

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 FAMILY CAREGIVER MONTH ***

[M12-469]

WHEREAS, each year the month of November is set aside to pay tribute to Arizona's family caregivers by recognizing the value of the service they provide; and

WHEREAS, communities and citizens across Arizona benefit every day from the gift of voluntary caregiving, and family caregivers deserve our encouragement and support in honor of their spirit of giving and self-sacrifice; and

WHEREAS, family caregiving helps to improve the overall quality of care and significantly reduces the use of nursing home and inpatient hospital care; and

WHEREAS, the need for family caregivers is growing and will continue to grow as Arizona's population of aging citizens continues to expand; and

WHEREAS, individuals engaged in family caregiving face challenges affecting their own health, finances, and job security, and they need support; and

WHEREAS, family caregivers deserve our lasting gratitude and respect.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 2012 as

*** ARIZONA FAMILY CAREGIVER MONTH ***

and call on all citizens throughout Arizona to acknowledge the invaluable contributions made by family caregivers during this special month and throughout the year.

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 second day of November in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH ***

[M12-473]

WHEREAS, the Association of Governmental Accountants (AGA) is a professional organization, which has a network of 15,000 members in 99 chapters in the United States and around the world, with both a Phoenix Chapter and a Southern Arizona Chapter consisting of approximately 225 active members representing state, federal, municipal and private sector accountants, auditors, and financial managers in Arizona; and

WHEREAS, AGA Phoenix and Southern Arizona Chapter members have responded to AGA's mission of Advancing Government Accountability, as it continues its broad educational efforts, with emphasis on high standards of conduct, honor, and

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character in its Code of Ethics, and are making significant advances both in professional ability and in service to the citizens of Arizona by mastering increasingly technical and complex requirements; and

WHEREAS, the Certified Government Financial Manager (CGFM) Program of AGA provides a means of demonstrating professionalism and competency by requiring CGFM candidates to have appropriate educational and employment history, to abide by AGA's Code of Ethics, and to pass three examinations requiring expertise in Governmental Environment, Governmental Financial Management and Control, and Governmental Accounting, Financial Reporting and Budgeting, and requires each CGFM holder to maintain certification by completing at least 80 hours of continuing professional education in government financial management topics or related technical subjects every two years, with 186 individuals in Arizona achieving the CGFM designation, 113 of which are active CGFM professionals.

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

*** CERTIFIED GOVERNMENT FINANCIAL MANAGER MONTH ***

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 nineteenth day of November in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** DRIVE SAFER DAY ***

[M12-470]

WHEREAS, more than 43,000 people are killed each year in accidents on American highways; and

WHEREAS, traffic accidents are the leading cause of death for people ages 6 to 33, and young drivers, ages 15-20 years old, are especially vulnerable to death and injury on our roadways; and

WHEREAS, the Sunday after Thanksgiving is one of the busiest highway travel days of the year; and

WHEREAS, alcohol-related accidents account for 32% of all deaths; unrestrained passengers account for 55% of the passenger deaths on the roadways; speeding was a contributing factor in 31% of all fatal accidents; and

WHEREAS, safer driving behaviors such as buckling up, driving sober, obeying traffic signs and laws, focusing completely on navigating your vehicle and responding to conditions and other roadway users, being courteous, and driving defensively would dramatically reduce the number of traffic-related accidents, injuries and deaths.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 25, 2012 as

*** DRIVE SAFER DAY ***

and call upon all citizens to help share this important message throughout our Great State.

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 second day of November in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

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ATTEST:
Ken Bennett
Secretary of State

*** PANCREATIC CANCER AWARENESS MONTH ***

[M12-474]

WHEREAS, over 43,920 people will be diagnosed with pancreatic cancer this year in the United States and over 37,390 will die from the disease, which is the fourth leading cause of cancer death in the United States; and

WHEREAS, 74 percent of pancreatic cancer patients die within the first year of their diagnosis and 94 percent of pancreatic cancer patients die within the first five years; and

WHEREAS, persons are cured of pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years; and

WHEREAS, the federal government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers, and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little known about how to arrest it; and

WHEREAS, the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in Arizona and nationwide by focusing its efforts on public policy, research funding, patient services, public awareness and education related to developing effective treatments and a cure for pancreatic cancer; and

WHEREAS, the good health and well-being of the residents of Arizona are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 2012 as

*** PANCREATIC CANCER AWARENESS MONTH ***

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 nineteenth day of November in the year Two Thousand and Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** SMALL BUSINESS SATURDAY ***

[M12-471]

WHEREAS, small businesses are the backbone of our economy and the glue that holds communities together; and

WHEREAS, according to the United States Small Business Administration (SBA) there are currently 28 million small businesses in the United States; and

WHEREAS, small businesses created 65 percent of new jobs over the past two decades; and

WHEREAS, 99 percent of U.S. consumers agree that it is important to support small businesses in their communities, and 90 percent of U.S. consumers indicated they are willing to pledge their support for a "Buy Local" small business initiative like Small Business Saturday; and

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WHEREAS, consumers are encouraged to “Buy Local” in an effort to create jobs, boost our local economy, and preserve our neighborhoods; and

WHEREAS, advocacy groups and public and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

WHEREAS, residents of our community, and communities across the country, are encouraged to support small businesses and merchants on Small Business Saturday and throughout the year.

NOW, THEREFORE, I, Janice K. Brewer, Governor of the State of Arizona, do hereby proclaim November 24, 2012 as

*** SMALL BUSINESS SATURDAY ***

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 Twelve, and of the Independence of the United States of America the Two Hundred and Thirty-Seventh.

ATTEST:
Ken Bennett
Secretary of State

*** 71ST ANNIVERSARY OF PEARL HARBOR ***

[M12-472]

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 71st anniversary of that tragic day, we pause to remember the horrific events of December 7, 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, 2012 as the

*** 71ST 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 nineteenth day of November in the year Two Thousand and Twelve, and of the Independence of the United States

of America the Two Hundred and Thirty-Seventh.

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