the road and risking lives in the process.

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

*** NO TEXTING WHILE DRIVING 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 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

*** TEEN SUICIDE PREVENTION AWARENESS WEEK ***

[M12-325]

WHEREAS, Arizona ranks 9th in the nation for suicides; and

WHEREAS, on average one young person dies by suicide every hour and 53 minutes; and

WHEREAS, suicide is the second leading cause of death for Arizona teens ages 15-19; and

WHEREAS, the highest number of teenage suicides occur at the start and end of a school year; and

WHEREAS, there are non-profit organizations, including Teen Lifeline; Banner Behavioral Health; One N Ten; La Frontera - EMPACT SPC; Tumbleweed Center for Youth Development; A New Leaf; and Crisis Recovery Network that lead community education and outreach activities to raise awareness of teenage suicide, suicide prevention and the crisis support services that are available.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim September 9-15, 2012 as

*** TEEN SUICIDE PREVENTION AWARENESS WEEK ***

and urge Arizona citizens to join together as a community to support youth and teens, and learn the signs and how to respond if you suspect someone may be depressed, threatening suicide or suicidal.

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

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 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

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- 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 Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State