

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.

* ARIZONA LEAFY GREENS MONTH *

[M13-267]

WHEREAS, Arizona is the winter lettuce capital of the United States and ranks second in the United States in leafy greens production; and

WHEREAS, the continued viability of this industry is essential to Arizona's future and to citizens across the country who consume Arizona's leafy greens products; and

WHEREAS, Arizona leafy greens represents a \$1 billion industry in Arizona, providing an estimated 20,000 jobs state-wide; and

WHEREAS, Arizona's shippers, farmers and others came together to establish an integrated food safety program as a demonstration of their industry-wide commitment to ensuring Arizona's leafy greens are safe; and

WHEREAS, Arizona leafy greens consistently produces an abundance of nutritious and safe produce; and

WHEREAS, this safe stream of produce, from farm to fork, ensures the viability of Arizona's leafy greens industry.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 2013 as

* ARIZONA LEAFY GREENS MONTH *

and call upon all citizens to reflect upon and recognize the Arizona leafy green industry during the month of November.

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

ATTEST:
Ken Bennett
Secretary of State

* ARIZONA WILD WEST DAYS *

[M13-268]

WHEREAS, historic preservation of the Great State of Arizona is a very vital part of our culture and a key to our treasured past; and

WHEREAS, the heart of western culture has always been a part of the Arizona tradition; and

WHEREAS, preserving, protecting and enhancing the culture and history of Arizona for present and future generations through participation, promotion and education of historic events and people of our State is the mission of the Western Parade in the Town of Cave Creek; and

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

WHEREAS, the Town of Cave Creek is one of Arizona's main western historic attractions of the Wild West in both business presence and through many events; and

WHEREAS, it is critical that Arizona maintain its strong western roots and Wild West Days continue to keep the spirit alive and well in Cave Creek and for Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 1 – 3, 2013 as

* **ARIZONA WILD WEST DAYS** *

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

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2013-07
Adoption of Revised 2013 Arizona Emergency Response and Recovery Plan
(Rescinding Executive Order 2009-02)

[M13-266]

WHEREAS, A.R.S. §§ 26-301 through 26-319 outline certain responsibilities and authorities for disaster preparedness, response, recovery and mitigation; and

WHEREAS, in accordance with A.R.S. § 26-305, there is established in the Department of Emergency and Military Affairs, the Division of Emergency Management, which is administered by the Department under the authority of the Adjutant General, subject to powers vested in the Governor as provided by law; and

WHEREAS, the Adjutant General has delegated the responsibility to the Director of the Arizona Division of Emergency Management to prepare for and coordinate those emergency management activities that may be required to reduce the impact of a disaster on persons or property; and

WHEREAS, in accordance with this responsibility, the Director of the Arizona Division of Emergency Management has reviewed the 2008 state emergency operations plan and has recommended that a revised 2013 State of Arizona Emergency Response and Recovery Plan, (the "2013 Plan") be adopted by the Governor; and

WHEREAS, State agencies play a vital role in emergency and disaster preparedness, response, recovery and mitigation activities; and

WHEREAS, significant organizational and procedural changes have occurred in numerous federal, state, and local governments to prevent and prepare for potential domestic or international acts of terrorism within Arizona.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, by virtue of the authority vested in me by the Constitution and the laws of this State, do hereby order the adoption of and adherence to the 2013 Plan, and direct the following:

1. The Department of Arizona Division of Emergency Management shall update the 2013 Plan periodically and test the quality of the 2013 Plan through exercises.
 - The 2013 Plan shall be implemented upon the activation of the State of Arizona Emergency Operations Center.
 - The 2013 Plan shall prescribe the rules and regulations for emergency and disaster operations anywhere in the State of Arizona.
 - Each State agency shall prepare procedures to implement the various emergency functions in the 2013 Plan.
 - Each State agency shall participate in an annual review to, as necessary, update the 2013 Plan and agency procedures.

Governor's Executive Orders/Proclamations

2. The Director of the Arizona Division of Emergency Management is authorized to activate and deactivate the State of Arizona Emergency Center and to exercise overall direction and control of state emergency or disaster operations.
 - a. The Director of the Arizona Division of Emergency Management shall maintain at all times the necessary materials, including contact lists for all possible responders in the State Emergency Operations Center to effectively respond to statewide emergency and disaster situations, including terrorist incidents.
 - b. The Director of the Arizona Division of Emergency Management shall keep records of each disaster response as it occurs, tracking missions assigned and completed, for use during the response effort and review afterward.
 - c. The Director of the Arizona Division of Emergency Management shall formally critique the response coordination efforts and produce after-action reports that identify areas needing improvement during a response effort.
3. Each State agency shall appoint an emergency coordinator and an alternate to act on behalf of the agency during an emergency or disaster, and shall furnish the name and contact telephone numbers to the Director of the Arizona Division of Emergency Management. Each State agency also shall:
 - a. Staff the Arizona Emergency Operations Center with personnel during training exercises relevant to the agency and during emergencies and disasters as requested by the Director of the Arizona Division of Emergency Management.
 - b. Maintain and operate a 24-hour response capability when the 2013 Plan is activated.
 - c. Maintain logs, records, and reporting systems required by state and federal disaster assistance laws, rules, and regulations.
4. All State agencies not assigned a primary or secondary role in the 2013 Plan shall carry out whatever duties or services may be specified or directed by the Governor.
5. The 2013 Plan supersedes the State of Arizona Emergency Response and Recovery Plan dated December 2008, and any subsequent revisions, which shall be destroyed.
6. Executive Order 2009-02 (January 9, 2009) is hereby rescinded.

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

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

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

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 Two Hundred and Thirty-sixth.

**ATTEST:
Ken Bennett
Secretary of State**