

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, Proclamations of General Applicability, and ceremonial dedications 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.

**\* DIAPER NEED AWARENESS WEEK \***

[M14-210]

**WHEREAS**, 30 percent of Arizona's children under age five live below the federal poverty line; and

**WHEREAS**, access to a reliable supply of clean diapers is a necessity for the health and welfare of infants and toddlers, their families, and child and health care providers; and

**WHEREAS**, the average infant or toddler requires an average of 50 diaper changes per week over a three year period; and

**WHEREAS**, a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs; and

**WHEREAS**, when infants and toddlers cannot participate in childcare programs, it makes it very difficult for their parents and guardians to participate in the workforce, thereby causing economic harm to many families; and

**WHEREAS**, economic opportunity for individuals can lead to improved health for families and their communities; and

**WHEREAS**, various community organizations recognize the importance of providing diapers to help families achieve better economic stability and distribute diapers to low income families.

**NOW, THEREFORE**, I, Janice K. Brewer, Governor of the State of Arizona do hereby proclaim September 8 – 14, 2014 as

**\* DIAPER NEED AWARENESS WEEK \***

and, I further encourage the citizens of Arizona to donate generously to diaper banks, diaper drives, and those organizations that distribute diapers to families in need to help alleviate diaper need in Arizona.

**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-eighth day of July in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

**ATTEST:**  
**Ken Bennett**  
**Secretary of State**

**\* NATIONAL WWII MERRILL'S MARAUDER DAY \***

[M14-212]

**WHEREAS**, in 1943, almost 3,000 men from the jungles of Panama and Trinidad, Guadalcanal, New Guinea, New Georgia and the United States answered President Franklin D. Roosevelt's call for a secret "dangerous and hazardous" mission, not knowing where they were going or what they would be doing; and

**WHEREAS**, this unnamed provisional unit of the United States Army volunteers, expected to have more than 85 percent casualties, landed October 31, 1943, in Bombay, India, and was officially designated January 1944, as the 5307<sup>th</sup> Composite

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Unit Provisional, code-named "Galahad" and later nicknamed Merrill's Marauders by the press after their commander, General Frank D. Merrill. They were the first American ground troops to fight the Japanese in Asia; and

**WHEREAS**, with only what they could carry on their backs of pack on mules, Merrill's Marauders walked farther, almost 1,000 miles, than any other World War II fighting force, trudging behind enemy lines up the foothills of the Himalayas and into the jungles of northern Burma to capture the only all-weather airstrip on May 17, 1944, at Myitkyina, crushing Japan's control of the sky and enabling the allies to begin flying supplies into Burma so the Ledo and Burma roads could be connected and a crucial pathway opened up into China; and

**WHEREAS**, it has been 70 years since the short-lived Merrill's Marauder unit of the mostly overlooked China-Burma-India Theater of Operations was disbanded on August 10, 1944, after defeating the Japanese 18<sup>th</sup> Imperial Division, which vastly outnumbered them, in five major battles and 30 minor engagements. Jungle diseases ravaged their numbers so only about 300 of the approximate 1,300 remaining Merrill's Marauders were still fit for combat when they reached their objective, and later went on to join replacements who continued to fight in Burma as the 475<sup>th</sup> Infantry, which became part of the Mars Task Force; and

**WHEREAS**, for their accomplishments in the China-Burma-India Theater of Operations, Merrill's Marauders were awarded the Presidential Unit Citation, and have the extremely rare distinction of every member of the unit receiving the Bronze Star Medal. There were six Distinguished Service Crosses, four Legions of Merit and 44 Silver Star Medals awarded. Twenty-five Merrill's Marauders have been inducted into the Army Ranger Hall of Fame. The Merrill's Marauder legacy continues to be honored today by members of the 75<sup>th</sup> Ranger Regiment who wear the Marauder patch as their crest.

**NOW, THEREFORE, I**, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim August 10, 2014 as

**\* NATIONAL WWII MERRILL'S MARAUDER DAY \***

and, I further encourage all Arizonans in this collective effort to honor and thank these aging WWII China-Burma-India veterans, who now number around 50, for their successes 70 years ago in the jungles of Burma and their contributions to our nation.

**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 fifteenth day of July in the year Two Thousand and Fourteen, and of the Independence of the United States of America the Two Hundred and Thirty-ninth.

**ATTEST:**  
**Ken Bennett**  
**Secretary of State**

**TERMINATION OF EMERGENCY**

**\* Coconino County Campbell Avenue Flooding ~ PCA 73006 \***

[M14-207]

**WHEREAS**, on September 13, 2011 a powerful seasonal monsoon rain passed over areas in Coconino County that were severely burned by the Schultz Fire; and

**WHEREAS**, the heavy rains resulted in significant flooding and debris flow which caused significant damage to several major roads in the Timberline, Hutchison Acres and Wupatki Trails areas; and

**WHEREAS**, the debris and heavy sediment flow also damaged several portions of the Lower Campbell Avenue, as well as other areas that were impacted during a summer 2010 declared emergency and are subject to repeated damage from floods off the Schultz Fire burn areas; and

**WHEREAS**, a state of emergency was declared on September 13, 2011 to address public health and safety concerns of the citizens and provide necessary recovery support; and

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**WHEREAS**, the Governor's Emergency Funds were expended pursuant to A.R.S. § 35-192, as amended; and

**WHEREAS**, pursuant to A.R.S. § 26-303(F), the Governor is authorized to proclaim the termination of emergency.

**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 the State, do hereby terminate the declaration of the State of Emergency of September 13, 2011. All unexpended funds allocated to the emergency shall revert to the Governor's Emergency Fund in accordance with A.R.S. § 35-192(F)(4).

**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 seventh day of July in the Year Two Thousand Fourteen and of the Independence of the United States of America the Two Hundred and Thirty-Ninth.

**ATTEST:**  
**Ken Bennett**  
**Secretary of State**

**TERMINATION OF EMERGENCY**  
**\* Monsoon 2010 Emergency ~ PCA 11003 \***

[M14-208]

**WHEREAS**, between July 19, 2010 and July 29, 2010 a series of potent monsoon thunderstorms causing high winds and flash floods damaged many locations in southeastern Arizona; and

**WHEREAS**, the heavy rains resulted in significant flooding that caused extreme peril to public health and safety to the residents of Wards Canyon and the Town of Clifton in Greenlee County; and

**WHEREAS**, the flow of water draining the hills of Nogales, Sonora, Mexico emptied at flood levels into the Nogales Wash in Nogales, Sonora and flowed with great force into Nogales, Arizona; and

**WHEREAS**, flood water deteriorated the Nogales Wash threatening the International Outfall Interceptor and seriously damaged unlined portions of the Nogales Wash impacting Old Tucson Highway; and

**WHEREAS**, a state of emergency was declared on August 4, 2010 to address public health and safety concerns of the citizens and provide necessary recovery support; and

**WHEREAS**, the Governor's Emergency Funds were expended pursuant to A.R.S. § 35-192, as amended; and

**WHEREAS**, pursuant to A.R.S. § 26-303(F), the Governor is authorized to proclaim the termination of emergency.

**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 the State, do hereby terminate the declaration of the State of Emergency of August 4, 2010. All unexpended funds allocated to the emergency shall revert to the Governor's Emergency Fund in accordance with A.R.S. § 35-192(F)(4).

**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 seventh day of July in the Year Two Thousand Fourteen and of the Independence of the United States of America

the Two Hundred and Thirty-Ninth.

**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.

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- 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**