

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.

*** 70TH ANNIVERSARY OF PEARL HARBOR ***

[M11-424]

WHEREAS, the anchor from the USS Arizona commemorates “a day which will live in infamy”; and

WHEREAS, the USS Arizona was one of eight battleships sunk or damaged by the attack on Pearl Harbor in Hawaii; and

WHEREAS, this date has been memorialized annually by thousands of families affected by the bombing of Pearl Harbor; and

WHEREAS, we pay honor to the thousands of men and women who have given their lives to preserve the freedoms of our nation; and

WHEREAS, this year on the 70th anniversary of that tragic day, we pause to remember the horrific events of December 7th, 1941, by paying tribute to the innocent victims and expressing gratitude to those who courageously responded in its aftermath; and

WHEREAS, this unwarranted act reminds us that all Americans must stand together as we continue to heal our wounds and remain committed to defending our nation's freedom.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim and recognize December 7, 2011 as the

*** 70TH ANNIVERSARY OF PEARL HARBOR ***

and urge all Arizonans to pay tribute to the “Greatest Generation” and acknowledge their many sacrifices to preserve our American Way of Life.

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

ATTEST:
Ken Bennett
Secretary of State

*** CIVIL AIR PATROL WEEK ***

[M11-427]

WHEREAS, Civil Air Patrol (CAP) was established on December 1, 1941, to supplement the U.S. military during World War II; and

WHEREAS, in 1948, CAP was designated as the U.S. Air Force's official auxiliary with three missions – emergency services, cadet programs, and aerospace education; and

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WHEREAS, since CAP's beginning, the organization has set itself apart during the country's most tumultuous times; locating and sinking enemy submarines during World War II, assisting rescuers and state agencies immediately following the September 11, 2001 terrorist attacks, heavily supporting hurricane relief efforts during the 2005 hurricane season, and more recently in response to Hurricane Ike's devastation in 2008, as well as aiding communities during other natural disasters such as floods, wildfires, winter storms, and tornadoes; and

WHEREAS, CAP further provides vital homeland security missions that help ensure the protection of the nation's capital and the nation as a whole by assisting Air Force pilots with target-intercept training; and

WHEREAS, CAP provides exceptional education and growth opportunities for youth through its nearly 22,000 member strong cadet Program, which annually provides access to top national summer flight academies and to 30 national programs emphasizing leadership and careers in aviation, as well as flight training in powered and glider aircraft; and

WHEREAS, CAP's Aerospace Education Program annually touches more than 900 educators, more than 20,000 cadets and thousands of other youths in classrooms across America by teaching children multidisciplinary aviation concepts that emphasize aviation's connection to history, math, science, government, and economics.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim December 1-7, 2011 as

*** CIVIL AIR PATROL WEEK ***

and encourage all citizens to join in recognizing the 70th Anniversary of the Civil Air Patrol, and commend CAP for its "Missions for America" and its outstanding cadet and aerospace programs, which annually touch the lives and ensure the safety of thousands of American citizens.

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-first day of November in the year Two Thousand and 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

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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.
 - 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