

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 – Nogales Wash Flooding 2008 ***

[M08-297]

WHEREAS, on July 6, 2008 rain water flowing down the hills of Nogales in Sonora, Mexico emptied at flood levels into the Nogales Wash in Nogales, Sonora and into Nogales, Arizona and joined high water already collecting from additional precipitation in the area; and

WHEREAS, the City of Nogales and Santa Cruz County declared states of emergency due to the flooding which caused extreme peril to public health and safety and damaged flood control works; and

WHEREAS, the City of Nogales and Santa Cruz County have requested state assistance; and

WHEREAS, the wash system of flood control and infrastructure in the general area of the Morley Avenue and the Bankard Street have lost the ability to sustain normal traffic, due to the loss of several concrete floor panels; and

WHEREAS, further deterioration to the Nogales Wash puts the International Outfall Interceptor (IOI) in jeopardy of exposure, thereby risking a breach to the line that carries 14 million gallons of untreated sewage into Arizona daily; and

WHEREAS, the damage sustained to the Nogales Wash Flood Control Works presents an immediate threat to public health and safety as the sewage treatment lines that lie underneath the Nogales Wash and the Union Pacific Railroad tracks that run parallel to the Nogales Wash may be damaged; and

WHEREAS, this extraordinary event imperils these jurisdictions and presents financial costs above and beyond their fiscal capabilities; and

WHEREAS, several local, state and federal agencies are coordinating the response to the continuing threats and providing technical assistance and damage assessments to Santa Cruz County and the City of Nogales; 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, Janet Napolitano, 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 Nogales Wash Flooding 2008 Emergency 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 Santa Cruz County, warranting emergency protective measures be taken to preserve public health and safety, debris be removed and other action be taken as necessary to respond to the continuing threat of additional damage due to the Nogales Wash Flooding 2008 Emergency, effective July 7, 2008 and continuing; and
- b. Direct that the sum of \$200,000 from the general fund be made available to the Director of the Arizona Division of Emergency Management to be expended in accordance with A.R.S. § 35-192, A.A.C. R8-2-301 to 321, and Executive Order 79-4; and
- c. Direct the Arizona Division of Emergency to convene local, county, state, federal and international agencies to pursue all available options for mitigating future damage to and restoring of the Nogales Wash Flood Control Works both in the United States and in Mexico; and
- d. 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 the use of such State assets; and

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- e. 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

Janet Napolitano
G O V E R N O R

DONE at the Capitol in Phoenix on this 15th day of July in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

*** TERMINATION OF EMERGENCY – La Paz County Summer Monsoon Emergency ***

[M08-302]

WHEREAS, heavy rains during the monsoon storms caused significant damage to public infrastructure in areas around La Paz County in August 2005; and

WHEREAS, a state of emergency was declared on September 16, 2005 to address health and safety concerns of the citizens, as well as the repair of public infrastructure; and

WHEREAS, all eligible response and recovery work pertaining to the emergency has been completed, audited and reimbursed; 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, Janet Napolitano, 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 16, 2005. All unexpended funds allocated to the emergency shall revert to the General Fund.

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

Janet Napolitano
G O V E R N O R

DONE at the Capitol in Phoenix on this 14th day of July in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

*** TERMINATION OF EMERGENCY – Nogales Wash Emergency ***

[M08-303]

WHEREAS, intense heavy rains and 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 in August 2007; and

WHEREAS, these heavy rains and flash flooding caused significant damage to public infrastructure in Santa Cruz County; and

WHEREAS, a state of emergency was declared on August 28, 2007 to address health and safety concerns of the citizens, as well as the repair of public infrastructure; and

WHEREAS, all eligible response and recovery work pertaining to the emergency has been completed, audited and reimbursed; 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, Janet Napolitano, 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 28, 2007. All unexpended funds allocated to the emergency shall revert to the Governor's Emergency Fund.

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

Janet Napolitano
G O V E R N O R

DONE at the Capitol in Phoenix on this 14th day of July in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

*** GENERAL ELECTION 2008 ***

[M08-294]

WHEREAS, Article 7, Section 11, of the Constitution of the State of Arizona provides that there shall be a general election of Representatives in Congress, and of State, County and precinct officers on the first Tuesday after the first Monday in November of the first even numbered year in which Arizona is admitted to Statehood and biannually thereafter; and

WHEREAS, Article 6, Section 38, of the Constitution of the State of Arizona, provides that the name of any justice or judge of the Supreme Court or an intermediate appellate court, and any judge of the Superior Court except for judges of the Superior Court in counties having a population of less than two hundred fifty thousand persons, according to the United States census, whose declaration of desire to be retained in office has been filed in the office of the Secretary of State and certified to the several Board of Supervisors, shall be placed on the appropriate official ballot at the next regular general election under nonpartisan designation; and

WHEREAS, Article 4, part 1, Section 1 (10) of the Constitution of the State of Arizona, provides that when any Initiative or Referendum petition or any measure referred to the people by the Legislature shall be filed, in accordance with this section, with the Secretary of State, who shall cause to be printed on the official ballot at the next regular election the title and number of such measure, together with the words "Yes" and "No" in such manner that the electors may express at the polls their approval or disapproval of the measure; and

WHEREAS, Section 16-214, Arizona Revised Statutes, provides that at least thirty days before a general election, the Governor shall issue a proclamation containing a statement of the time of election, the offices to be filled, and shall transmit a copy of the election proclamation to the officer in charge of elections of the several counties;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, do hereby proclaim the

*** GENERAL ELECTION 2008 ***

to be held in the form prescribed by law on the first Tuesday after the first Monday in November 2008, which shall be Tuesday, November 4, 2008, for the election of the following officials: eight United States Representatives in Congress, three Corporation Commissioners, thirty State Senators, sixty State Representatives, one Arizona Supreme Court Justice, four Judges of the Arizona Court of Appeals Division One, and one Judge of the Arizona Court of Appeals Division Two;

And for each of the counties of the State, as prescribed by law, such county officers, judges, justices of the peace, constables, and school district and community college governing boards, as may be applicable in each such county;

And to afford an opportunity for the qualified electors of the State of Arizona to vote upon any referred and initiated measures or constitutional amendments that are submitted in the form prescribed by law.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be

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affixed the Great Seal of the State of Arizona

Janet Napolitano
G O V E R N O R

DONE at the Capitol in Phoenix on this 8 day of July in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

*** OPERATION JUMP START ***

[M08-296]

WHEREAS, I, Janet Napolitano, declared a State of Emergency for Arizona's international border in August, 2005; and

WHEREAS, in June, 2006, I signed the Memorandum of Agreement that allowed deployment of National Guard personnel to the Arizona border; and

WHEREAS, nearly 18,000 National Guard members from 51 states and territories participated in Operation Jump Start in Arizona; and

WHEREAS, National Guard presence at the border is credited with helping the Border Patrol with 176,694 illegal immigrant apprehensions, 102 illegal immigrant rescues, 1,116 vehicle seizures, and the seizure of 316,401 pounds of marijuana, 5,224 pounds of cocaine, and \$80,688 in currency; and

WHEREAS, Operation Jump Start allowed 339 Border Patrol agents to return to their law enforcement obligations, while National Guard personnel fulfilled duties such as entry identification, building tactical infrastructure, monitoring surveillance cameras, and fleet maintenance; and

WHEREAS, the National Guard in Arizona completed 24 miles of permanent vehicle barriers, and 43 miles of temporary vehicle barriers; 24 miles of primary fence, 9 miles of secondary fence, 24 secondary fence gates, nearly 12 miles of high density lighting, more than 57 miles of road improvements, five miles of road construction, and five water wells;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, do hereby recognize, congratulate, and extend the State of Arizona's gratitude to the National Guard soldiers, for accomplishing their vital mission to preserve freedom, advance national security, and homeland defense by participating in

*** OPERATION JUMP START ***

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

Janet Napolitano
G O V E R N O R

DONE at the Capitol in Phoenix on this eighth day of July in the year Two Thousand and Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

*** CHILDREN'S VISION AND LEARNING MONTH ***

[M08-298]

WHEREAS, children across Arizona are preparing for the start of another school year, and many of them will begin their studies with undiagnosed and untreated vision problems; and

WHEREAS, according to the College of Optometrists in Vision Development, as many as one in four school age children

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have vision problems; and

WHEREAS, all children deserve the opportunity to learn and to achieve their full potential; and

WHEREAS, public awareness about learning-related vision problems is necessary to ensure that young people receive the prompt vision treatment they need to enhance their lives; and

WHEREAS, parents, educators, school nurses, and all concerned adults are encouraged to recognize the critical role good vision plays in the learning process, and to work together to help prevent or reduce the impact untreated vision problems can have on our children's ability to read and learn;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, do hereby proclaim August 2008 as

*** CHILDREN'S VISION AND LEARNING MONTH ***

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

Janet Napolitano
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 Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State

*** DROWNING IMPACT AWARENESS MONTH ***

WHEREAS, Drowning Impact Awareness month will raise awareness that the number and impact of children drowning in Arizona affects everyone; and

[M08-300]

WHEREAS, drowning incidents in Arizona take the lives of the equivalent of a classroom of children each year; and

WHEREAS, a child drowning can happen to any family regardless of education, race or socio-economic background; and

WHEREAS, families can take simple steps to protect their children around water to avoid the tragedy of the unnecessary loss of life; and

WHEREAS, water safety remains a priority for Arizona families, communities, and government; and

WHEREAS, raising awareness will increase understanding and education of effective ways to prevent drowning; and

WHEREAS, keeping children healthy and safe is the goal of medical facilities, fire departments and civic groups in Arizona, raising awareness will increase understanding and education of effective ways;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, do hereby proclaim August 2008 as

*** DROWNING IMPACT AWARENESS MONTH ***

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

Janet Napolitano
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 Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

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ATTEST:
Janice K. Brewer
Secretary of State

*** INDIA'S INDEPENDENCE DAY ***

[M08-301]

WHEREAS, India is the world's largest democracy and shares with the United States the system in which the supreme power to govern is invested in the people; and

WHEREAS, the people of India drew upon the values of the rule of law in creating a representative democracy; and

WHEREAS, India's independence was achieved pledged to the principles of fairness, dignity, peace, and democracy; and

WHEREAS, these and other ideals have forged a close bond between our two nations and their peoples; and

WHEREAS, Indian immigrants have made profound contributions to the arts, education, science, medicine and business in Arizona; and

WHEREAS, August 15, 2008 marks the 61st anniversary of the end of the struggle which freed the Indian people from British colonial rule; and

WHEREAS, it is proper and desirable to celebrate with the Indian people and to reaffirm the democratic principles on which our two great nations were born;

NOW, THEREFORE, I, Janet Napolitano, Governor of the State of Arizona, do hereby proclaim August 15, 2008 as

*** INDIA'S INDEPENDENCE DAY ***

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

Janet Napolitano
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 Eight and of the Independence of the United States of America the Two Hundred and Thirty-third.

ATTEST:
Janice K. Brewer
Secretary of State