

Executive Orders

EXECUTIVE ORDER MJF 02-46

Hurricane Lili Clean-Up for the City of Scott

WHEREAS, Hurricane Lili has caused extensive damage in the city of Scott;

WHEREAS, the residents of the city of Scott need all available assistance in order to clean-up the debris left by Hurricane Lili;

WHEREAS, the local governing authority of the city of Scott may have regular employees who may be available to assist in the clean-up of the debris left by Hurricane Lili; and

WHEREAS, the mayor of the city of Scott has requested that this executive order be issued;

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, and in particular, the Louisiana Emergency Assistance and Disaster Act, do hereby order and direct as follows:

SECTION 1: Regular employees of the city of Scott who may be available to assist in removing debris left by Hurricane Lili shall have the authority, at the discretion of the mayor of the city of Scott, to perform work on private property in order to expedite the clean-up efforts.

SECTION 2: Prior to the performance of any work on private property as contemplated by this Executive Order, an agreement shall be executed by the owner of the land upon which such work is to be performed whereby the landowner shall agree to hold the state of Louisiana and the city of Scott harmless from any and all claims for damage which may in any way arise from such work performed on the private property.

SECTION 3: As to all work performed on abandoned property, the town officials of the city of Scott shall make a special effort to identify and document any and all damages which have occurred to the abandoned property prior to the clean-up or removal of debris.

SECTION 4: As to any and all work performed on private property, the town officials of the city of Scott shall limit employee work activity time on said private property to normal working hours.

SECTION 5: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the city of Scott officials in implementing the provisions of this Order.

SECTION 6: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.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 10th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#001

EXECUTIVE ORDER MJF 02-47

Hurricane Lili Clean-Up for the City of Crowley

WHEREAS, Hurricane Lili has caused extensive damage in the city of Crowley;

WHEREAS, the residents of the city of Crowley need all available assistance in order to clean-up the debris left by Hurricane Lili;

WHEREAS, the local governing authority of the city of Crowley may have regular employees who may be available to assist in the clean-up of the debris left by Hurricane Lili; and

WHEREAS, the mayor of the city of Crowley has requested that this executive order be issued;

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, and in particular, the Louisiana Emergency Assistance and Disaster Act, do hereby order and direct as follows:

SECTION 1: Regular employees of the city of Crowley who may be available to assist in removing debris left by Hurricane Lili shall have the authority, at the discretion of the mayor of the city of Crowley, to perform work on private property in order to expedite the clean-up efforts.

SECTION 2: Prior to the performance of any work on private property as contemplated by this Executive Order, an agreement shall be executed by the owner of the land upon which such work is to be performed whereby the landowner shall agree to hold the state of Louisiana and the city of Crowley harmless from any and all claims for damage which may in any way arise from such work performed on the private property.

SECTION 3: As to all work performed on abandoned property, the town officials of the city of Crowley shall make a special effort to identify and document any and all damages which have occurred to the abandoned property prior to the clean-up or removal of debris.

SECTION 4: As to any and all work performed on private property, the town officials of the city of Crowley shall limit employee work activity time on said private property to normal working hours.

SECTION 5: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the city of Crowley officials in implementing the provisions of this Order.

SECTION 6: 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 11th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#002

EXECUTIVE ORDER MJF 02-48

**Tropical Storm Isidore and Hurricane Lili
Oyster Lease Damage Inspection**

WHEREAS, on September 27, 2002, high winds and storm surges associated with Tropical Storm Isidore prompted the Department of Health and Hospitals to order a precautionary closure of molluscan shellfish growing areas 1 through 24 until such time as it could determine no health dangers exist in those areas;

WHEREAS, on October 3, 2002, additional high winds and storm surges associated with Hurricane Lili prompted the Department of Health and Hospitals to order additional precautionary closures of molluscan shellfish growing areas 25, 27, and 28 until such time as it could determine no health dangers exist in those areas;

WHEREAS, the Department of Wildlife and Fisheries has conducted dredge sampling on both public reefs and private oyster leases in those molluscan shellfish growing areas, and has found silt and vegetative overburden present;

WHEREAS, the Department of Health and Hospitals reopened molluscan shellfish growing areas 5 through 13 at official sunrise on Friday, October 11, 2002, and molluscan shellfish growing areas 1 through 4 at official sunrise on Saturday, October 12, 2002, after it determined environmental conditions in those areas are within the requirements of the Model Ordinance of the National Shellfish Sanitation Program, with molluscan shellfish growing areas 14 through 25, 27, and 28 remaining closed pursuant to the precautionary closure orders of September 27, 2002, and October 3, 2002;

WHEREAS, the oyster industry is important to the culture and economy of the state of Louisiana, and silt and vegetative overburden potentially may cause widespread mortality within oyster populations; and

WHEREAS, the best interests of the citizens of the state of Louisiana are served by allowing oyster lessees with leases located in molluscan shellfish growing areas 14 through 25, 27, and 28 which remain closed on Monday, October 14, 2002, pursuant to the precautionary closures ordered by the Department of Health and Hospitals on September 27, 2002, and October 3, 2002, a one (1) day damage inspection period to inspect for silt and vegetative overburden on their oyster leases;

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: Pursuant to R.S. 29:724 and notwithstanding any other provision of state law, regulation, and/or precautionary closure order, an oyster lessee and/or a licensed oyster harvester having written permission from the oyster lessee, of an oyster lease located in molluscan shellfish growing areas 14 through 25, 27, or 28 which remains subject to precautionary closure on Monday, October 14, 2002, by order of the Department of Health and Hospitals dated September 27, 2002, or October 3, 2002, (hereafter "oyster lease holder") shall be allowed to conduct oyster lease damage inspection activities on such oyster lease on Monday, October 14, 2002, under the following conditions and in accordance with the following procedures:

1. No vessel used by an oyster lease holder for oyster lease damage inspection activities shall have on board or use more than one (1) statutorily authorized dredge;
2. No vessel used by an oyster lease holder for oyster lease damage inspection activities shall have any sacks or containers on board;
3. A vessel used by an oyster lease holder for oyster lease damage inspection activities may have on board not more than a standard measurement of one (1) barrel of oysters as described in R.S. 56:440. All oysters must be returned to the water prior to the vessel departing the oyster lease;
4. Under no circumstances shall an oyster lease holder and/or the vessel of an oyster lease holder remove or transport any oyster or oysters to or from an oyster lease located in a molluscan shellfish growing area closed on Monday, October 14, 2002, pursuant to precautionary closures ordered on September 27, 2002, or October 3, 2002;
5. An oyster lease holder may conduct oyster lease damage inspection activities pursuant to this Order only between 7:00 a.m. and 5:00 p.m. on Monday, October 14, 2002; and
6. For oyster lease damage inspection activities to be conducted on an oyster lease by any person other than the oyster lessee, the person shall have on board the vessel the written permission of the oyster lessee authorizing the oyster lease damage inspection activities on the oyster lease.

SECTION 2: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Departments of Health and Hospitals and Wildlife and Fisheries in implementing the provisions of this Order.

SECTION 3: This Order is effective upon signature and, unless rescinded sooner, shall expire at 5:00 p.m. on Monday, October 14, 2002.

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 11th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#003

EXECUTIVE ORDER MJF 02-49

Hurricane Lili Clean-Up Contracts

WHEREAS, as a result of Hurricane Lili, many political subdivisions of the state of Louisiana are performing hurricane related clean-up services through contractors;

WHEREAS, in order to assist these political subdivisions in coping with the emergency created by Hurricane Lili, the State Licensing Board for Contractors has asked the governor to issue an executive order allowing the political subdivisions of the state of Louisiana to contract with unlicensed contractors for hurricane related clean-up services; and

WHEREAS, the best interests of the citizens of the state of Louisiana are served by issuing such an order;

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, in particular, the Louisiana Emergency Assistance and Disaster Act, R.S. 29:701 et seq., do hereby order and direct as follows:

SECTION 1: Pursuant to R.S. 29:724 and notwithstanding any provision of state law or regulation, for a period of thirty (30) days commencing on Thursday, October 3, 2002, and ending on Friday, November 1, 2002, the political subdivisions of the state of Louisiana may award contracts for Hurricane Lili related clean-up services to contractors without a valid license issued by the State Licensing Board for Contractors and such unlicensed contractors shall be deemed to be a licensed contractor for the limited purpose of performing such contracts.

SECTION 2: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 3: This Order is effective upon signature and, unless rescinded sooner, shall expire at 11:59 p.m. on Friday, November 1, 2002.

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 11th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#004

EXECUTIVE ORDER MJF 02-50

Hurricane Lili Clean-Up for the Village of Turkey Creek

WHEREAS, Hurricane Lili has caused extensive damage in the village of Turkey Creek;

WHEREAS, the residents of the village of Turkey Creek need all available assistance in order to clean-up the debris left by Hurricane Lili;

WHEREAS, the local governing authority of the village of Turkey Creek may have regular employees who may be available to assist in the clean-up of the debris left by Hurricane Lili; and

WHEREAS, the mayor of the village of Turkey Creek has requested that this executive order be issued;

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, and in particular, the Louisiana Emergency Assistance and Disaster Act, do hereby order and direct as follows:

SECTION 1: Regular employees of the village of Turkey Creek who may be available to assist in removing debris left by Hurricane Lili shall have the authority, at the discretion of the mayor of the village of Turkey Creek, to perform work on private property in order to expedite the clean-up efforts.

SECTION 2: Prior to the performance of any work on private property as contemplated by this Executive Order, an agreement shall be executed by the owner of the land upon which such work is to be performed whereby the landowner shall agree to hold the state of Louisiana and the village of Turkey Creek harmless from any and all claims for damage which may in any way arise from such work performed on the private property.

SECTION 3: As to all work performed on abandoned property, the town officials of the village of Turkey Creek shall make a special effort to identify and document any and all damages which have occurred to the abandoned property prior to the clean-up or removal of debris.

SECTION 4: As to any and all work performed on private property, the town officials of the village of Turkey Creek shall limit employee work activity time on said private property to normal working hours.

SECTION 5: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the village of Turkey Creek officials in implementing the provisions of this Order.

SECTION 6: 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 16th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#005

EXECUTIVE ORDER MJF 02-51

Hurricane Lili Clean-Up

WHEREAS, Hurricane Lili has caused extensive damage in the parish of Evangeline;

WHEREAS, the residents of Evangeline Parish need all available assistance in order to clean-up the debris left by Hurricane Lili;

WHEREAS, the parish governing authority of Evangeline Parish may have regular employees who may be available to assist in the clean-up of the debris left by Hurricane Lili; and

WHEREAS, the parish president of Evangeline Parish has requested that this executive order be issued;

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, and in particular, the Louisiana Emergency Assistance and Disaster Act, do hereby order and direct as follows:

SECTION 1: Regular employees of the parish of Evangeline who may be available to assist in removing debris left by Hurricane Lili shall have the authority, at the discretion of the parish president of Evangeline Parish, to perform work on private property in order to expedite the clean-up efforts.

SECTION 2: Prior to the performance of any work on private property as contemplated by this Executive Order, an agreement shall be executed by the owner of the land upon which such work is to be performed whereby the landowner shall agree to hold the state of Louisiana and the parish of Evangeline harmless from any and all claims for damage which may in any way arise from such work performed on the private property.

SECTION 3: As to all work performed on abandoned property, the parish officials of Evangeline Parish shall make a special effort to identify and document any and all

damages which have occurred to the abandoned property prior to the clean-up or removal of debris.

SECTION 4: As to any and all work performed on private property, the parish officials of Evangeline Parish shall limit employee work activity time on said private property to normal working hours.

SECTION 5: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with Evangeline Parish officials in implementing the provisions of this Order.

SECTION 6: 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 21st day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#007

EXECUTIVE ORDER MJF 02-52

Louisiana Spatial Data Infrastructure Initiative

WHEREAS, data that can be analyzed based on its geographic location "spatial data" is essential to planning and operations in many levels of government and in the private sector;

WHEREAS, *LOUISIANA: VISION 2020* has identified public policy goals which require dependable accurate spatial data resources;

WHEREAS, the private sector has a similar need for dependable and accurate spatial data;

WHEREAS, the state of Louisiana will benefit from the cost savings created by eliminating the duplication of data collection, creation, and maintenance;

WHEREAS, in 1995, the Louisiana Legislature created the Louisiana Geographic Information Systems Council (hereafter "LGISC") to guide the sound development of geographic information systems and geographically related information technology for the state of Louisiana;

WHEREAS, the LGISC has developed guidelines for the required sharing of spatial data resources;

WHEREAS, the LGISC has a record of supporting innovative partnerships that leverage federal, state, and private sector resources to create spatial data;

WHEREAS, a need for a National Spatial Data Infrastructure (hereafter "NSDI") to provide a framework for organizing a wide variety of critical data sets nationwide was addressed by Presidential Executive Order No. 12906;

WHEREAS, the state of Louisiana recognizes the need to take part in the National Spatial Data Infrastructure by establishing and maintaining a Louisiana Spatial Data Infrastructure;

WHEREAS, the LGISC promotes the development of ten (10) key framework layers as the foundation of the Louisiana Spatial Data Infrastructure;

WHEREAS, the LGISC has resolved to support the Framework Implementation Team Initiative (I-Team), the project designed by the federal Office of Management and Budget (OMB) to implement state and regional portions of the National Spatial Data Infrastructure, and to lead the I-Team effort in Louisiana;

WHEREAS, the Louisiana I-Team to be effective should include all agencies that produce and distribute spatial data;

WHEREAS, establishing a Louisiana I-Team would leverage the state's financial resources with those of the federal government and the private sector to meet both state and federal data development goals;

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: The Louisiana Geographic Information Systems Council (hereafter "LGISC") shall serve as the Louisiana Spatial Data Infrastructure Team (hereafter "Louisiana I-Team").

SECTION 2: The LGISC is hereby granted the authority to extend membership in the Louisiana I-Team to the geospatial industry, all levels of government and the geospatial user community to include academia, and the private sector.

SECTION 3: The LGISC shall designate an I-Team Coordinator.

SECTION 4: The Louisiana I-Team shall create a master plan for the development and management of the Louisiana Spatial Data Infrastructure and to involve all sectors of the Louisiana geospatial community. The master plan shall include, but is not limited to the following:

1. Definition and prioritization of framework data layers;
2. Establishment of custodianship of data layers;
3. Assess the needed enhancements to the framework data layers; and
4. Identification of resources needed for the implementation, maintenance, and use of the Louisiana Spatial Data Infrastructure.

SECTION 5: The Louisiana I-Team shall submit a status report on the implementation of the master plan to the governor by September 1st of each year.

SECTION 6: Support staff, facilities, and resources for the Louisiana I-Team shall be provided by the Office of Information Technology.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Louisiana I-Team in implementing the provisions of this Order.

SECTION 8: 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 22nd day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#008

EXECUTIVE ORDER MJF 02-53

Hurricane Lili Clean-Up for Acadia Parish

WHEREAS, Hurricane Lili has caused extensive damage in the parish of Acadia;

WHEREAS, the residents of Acadia Parish need all available assistance in order to clean-up the debris left by Hurricane Lili;

WHEREAS, the parish governing authority of Acadia Parish may have regular employees who may be available to assist in the clean-up of the debris left by Hurricane Lili; and

WHEREAS, the parish president of Acadia Parish has requested that this executive order be issued;

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, and in particular, the Louisiana Emergency Assistance and Disaster Act, do hereby order and direct as follows:

SECTION 1: Regular employees of the parish of Acadia who may be available to assist in removing debris left by Hurricane Lili shall have the authority, at the discretion of the parish president of Acadia Parish, to perform work on private property in order to expedite the clean-up efforts.

SECTION 2: Prior to the performance of any work on private property as contemplated by this Executive Order, an agreement shall be executed by the owner of the land upon which such work is to be performed whereby the landowner shall agree to hold the state of Louisiana and the parish of Acadia harmless from any and all claims for damage which may in any way arise from such work performed on the private property.

SECTION 3: As to all work performed on abandoned property, the parish officials of Acadia Parish shall make a special effort to identify and document any and all damages which have occurred to the abandoned property prior to the clean-up or removal of debris.

SECTION 4: As to any and all work performed on private property, the parish officials of Acadia Parish shall limit employee work activity time on said private property to normal working hours.

SECTION 5: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with Acadia Parish officials in implementing the provisions of this Order.

SECTION 6: 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 22nd day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#009

EXECUTIVE ORDER MJF 02-54

Bond Allocation CLafayette Economic
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 2002 (hereafter ~~Athe~~ 2002 Ceiling@);

(2) the procedure for obtaining an allocation of bonds under the 2002 Ceiling; and

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

WHEREAS, the Lafayette Economic Development Authority has requested an allocation from the 2002 Ceiling for a project consisting of the acquisition, construction, and equipping of a manufacturing facility located at 410 Commercial Parkway, town of Broussard, parish of Lafayette, 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 2002 as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$3,200,000	Lafayette Economic Development Authority	Tube-Alloy Corporation

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 ~~A~~Application 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 2002, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 2002.

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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#013

EXECUTIVE ORDER MJF 02-55

Bond Allocation CParish of Jefferson
Home Mortgage 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 2002 (hereafter ~~Athe~~ 2002 Ceiling@);

(2) the procedure for obtaining an allocation of bonds under the 2002 Ceiling; and

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

WHEREAS, Parish of Jefferson Home Mortgage Authority has requested an allocation from the 2002 Ceiling to be used in connection with a program providing mortgage financing for single-family, owner-occupied residences throughout the parish of Jefferson, 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 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 2002 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$20,000,000	Parish of Jefferson Home Mortgage Authority	Single Family Mortgage Revenue Bonds

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 Application 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 2002, provided that such bonds are delivered to the initial purchasers thereof on or before December 20, 2002.

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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 25th day of October, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#014

EXECUTIVE ORDER MJF 02-56

Small Purchase Procedures

WHEREAS, the Louisiana Procurement Code, in R.S. 39:1596, authorizes the governor to establish procedures for the procurement of small purchases with the caveat that "procurement requirements shall not be artificially divided so as to constitute a small purchase under this Section";

WHEREAS, Executive Order No. MJF 98-20, issued on May 4, 1998, as amended by Executive Order No. MJF 2000-29, issued on August 28, 2000, sets forth the procedure for the procurement of small purchases in accordance with the Louisiana Procurement Code; and

WHEREAS, the issuance of an updated executive order on small purchase procedures shall replace Executive Order Nos. MJF 98-20 and MJF 2000-29;

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

SECTION 1: All departments, institutions, boards, commissions, budget units, and agencies of the executive branch of state government, and the officers and employees thereof, (hereafter "agent") shall observe, be guided by, and implement the specific directives on small purchase procedures set forth in this Order.

SECTION 2: Unless the context clearly indicates otherwise, the words and terms used in this Order shall be defined as follows:

A. "Small purchases" means (1) any procurement not exceeding twenty thousand dollars (\$20,000), or (2) any procurement of those items listed in Section 5 of this Order, regardless of price, except as noted in paragraphs 5(A)(14) and 5(A)(24).

B. "Delegated purchasing authority" means the dollar amount delegated to an agency by the chief procurement officer of state central purchasing, as defined in R.S. 39:1556(3).

C. "Certified small and emerging business" means a business certified as small and emerging business by the Division of Small and Emerging Business Development, Department of Economic Development, in accordance with the provisions of the Small and Emerging Business Development Act, R.S. 51:941, et seq., and included on the most recent list of certified small and emerging businesses issued by the Division of Small and Emerging Business Development.

SECTION 3: The following items are not subject to the procedures set forth in this Order:

A. Those items purchased from an existing state contract; and

B. Public works contracts which exceed five thousand dollars (\$5,000) and are governed by the provisions of R.S. 38:2241.

SECTION 4: Except as otherwise provided in this Order, all small purchases shall be made in accordance with the following minimum procedures¹:

A. No competitive bidding is required
(1) for purchases not exceeding five hundred dollars (\$500), or

(2) for purchases made with the LaCarte Procurement Card not exceeding \$1,000 per single purchase transaction.

B. Price quotations shall be solicited by telephone, facsimile, or other means from three (3) or more bona fide, qualified bidders

(1) for purchases exceeding five hundred dollars (\$500) but not exceeding five thousand (\$5,000), and

(2) for purchases made with the LaCarte Procurement Card exceeding one thousand dollars (\$1,000) but not exceeding five thousand dollars (\$5,000). The purchase contract shall be awarded on the basis of the lowest responsive price² quotation solicited from the bona fide, qualified bidders. Whenever possible, at least one (1) of the bona fide, qualified bidders shall be a certified small and emerging business. Agency files shall document and list all solicited bidders and each bidders contact person, summarize bid responses, indicate the awarded bid, and state

the reason why any lower bid was rejected. Agency files should also contain written confirmation of the bid from the successful bidder.

C. Written price quotations shall be solicited from five (5) or more bona fide, qualified bidders for purchases exceeding five thousand dollars (\$5,000) but not exceeding twenty thousand dollars (\$20,000). The purchase contract shall be awarded on the basis of the lowest responsive price quotation received from the bona fide, qualified bidders. Whenever possible, at least two (2) of the bona fide, qualified bidders shall be certified small and emerging businesses. Written solicitations received by facsimile or by hand delivery shall allow for bids to be accepted for a minimum period of five (5) calendar days. Written solicitations received by mail shall allow for bids to be accepted for a minimum period of ten (10) calendar days.

All written solicitations shall include the closing date, time, and all pertinent competitive specifications, including quantities, units of measure, packaging, delivery requirements, ship-to location, terms and conditions, and other information sufficient for a supplier to make an acceptable bid. Precautionary measures shall be taken to safeguard the confidentiality of bid responses prior to the closing time for receipt of bids. No bid shall be evaluated using criteria not disclosed in the solicitation.

Agency files shall document and list all solicited bidders and each bidder's response, summarize bid responses, indicate the awarded bid, and state the reason why any lower bid was rejected.

SECTION 5: Except as provided in paragraphs A(14) or A(24) of this Section, the following items are considered small purchases regardless of price and may be procured in the following manner:

A. No competitive bidding is required for the following items:

- (1) Repair parts for equipment obtained from an authorized dealer³;
- (2) Equipment repairs obtained from an authorized dealer or by telephone or facsimile solicitation to at least three (3) bona fide, qualified bidders; whenever possible, at least one (1) of the bona fide, qualified bidders shall be a certified small and emerging business;
- (3) Vehicle repairs not covered by a competitive state contract or the state fleet maintenance repair contract, obtained from an authorized dealer or by telephone or facsimile solicitation to at least three (3) bona fide, qualified bidders; whenever possible, at least one (1) of the bona fide, qualified bidders shall be a certified small and emerging business;
- (4) Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements;
- (5) Livestock purchased at public auction;
- (6) Purchasing or selling transactions between state budget units and other governmental agencies;
- (7) Publications and/or copyrighted materials purchased directly from the publisher or copyright holder;
- (8) Publications and/or copyrighted materials purchased by libraries from either subscription services or wholesale dealers which distribute for publishers and/or copyright holders;
- (9) Public utilities and services provided by local governments;

(10) Prosthetic devices, implantable devices, and devices for physical restoration, which are not covered by a competitive state contract;

(11) Educational training and related resources (except equipment) used to enhance the performance of state employees, including memberships in professional societies and organizations, except for customized training which is covered under R.S. 39:1481, et seq;

(12) Purchases for clients of Blind and Vocational Rehabilitation programs not covered by competitive state contract which are federally funded at a rate of at least 78.7 percent, regulated by Title 34, Parts 361, 365, 370, and 395 of the Code of Federal Regulations, and in accordance with OMB Circular A-102;

(13) Materials, supplies, exhibitor fees, and exhibit booths at conferences, seminars, and work shops, for participation in promotional activities which enhance economic development may be procured in accordance with this Section with the approval of the department secretary, or agency equivalent, if not covered by competitive state contract;

(14) Wire, related equipment, time and material charges to accomplish repairs, adds, moves, and/or changes to telecommunications systems not exceeding two thousand five hundred dollars (\$2,500);

(15) Working class animals trained to perform special tasks, including but not limited to narcotics detection, bomb detection, arson investigation, and rescue techniques;

(16) Food, materials and supplies for teaching and training where the purchasing, preparing, and serving of food is part of the regularly prescribed course;

(17) Shipping charges and associated overseas screening and broker fees from an international origin to a domestic destination;

(18) Parcel services, including but not limited to Federal Express, United Parcel Service, Airborne Express, and Express Mail;

(19) Renewal of termite service contracts;

(20) Purchase of supplies, operating services, or equipment for Louisiana Rehabilitation Services, Traumatic Head and Spinal Cord Injury Trust Fund Program⁴;

(21) Purchase of clothing at retail necessary to individualize clients at state developmental centers in compliance with Federal Regulations for ICF/MR facilities;

(22) Health insurance for the managers of Randolph-Sheppard programs, as defined by 20 U.S.C. §107, *et seq.*, and paid from income generated by unmanned vending locations;

(23) Purchases made to resell as part of a merchandising program with the written approval on file from the secretary of the department, or agency equivalent, when it is not practical or feasible to obtain competitive price quotations; or

(24) Commercial internet service not exceeding one thousand five hundred dollars (\$1,500) per subscription per year.

B. For the following items, telephone and/or facsimile price quotations shall be solicited, where feasible, from at least three (3) bona fide, qualified bidders and whenever possible, at least one (1) of the bona fide, qualified bidders shall be a certified small and emerging business:

(1) Farm products including, but not limited to, fresh vegetables, milk, eggs, fish, or other perishable foods, when it is determined that market conditions are unstable and the bidding process is not conducive for obtaining the lowest prices;

(2) Food, materials, and supplies needed for:

(a) Operation of boats and/or facilities in isolated localities where only limited outlets of such supplies are available; and/or

(b) Juvenile detention homes and rehabilitation facilities/homes where the number of inmates, students, or clients is unstable and unpredictable;

(3) Convention and meeting facilities⁵;

(4) Gasoline and fuel purchases not covered by competitive state contract;

(5) Equipment for blind operated facilities not covered by competitive state contract;

(6) Feed commodities, including but not limited to soybean meal, cottonseed meal, and oats for use on prison farms;

(7) Aircraft parts, repairs, inspections, and modifications approved by the head of the agency, the head of Division of Administration Flight Operations, or its designee, and performed by an FAA-certified mechanic and/or at an FAA-certified repair station in accordance with FAA requirements; or

(8) Air and bus charters, in accordance with Policy & Procedure Memorandum No. 49 - General Travel Regulations, including group travel that does not qualify for commercial rates available to individual travelers.

SECTION 6: In the absence of a good faith business basis, no purchase or procurement shall be artificially divided within a cost center, or its equivalent, to avoid the competitive bidding process or the solicitation of competitive bids.

SECTION 7: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 8: Executive Order No. MJF 98-20, issued on May 4, 1998, and Executive Order No. MJF 2000-29, issued on August 28, 2000, are hereby rescinded and terminated.

SECTION 9: The provisions of this Order are 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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 30th day of October, 2002.

¹No provision of this Order shall be construed as a limitation on the number of bids to be solicited prior to making a purchase or procurement.

²The terms "price" and "bid" are used interchangeably in this Order to mean the amount of money offered as consideration for the sale of a specified item.

³This provision does not apply to the stocking of parts.

⁴Although competitive bidding is not required under this paragraph, whenever practicable, three (3) bid quotations from bona fide, qualified bidders should be obtained. Whenever possible, at least one (1) of the bona fide, qualified bidders shall be a certified small and emerging business.

⁵However, any associated food or lodging must be in accordance with Policy & Procedure Memorandum No. 49 - General Travel Regulations.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0211#024