

**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 CHILD HEALTH DAY ***

[M11-330]

WHEREAS, encouraging current and upcoming generations to adopt healthful practices in daily lives will contribute to Arizona's progress; and

WHEREAS, fostering a community devoted to reducing rising childhood mental and physical concerns including obesity, asthma and allergies, as well as promoting healthy pregnancies, requires effort of citizens, the State and institutions devoted to advancing health and health care; and

WHEREAS, community leaders, including local organizations and businesses, have provided support to citizens and employees of all ages, making it possible for children and parents to make positive impacts on their own lives; and

WHEREAS, Arizona Child Health Day, in line with national recognition, is a day devoted to the health and well being of children and will highlight the needs of Arizona's children and the power of promoting a lifelong pattern of healthy lifestyles.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 3, 2011 as

*** ARIZONA CHILD HEALTH 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 twenty-sixth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** BLINDNESS AWARENESS MONTH ***

[M11-328]

WHEREAS, more than two-thirds of adults that are visually impaired in the United States are over 65 years of age; and nearly 20.5 million Americans age 40 and older are diagnosed with cataracts, which is the leading cause of blindness in the United States; and

WHEREAS, long-term exposure to ultraviolet radiation from both the sun and artificial UV rays can damage the eye, affecting surface tissues and internal structures and lead to cataracts, skin cancer around the eyelids and other eye disorders; and

WHEREAS, across the globe, some 37 million people are blind and 124 million severely visually impaired; however, the World Health Organization estimates that 75 percent of all blindness can be treated, cured, or prevented by highly cost-effective means; and

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WHEREAS, wearing sunglasses to protect the eyes can minimize the damaging effects of UV radiation by blocking UV rays from entering the eye; and

WHEREAS, the economic effect of visual disorders and disabilities in the United States as far back as 2003 was estimated to be \$68 billion; and

WHEREAS, "World Sight Day," celebrated on October 13, 2011, is supported around the world by governments, health care providers, professional associations, and other concerned individuals who are working together with a shared commitment to eliminate avoidable blindness worldwide by the year 2020; and

WHEREAS, the State of Arizona supports the significant efforts to promote public awareness in steps to prevent, treat, and cure blindness and other serious visual impairments.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

***BLINDNESS AWARENESS MONTH ***

and call upon public officials and citizens of this State to observe the month with appropriate activities and programs.

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-sixth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

***COLLEGE SAVINGS MONTH ***

[M11-331]

WHEREAS, the State of Arizona is committed to competing in the global economy and recognizes the challenge that lies ahead will be to ensure that our children have the education and skills that will enable them to compete successfully; and

WHEREAS, the amount of student loan debt has risen to more than \$829 billion nationally, leaving college graduates with the increasing burden of paying for their college education long after they have completed their education; and

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

WHEREAS, it is in the State's best interest that its citizens are able to participate in postsecondary education and contribute to a 21st century workforce which will fuel Arizona's economic growth; and

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 education in order to ensure their children's access to post-secondary education; and

WHEREAS, in recognition of the value of saving for higher education, the State of Arizona, through duly enacted laws, 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 October 2011 as

*** COLLEGE SAVINGS MONTH ***

and urge families and employers throughout the State to recognize the benefit of attaining a higher education, and urge the citizens of Arizona to begin saving for their children's and grandchildren's education.

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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-sixth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

* **COOPERATIVE MONTH** *

[M11-327]

WHEREAS, the spirit of cooperation sustains our national character, energizes the American experience and contributes bountifully to our shared prosperity; and

WHEREAS, the cooperative form of business is intrinsic to American private enterprise and our national economy. The lives of more than 120 million Americans are improved by more than 30,000 cooperative private businesses that generate more than \$650 billion in annual economic activity. They create more than two million jobs and pay more than \$75 billion in wages. Cooperatives are inclusive. They bring into the American free enterprise system people from every walk of life and every economic condition. They enrich our communities, large and small. Cooperatives are the means through which those who work together to build a business can attain all its benefits and those who need service can receive it on their terms; and

WHEREAS, our nation thrives on the cultural diversity that makes the United States unique in the world community. So too, we benefit from the cooperative difference; and

WHEREAS, cooperatives are different from other business forms because of the Cooperative Principles that guide every cooperative, define their unique structure, and express the cooperative's direct accountability to its member-owners; and

WHEREAS, cooperative businesses are created through the self-reliance of Americans who come together to meet their common economic, social and cultural aspirations through a jointly owned and democratically controlled enterprise; and

WHEREAS, during the month of October, people from every type of cooperative celebrate their achievements, reaffirm their commitment to the values that are the foundation of cooperative enterprise and look to the bright future that cooperatives will help create.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

* **COOPERATIVE MONTH** *

and urge all citizens in private and public life to thoughtfully consider the value of cooperative enterprise and acknowledge through private acts and public policy the right of Americans to come together in a cooperative self-help enterprise to meet their common economic and social needs and aspirations.

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-sixth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

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*** DOMESTIC VIOLENCE AWARENESS MONTH ***

[M11-332]

WHEREAS, domestic violence is an epidemic affecting Americans in all communities, regardless of age, gender, economic status, race, religion, nationality, or educational background; and

WHEREAS, over 15 million children live in families experiencing domestic violence, and 7 million children live in homes where severe violence occurred, contributing to devastating effects such as post-traumatic stress, decreased social, emotional and cognitive development, as well as future physical and emotional health issues; and

WHEREAS, 17.3 percent of youth in Arizona reported being the victim of teen dating violence in the 2010 Arizona Youth Survey; and

WHEREAS, victims of domestic violence are often prevented from getting or keeping jobs by their abusers, and many victims who leave their abusers face poverty, unemployment, homelessness and even death at the hands of abusers as a result of leaving; and

WHEREAS, there were 96 domestic violence related deaths in Arizona in 2010; and

WHEREAS, domestic violence shelters in Arizona served 5,041 adults and 4,748 children in fiscal year 2010; and

WHEREAS, stopping domestic violence requires uncompromised accountability of offenders; and

WHEREAS, enhanced education, prevention, and intervention efforts will increase public awareness, mobilize community action, and confront the abuse of power and control in interpersonal relationships.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

*** DOMESTIC VIOLENCE AWARENESS MONTH ***

and encourage all citizens of Arizona to support the efforts of organizations that provide education, outreach, and support to victims of domestic violence, and call upon our citizens to dedicate themselves to ending all forms of violence and the abuse of power and control in relationships.

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-sixth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

*** SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH ***

[M11-329]

WHEREAS, Sudden Infant Death Syndrome (SIDS) is the unexpected, sudden death of a child under age one in which an autopsy does not show an explainable cause of death and is one of the leading causes of death in Arizona for infants one month to one year of age. Nationally, SIDS claims the lives of between 2,000 and 3,000 babies each year, approximately one baby for every one thousand born. The cause of SIDS is unknown, although there are several theories; and

WHEREAS, the National Institute of Child Health and Human Development, the Maternal and Child Health Bureau, the American Academy of Pediatrics provide recommendations for safe sleep positions and environmental factors that have been linked to a decreased risk for SIDS; and

WHEREAS, infants in Arizona continue to die from SIDS and caregivers are unaware of risk reduction practices, including placing babies on their backs to sleep, choosing safe bedding, keeping babies from overheating, choosing breastfeeding when possible and creating tobacco-free environments; and

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WHEREAS, increasing public awareness among all Arizona parents and infant caregivers on the importance of creating safe sleep environments has a great potential for saving lives and sparing families the tragedy of the deaths of infants.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim October 2011 as

*** SUDDEN INFANT DEATH SYNDROME AWARENESS MONTH ***

in Arizona and urge citizens to practice SIDS risk reduction and safe sleep recommendations to reduce the risk of SIDS and other sleep related infant deaths.

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-sixth day of September in the year Two Thousand Eleven, and of the Independence of the United States of America the Two Hundred and Thirty-sixth.

ATTEST:
Ken Bennett
Secretary of State

EXECUTIVE ORDER 2011-05

State Regulatory Rule Making Review and Moratorium 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 June 30, 2012 as a notice to the public regarding state agencies' rulemaking activities.

[M11-234]

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 additional and unnecessary burdens on our private sector employers and political subdivisions; and

WHEREAS, other states have since implemented regulatory reviews and moratoriums; and

WHEREAS, the economic climate in Arizona continues to challenge both those seeking employment and our employers, who are the key to increasing job opportunities in this State; and

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

WHEREAS, the Legislature enacted the regulatory review and moratorium for fiscal year 2009 - 2010 by passing House Bill 2008 in the 2009 Third Special Session; and

WHEREAS, the Legislature continued the regulatory review and moratorium for fiscal year 2010 - 2011 by passing House Bill 2260 in the 2010 Second Regular Session; and

WHEREAS, the current regulatory review and moratorium expires on June 30, 2011; and

WHEREAS, the expiration of the current regulatory review and moratorium could result in a regulatory explosion detrimental to job creation and retention in this State; and

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 that for fiscal year 2011-2012 ending June 30, 2012, 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 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.

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- 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 rule making 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, 2012 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 processes.
 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 Governor by July 29, 2011 all pending rule makings and any pending requests to the Office of Governor for rule making.
 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.

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 30th day of June in the year Two Thousand Eleven and of the Independence of the United States of America the Two Hundred and Thirty-fifth.

ATTEST:
Ken Bennett
Secretary of State