

Executive Orders

EXECUTIVE ORDER MJF 00-31

Tobacco Settlement Payment Options Task Force

WHEREAS, Executive Order No. MJF 2000-2, signed on January 28, 2000, established the Tobacco Settlement Payment Options Task Force (hereafter "Task Force") to compare the value of an immediate lump sum payment of the state of Louisiana's portion of \$246 billion obtained from the settlement of *Richard P. Ieyoub v. Philip Morris, Inc.*, No. 98-6473, Fourteenth Judicial District Court, parish of Calcasieu, and other cases, to the value of annual payments if received as scheduled in the amounts anticipated; analyze the risks involved in the tobacco settlement payment plan; and explore other tobacco settlement payment options that may be in the best interest of the citizens of the state of Louisiana; and

WHEREAS, it is necessary to amend Executive Order No. MJF 2000-2 in order to extend the reporting period for the Task Force and establish a deadline for its next meeting;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Subsection 2(D) of Executive Order No. MJF 2000-2, signed on January 28, 2000, is amended to provide as follows:

Submitting to the governor, speaker of the House of Representatives, and the president of the Senate, an updated comprehensive written report on the issues set forth in subsections 2(A), (B), and (C) of this Order by December 31, 2000.

SECTION 2: Section 5 of Executive Order No. MJF 2000-2 is amended to provide as follows:

The Task Force shall hold its next meeting on or before November 17, 2000. Thereafter, it shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 4: All other sections, subsections, and/or paragraphs of Executive Order No. MJF 2000-2 shall remain in full force and effect.

SECTION 5: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 27th day of September, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0010#011

EXECUTIVE ORDER MJF 00-32

Electronic Transactions, Records and Signatures
In or Affecting Interstate or Foreign Commerce

WHEREAS, the One Hundred Sixth Congress enacted the Electronic Signatures in Global and National Commerce Act (hereafter "E-Sign"), signed into law on June 30, 2000, to facilitate the use of electronic records and signatures in interstate and/or foreign commerce;

WHEREAS, E-Sign impacts on existing state laws, rules, and regulations by declaring in Section 101(a) that, "notwithstanding any laws to the contrary," "with respect to any transaction in or affecting interstate or foreign commerce," "a signature, contract, or other record relating to such transaction may not be denied legal effect, validity, or enforceability solely because it is in electronic form," and "a contract relating to such transaction may not be denied legal effect, validity, or enforceability solely because an electronic signature or electronic record was used in its formation";

WHEREAS, the apparent intent of E-Sign is to eliminate barriers to the use of electronic signatures and records in interstate and/or foreign commercial transactions, and to preempt any state law, rule, and/or regulation affecting and/or related to commercial, consumer, and/or financial transactions in interstate or foreign commerce that is inconsistent with E-Sign's provisions;

WHEREAS, although E-Sign does not require "any person [including governmental agencies] to agree to use or accept electronic records or electronic signatures, other than a governmental agency with respect to a record other than a contract to which it is a party," when portions of E-Sign become effective October 1, 2000, it may preempt laws, rules, and/or regulations in Louisiana related to commercial, consumer, or financial transactions in or affecting interstate or foreign commerce that are inconsistent with its provisions; and

WHEREAS, as E-Sign recognizes certain exemptions from preemption, including an exemption for state laws, rules, and/or regulations which specify alternative procedures and/or requirements for the use and/or acceptance of electronic records and/or signatures to establish the legal effect, validity, or enforceability of contracts or other records that are consistent with E-Sign and "do not require or accord greater legal status or effect to the implementation or application of a specific technology or technical specification for performing the functions of creating, storing, generating, receiving, communicating, or authenticating electronic records or electronic signatures," the best interests of the state of Louisiana will be served by the commissioner of administration taking an active leadership role in the state of Louisiana's adaptation to E-Sign, including the evaluation of the state's laws, rules, and/or regulations for potential preemption and, if necessary, promulgating emergency temporary rules which are exempt from preemption by E-Sign that may be utilized in response to E-Sign by the various departments, commissions, boards,

agencies, and offices of the executive branch of the state of Louisiana;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Due to the potential complex and severe effects that may result from the Electronic Signatures in Global and National Commerce Act (hereafter "Act"), portions of which become effective October 1, 2000, the commissioner of administration is authorized and directed to take all action necessary to minimize the adverse effects of, and accommodate the executive branch of the state of Louisiana's adaption to, the Act. Accordingly, the duties of the commissioner of administration shall include, but are not limited to, the following:

1. Analyzing the state of Louisiana's laws, rules, and/or regulations related to and/or affecting electronic signatures and electronic records and assessing their potential preemption by the Act;

2. If deemed necessary due to the provisions of the Act, adopting and promulgating emergency temporary rules that are consistent with the requirements of, and would not be preempted by, E-Sign that may be used by any of the departments, commissions, boards, agencies, and offices in the executive branch of the state of Louisiana (hereafter "departments") to prevent a void in or absence of regulations, rules, and/or procedures for those departments effected by E-Sign and/or to ensure the accuracy and integrity of electronic signatures and/or records received and/or obtained by departments effected by E-Sign;

3. Analyzing the policies and practices of the departments regarding record retention standards and recommending uniform changes for the improvement of the accuracy, integrity, and/or accessibility of electronic signatures and/or records; and

4. Analyzing the Uniform Electronic Transactions Act as approved and recommended for enactment in all states by the National Conference of Commissioners on Uniform State Laws in 1999, and whether it is in the best interests of the state of Louisiana to enact the model law.

SECTION 2: A. All departments are authorized and directed to cooperate with the commissioner of administration in the implementation of the provisions of this Order.

1. All departments shall promptly comply with any request by the commissioner of administration for information, documentation, and/or assistance that is related to the provisions of this Order.

SECTION 3: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

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

Louisiana, at the Capitol, in the city of Baton Rouge, on this 29th day of September, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0010#012

EXECUTIVE ORDER MJF 00-33

Statewide Intermodal Transportation and
Economic Development Policy Commission

WHEREAS, following the enactment of the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. No. 102-240 (hereafter "ISTEA"), which mandated that each state prepare a long-range statewide intermodal transportation plan, the Department of Transportation and Development in cooperation with the Department of Economic Development and public and private groups throughout the state of Louisiana, developed a twenty-five (25) year statewide intermodal transportation plan which the state of Louisiana adopted as its Statewide Intermodal Transportation Plan (hereafter "Transportation Plan") on March 22, 1996;

WHEREAS, Executive Order No. MJF 96-77 (hereafter "MJF 96-77"), issued on December 23, 1996, established the Statewide Intermodal Transportation Steering Committee (hereafter "Steering Committee") to provide guidance support, and executive leadership for the implementation of the Transportation Plan;

WHEREAS, in 1998, Congress enacted the Transportation Equity Act for the Twenty-First Century, Pub. L. No. 105-178 (hereafter "TEA-21"), which finds that "it is in the national interest to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and through urbanized areas, . . .", 23 U.S.C.A. §135(a)(1), and directs each state to include within the scope of its intermodal transportation planning process "consideration of projects and strategies that will support the economic vitality of the United States, the States, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency," 23 U.S.C.A. §135(c)(1)(A);

WHEREAS, in 1999, *Louisiana: Vision 2020*, which contains the state of Louisiana's goals and objectives for the improvement and sustenance of the infrastructure of the state of Louisiana's highways, waterways, ports, and railways, was adopted as the state of Louisiana's Master Plan for Economic Development; and

WHEREAS, as the state of Louisiana will begin revising the Transportation Plan during Fiscal Year 2000-2001 in accordance with the requirements of TEA-21, the interests of the citizens of the state of Louisiana will be best served by replacing the Steering Committee with a commission charged with the duty of assisting the secretary of the Department of Transportation and Development in identifying and ranking the state of Louisiana's priority transportation-related economic development projects and/or services in order to achieve the state of Louisiana's goals and objectives for economic development set forth in *Louisiana: Vision 2020*;

NOW THEREFORE, I, M.J. AMIKE FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Statewide Intermodal Transportation and Economic Development Policy Commission (hereafter "Commission") is established within the executive branch, Department of Transportation and Development.

SECTION 2: The duties of the Commission shall include, but are not limited to, the following:

A. Advising the secretary of the Department of Transportation and Development regarding policy considerations, goals, and/or objectives relevant to the development, maintenance, implementation, and/or revision of the state of Louisiana's Statewide Intermodal Transportation Plan which achieve and/or fulfill the goals and objectives set forth in the state of Louisiana's Master Plan for Economic Development (hereafter "*Louisiana: Vision 2020*");

B. Evaluating and ranking the priority of Department of Transportation and Development transportation-related economic development projects and/or services to best achieve the goals and objectives of *Louisiana: Vision 2020* and/or of any other transportation-related economic development projects and/or services which involve state funding;

C. Consulting and/or advising the Louisiana Legislature, the Louisiana Economic Development Council, local governments, public and private agencies, companies, groups, and/or the public regarding transportation issues on policy, regulations, programs, projects, and/or funding; and

D. Identifying and evaluating transportation modes that may strengthen the state of Louisiana's existing economy and foster additional economic growth throughout the state of Louisiana.

SECTION 3: The Commission shall submit to the governor and secretary of the Department of Transportation and Development comprehensive periodic reports which address the issues set forth in Section 2 of this Order.

SECTION 4: The Commission shall be composed of the following thirteen (13) members who, unless specified, shall be appointed by and serve at the pleasure of the governor:

- A. The governor, or the governor's designee;
- B. An assistant chief of staff, Office of the Governor;
- C. The secretary of the Department of Transportation and Development;
- D. The commissioner of the Division of Administration, or the commissioner's designee;

E. The secretary of the Department of Economic Development;

F. The president of the Louisiana Senate, or the president's designee;

G. The speaker of the Louisiana House of Representatives, or the speaker's designee;

H. The chair of the Senate Committee on Transportation, Highways, and Public Works;

I. The chair of the House of Representatives Committee on Transportation, Highways, and Public Works;

J. The chair of the Senate Committee on Commerce;

K. The chair of the House of Representatives Committee on Commerce; and

L. Two (2) representatives of Louisiana businesses.

SECTION 5: The secretary of the Department of Transportation and Development shall serve as the chair of the Commission. All other officers, if any, shall be elected from the membership of the Commission.

SECTION 6: The Commission shall meet at regularly scheduled intervals and at the call of the chair.

SECTION 7: Commission members shall not receive additional compensation or a per diem from the Office of the Governor and/or the Department of Transportation and Development for serving on the Commission. State officers and/or employees may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency, and/or office.

SECTION 8: Support staff for the Commission and facilities for its meetings shall be provided by the Department of Transportation and Development.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Commission in implementing the provisions of this Order.

SECTION 10: Executive Order No. MJF 96-77, signed on December 23, 1996, is hereby terminated and rescinded.

SECTION 11: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 2nd day of October, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0010#024

EXECUTIVE ORDER MJF 00-34

Bond Allocation
Louisiana Local Government
Environmental Facilities and Community
Development Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act 51 of the 1986 Regular Session of the Louisiana

Legislature, Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, was issued to establish:

(1) a method for allocating bonds subject to private activity bond volume limits, including the method of allocating bonds subject to the private activity bond volume limits for the calendar year of 2000 (hereafter **Athe 2000 Ceiling**);

(2) the procedure for obtaining an allocation of bonds under the 2000 Ceiling; and

(3) a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Local Government Environmental Facilities and Community Development Authority has requested an allocation from the 2000 Ceiling to be used in connection with a program to provide financing for acquiring and equipping an asphalt manufacturing plant located in the parish of St. Charles, state of Louisiana, in accordance with the provisions of Section 146 of the Internal Revenue Code of 1986, as amended;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and the laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The bond issue, as described in this Section, shall be and is hereby granted an allocation from the private activity bond volume limits for the calendar year of 2000 as follows:

Amount Of Allocation	Name Of Issuer	Name Of Project
\$2,500,000	Louisiana Local Government Environmental Facilities and Community Development Authority	Barriere Construction Company, L.L.C.

SECTION 2: The granted allocation shall be used only for the bond issue described in Section 1 and for the general purpose set forth in the **AApplication for Allocation of a Portion of the State of Louisiana Private Activity Bond Ceiling** submitted in connection with the bond issue described in Section 1.

SECTION 3: The granted allocation shall be valid and in full force and effect through the end of 2000, provided that such bonds are delivered to the initial purchasers thereof on or before December 27, 2000.

SECTION 4: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 5: The undersigned certifies, under penalty of perjury, that the granted allocation was not made in consideration of any bribe, gift, or gratuity, or any direct or indirect contribution to any political campaign. The undersigned also certifies that the granted allocation meets the requirements of Section 146 of the Internal Revenue Code of 1986, as amended.

SECTION 6: This Order is effective upon signature and shall remain in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

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

Louisiana, at the Capitol, in the city of Baton Rouge, on this 3rd day of October, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0010#025

EXECUTIVE ORDER MJF 00-35

Continuation of Hiring Freeze

WHEREAS, pursuant to Article IV, Section 5 of the Louisiana Constitution of 1974, as amended, Act No. 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature, Act No. 2 of the 2000 Second Extraordinary Session of the Louisiana Legislature, and/or R.S. 42:375, the governor may issue executive orders which prohibit the filling of any new or existing employment vacancies in the executive branch of state government (hereafter "hiring freeze"); and

WHEREAS, to ensure that the state of Louisiana will not suffer a budget deficit due to 2000-2001 appropriations exceeding actual revenues, prudent money management practices dictate that the best interests of the citizens of the state of Louisiana will be served by continuing throughout the executive branch of state government, until November 1, 2000, the hiring freeze that was ordered through June 30, 2000, by Executive Order No. MJF 2000-18, issued May 4, 2000, and continued until September 30, 2000, by Executive Order No. MJF 2000-21, issued June 30, 2000, and to expressly include within the hiring freeze all programs, departments, boards, commissions, agencies, ancillary agencies, and/or offices in the executive branch of state government funded by Act No. 2 of the 2000 Second Extraordinary Session of the Louisiana Legislature;

NOW THEREFORE, I, M.J. "MIKE" FOSTER, JR., Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: Unless specifically exempted by Section 2 of this Order, no vacancy in an existing or new position of employment within the executive branch of state government in a budget unit and/or activity funded by Act No. 2 of the 2000 Second Extraordinary Session of the Louisiana Legislature (hereafter "Act No. 2") and/or Act No. 11 of the 2000 Second Extraordinary Session of the Louisiana Legislature (hereafter "Act No. 11"), which existed on or occurred after May 4, 2000, the date of issuance of Executive Order No. MJF 2000-18, shall be filled without the express written approval of the commissioner of administration (hereafter "hiring freeze").

SECTION 2: All budget activities funded by Act No. 11 which were exempt from the hiring freeze ordered in Executive Order No. MJF 2000-18 continue to be exempt

from the provisions of this Order. None of the budget activities funded by Act No. 2 are exempt from the provisions of this Order.

SECTION 3: Each department, agency, office, board, or commission shall file with the commissioner of administration, on the tenth day of each month, a monthly report reflecting projected savings that the department, agency, office, board or commission will generate through the implementation of this Order. Such reports shall reflect a full accounting of personnel changes within the department, agency, office, board or commission for the reporting period covered, including an accounting of employment figures at the beginning and end of the reporting period and the number of vacancies filled and/or not filled during the reporting period, pursuant to the provisions of this Order. The reports shall include a categorized summary of transactions which resulted pursuant to the exemption granted in Section 2 of this Order and/or permitted pursuant to Subsection 4 of this Order.

SECTION 4: The provisions of Section 4 of Executive Order No. MJF 2000-18 are continued in effect.

SECTION 5: This Order is effective upon signature and shall remain in effect through November 1, 2000, or until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 5th day of October, 2000.

M.J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0010#026