

Executive Orders

EXECUTIVE ORDER KBB 06-32

Accountability for Line Item Appropriations

WHEREAS, the Louisiana Legislature annually appropriates sums commonly referred to as "Line Item Appropriations" to non-state entities, quasi-public entities, and private agencies and entities for public purposes;

WHEREAS, it is the responsibility of executive branch agencies to administer payments pursuant to legislative Line Item Appropriations;

WHEREAS, Article VII, Section 14 of the Louisiana Constitution of 1974 (hereafter "Art. VII, §14"), expresses the general prohibition that "the funds, credit, property, or things of value of the state or of any political subdivision shall not be loaned, pledged, or donated to or for any person, association, or corporation, public or private";

WHEREAS, Line Item Appropriations are itemized in the General Appropriation Bill (HB1) of each regular session of the Louisiana Legislature, or in supplemental appropriation bills, as items within the budgets of various executive branch agencies, or in what is commonly known as Schedule 20 of HB1; and

WHEREAS, it is in the best interest of the state of Louisiana to insure that payments pursuant to Line Item Appropriations are carefully administered to assure that funds are utilized to accomplish the anticipated public purposes and to avoid constitutionally prohibited donations;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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: Line Item Appropriations require a cooperative endeavor agreement or contract between the recipient and an executive branch state agency to satisfy the provisions of Art. VII, §14. In addition to the requirements of this Order, cooperative endeavor agreements must comply with the provisions of Executive Order No. KBB 2005-14, issued on May 27, 2005.

SECTION 2: Cooperative endeavor agreements or contracts for Line Item Appropriations shall include the following information:

A. The legal name and mailing address of the recipient entity, and, if the entity is non-public, a description of the legal status of the entity. (Any private entity required to register with the Secretary of State Office must be in good standing with that Office);

B. The names and addresses of all officers and directors of any non-public recipient entity. Additionally, the entity shall provide the names and addresses of its executive director, chief executive officer, or other person responsible for the day-to-day operations of the entity, and the key personnel responsible for the program or functions funded through the line item appropriation;

C. A listing of any person receiving any thing of economic value from any recipient entity if that person is a member of the immediate family of a state elected or appointed official. The listing shall include the amount of the

thing of economic value received, the position held by the immediate family member in the entity, if applicable, and the public position held by the official. (If the listing indicates any relationship which may be a possible violation of the Code of Governmental Ethics, R.S. 42:1101, et seq., the state agency shall seek an opinion from the Board of Ethics as to the propriety of proceeding with the agreement.);

D. A detailed description of the public purpose sought to be achieved through the Line Item Appropriation;

E. A comprehensive budget, provided to the agency and the legislative auditor, showing all anticipated uses of the Line Item Appropriation, additional sources of revenue for the program or project funded by the appropriation, an estimate of the duration of the project, and a plan showing specific goals and objectives, including measures of performance;

F. A plan to monitor compliance with the terms of the cooperative endeavor agreement authorizing the expenditure of the Line Item Appropriation, assigning a particular person within the agency to be responsible for monitoring the agreement. Written reports must be provided to the agency at least every three (3) months concerning the use of the Line Item Appropriation and the specific goals and objectives for the use of the appropriation; and

G.1. A certification that the entity has no outstanding audit issues or findings or that the entity is working with appropriate governmental agencies to resolve those issues or findings; and

2. For those Schedule 20 Line Item Appropriations, the Division of Administration shall provide, pursuant to written agreement, staff support and technical assistance, as requested by the Office of the Treasurer, to confect and monitor cooperative endeavor agreements or contracts.

SECTION 3: Executive branch agencies are prohibited from making disbursements pursuant to Line Item Appropriations until the cooperative endeavor agreement or contract has received final approval of the Office of Contractual Review within the Division of Administration. Final approval shall not be granted unless all of the information required pursuant to Section 2 of this Order has been provided.

SECTION 4: Executive branch agencies shall monitor disbursements pursuant to Line Item Appropriations on a quarterly basis. Under circumstances such that the recipient entity has not demonstrated substantial progress towards goals and objectives, based on established measures of performance, further disbursements shall be discontinued until substantial progress is demonstrated or the entity has justified to the satisfaction of the agency reasons for the lack of progress. If the transferring agency determines that the recipient failed to use the Line Item Appropriation within the estimated duration of the project or failed to reasonably achieve its specific goals and objectives, without sufficient justification, the agency shall demand that any unexpended funds be returned to the state treasury unless approval to retain the funds is obtained from the Division of

Administration and the Joint Legislative Committee on the Budget.

SECTION 5: Executive branch agencies may call upon the Office of the Legislative Auditor and/or the Office of State Inspector General to assist the agency in determining whether Line Item Appropriations are being or have been properly expended.

SECTION 6: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate in implementing the provisions of this Order.

SECTION 7: The provisions of this Order shall not be applicable to Line Item Appropriations that satisfy the criteria enumerated in Section 18(B)(2) of HB1 of the 2006 Regular Session of the Louisiana Legislature.

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 12th day of July, 2006.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0608#067

EXECUTIVE ORDER KBB 06-33

Accountability for Line Item Appropriations
Amends Executive Order No. KBB 06-32

WHEREAS, Executive Order No. KBB 2006-32 was issued on July 12, 2006, to insure that payments pursuant to Line Item Appropriations are carefully administered to assure that funds are utilized to accomplish the anticipated public purposes and to avoid constitutionally prohibited donations;

WHEREAS, it is necessary to amend Executive Order No. KBB 2006-32, to clarify its prospective application;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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: Section 7 of Executive Order No. KBB 2006-32, issued on July 12, 2006, is amended as follows:

The provisions of this Order shall be applicable to Line Item Appropriations for Fiscal Year 2006-2007 and thereafter, but shall not be applicable to such appropriations that satisfy the criteria enumerated in Section 18(B)(2) of HB 1 of the 2006 Regular Session of the Louisiana Legislature.

SECTION 2: All other sections, subsections, and paragraphs of Executive Order No. KBB 2006-32, issued on July 12, 2006, shall remain in full force and effect.

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 3rd day of August, 2006.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
Al Ater
Secretary of State
0608#068

EXECUTIVE ORDER KBB 06-34

Louisiana Emergency Operations Plan

WHEREAS, the state of Louisiana must be prepared to respond in a coordinated, effective, and efficient manner to all emergencies and disasters to which it is subjected;

WHEREAS, it is the policy of the state of Louisiana for all homeland security and emergency preparedness functions to follow the principles outlined in the National Incident Management System, or its successor, R.S. 29:722(C); and

WHEREAS, the state of Louisiana will best achieve effective coordinated emergency planning by updating the state's current emergency operations plan through the replacement of Executive Order No. KBB 2005-18, issued on July 11, 2005, and by the Governor's Office of Homeland Security and Emergency Preparedness updating its emergency operations plan;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, 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:

A. The director of the Governor's Office of Homeland Security and Emergency Preparedness (hereafter "director"), shall direct the state of Louisiana's emergency and/or disaster operations; and

B. The director, or the director's designee, shall also coordinate the activities of all non-state agencies, departments, and/or organizations involved in emergency management within the state of Louisiana.

SECTION 2:

A. The director shall supplement the provisions of this Order by prescribing rules, regulations, and procedures, which combined with the revisions of this Order, shall constitute the Louisiana Emergency Operations Plan (hereafter "Plan");

B. The Plan shall follow the principles outlined in the National Incident Management System, or its successor, and also provide for the emergency operations that may be implemented should an emergency and/or disaster strike the state of Louisiana or an area within the state of Louisiana; and

C. The Plan shall be binding on all departments, commissions, boards, agencies, organizations and employees

of the state of Louisiana, and on all local governments or political subdivisions of the state authorized or directed to conduct homeland security and emergency management operations.

SECTION 3:

A. The director shall control the activation and/or implementation of the Plan and the conclusion and/or deactivation of the Plan;

B. The director shall also control the activation and deactivation of the State Emergency Operations Center (hereafter "Center"); and

C. The activation of the Center shall constitute the implementation of the Plan.

SECTION 4: The departments, offices, agencies and organizations of the state of Louisiana government have primary and support responsibilities for the following Emergency Support Functions (ESF):

ESF	ANNEX	DEPARTMENT/AGENCY	SUPPORT		
ESF 1	Transportation	Department of Transportation and Development	P		
		Louisiana National Guard	S		
		Department of Agriculture and Forestry	S		
		Department of Corrections	S		
		Department of Education	S		
		Office of the Governor - Office of Elderly Affairs	S		
		Department of Health and Hospitals	S		
		Louisiana Public Service Commission	S		
		Louisiana Board of Regents	S		
		Louisiana State Police	S		
		Department of Wildlife and Fisheries	S		
		Volunteer Organizations	S		
		ESF 2	Communications	Governor's Office of Homeland Security and Emergency Preparedness	P
				Louisiana National Guard	P
Louisiana State Police	P				
Department of Agriculture and Forestry	S				
Department of Corrections	S				
Department of Culture, Recreation and Tourism	S				
Department of Economic Development	S				
Department of Education	S				
Department of Environmental Quality	S				
Office of the Governor - Division of Administration	S				
Office of the Governor - Office of Elderly Affairs	S				
Office of the Governor - Oil Spill Coordinator	S				
Louisiana State University- Health Sciences Center	S				
Department of Health and Hospitals	S				
Department of Justice	S				
Department of Labor	S				
Louisiana Public Service Commission	S				
Louisiana Board of Regents	S				
Department of Revenue	S				
Department of Social Services	S				
Department of Transportation and Development	S				
Department of Wildlife and Fisheries	S				
Volunteer Organizations	S				

ESF	ANNEX	DEPARTMENT/AGENCY	SUPPORT
ESF 3	Public Works and Engineering	Department of Transportation and Development	P
		Louisiana National Guard	S
		Office of the Governor - Division of Administration	S
		Department of Health and Hospitals	S
		Department of Natural Resources	S
		Volunteer Organizations	S
ESF 4	Firefighting	Department of Agriculture and Forestry	P
		Louisiana National Guard	S
		Department of Environmental Quality	S
		Louisiana State Fire Marshal	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
ESF 5	Emergency Management	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Office of the Governor - Division of Administration	S
		Office of the Governor - Office of Elderly Affairs	S
		Office of the Governor - Office of Indian Affairs	S
		Office of the Governor - Oil Spill Coordinator	S
		Louisiana State University- Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Justice	S
		Department of Labor	S
		Department of Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
Secretary of State	S		
Department of Social Services	S		
Louisiana State Police	S		
Department of Transportation and Development	S		
Department of the Treasury	S		
Department of Wildlife and Fisheries	S		
Volunteer Organizations	S		
ESF 6	Mass Care, Housing and Human Services	Department of Social Services	P
		Department of Corrections	P
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana Family Recovery Corps	S
		Louisiana Housing Finance Agency	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Culture, Recreation and	S

ESF	ANNEX	DEPARTMENT/AGENCY	SUPPORT
		Tourism	
		Louisiana State Fire Marshal	S
		Office of the Governor - Office of Elderly Affairs	S
		Department of Health and Hospitals	S
		Louisiana State University- Health Sciences Center	S
		Department of Insurance	S
		Department of Labor	S
		Department of Natural Resources	S
		Louisiana Board of Regents	S
		Department of Veterans Affairs	S
		Department of Revenue	S
		Volunteer Organizations	S
ESF 7	Resource Support	Governor's Office of Homeland Security and Emergency Preparedness	P
		Louisiana National Guard	P
		Department of Agriculture and Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Environmental Quality	S
		Office of the Governor - Division of Administration	S
		Louisiana State University- Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Labor	S
		Department of Natural Resources	S
		Louisiana Board of Regents	S
		Department of Social Services	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Volunteer Organizations	S
ESF 8	Public Health & Medical Services	Department of Health and Hospitals	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Environmental Quality	S
		Louisiana State University- Health Sciences Center	S
		Louisiana Board of Regents	S
		Louisiana State Fire Marshal	S
		Department of Transportation and Development	S
		Department of Veterans Affairs	S
		Volunteer Organizations	S
ESF 9	Search & Rescue	Department of Wildlife and Fisheries	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Louisiana State Fire Marshal	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Louisiana State University- Health Sciences Center	S
		Volunteer Organizations	S

ESF	ANNEX	DEPARTMENT/AGENCY	SUPPORT
ESF 10	Oil Spill, Hazardous Materials and Radiological	Office of the Governor - Oil Spill Coordinator	P
		Louisiana State Police	P
		Department of Environmental Quality	P
		Governor's Office of Homeland Security and Emergency Preparedness	S
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Louisiana State Fire Marshal	S
		Louisiana State University- Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Natural Resources	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
ESF 11	Agriculture	Department of Agriculture and Forestry	P
		Louisiana National Guard	S
		Department of Corrections	S
		Department of Environmental Quality	S
		Department of Health and Hospitals	S
		Louisiana Board of Regents	S
		Louisiana State University- Health Sciences Center	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
ESF 12	Energy	Department of Natural Resources/Intrastate Natural Gas	P
		Louisiana Public Service Commission/Power	P
		Louisiana National Guard	S
ESF 13	Public Safety & Security	Louisiana State Police	P
		Department of Justice	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Office of the Governor - Division of Administration	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Transportation and Development	S
		Department of Wildlife and Fisheries	S
		Louisiana Youth Services	S
ESF 14	Community, Recovery, Mitigation and Economic Stabilization	Governor's Office of Homeland Security and Emergency Preparedness	P
		Department of Economic Development	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Culture, Recreation and Tourism	S
		Department of Education	S
		Department of Environmental Quality	S
		Office of the Governor - Division of Administration	S
		Office of the Governor - Office of Financial Institutions	S

ESF	ANNEX	DEPARTMENT/AGENCY	SUPPORT
		Louisiana State University- Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Insurance	S
		Department of Justice	S
		Department of Labor	S
		Department of Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Social Services	S
		Secretary of State	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Volunteer Organizations	S
ESF 15	Emergency Public	Governor's Office of Homeland Security and Information Emergency Preparedness	P
		Louisiana National Guard	S
		Department of Agriculture and Forestry	S
		Department of Corrections	S
		Department of Culture, Recreation and Tourism	S
		Department of Economic Development	S
		Department of Education	S
		Department of Environmental Quality	S
		Louisiana State Fire Marshal	S
		Office of the Governor - Division of Administration	S
		Office of the Governor - Office of Elderly Affairs	S
		Office of the Governor - Office of Financial Institutions	S
		Office of the Governor - Office of Indian Affairs	S
		Office of the Governor - Oil Spill Coordinator	S
		Louisiana State University- Health Sciences Center	S
		Department of Health and Hospitals	S
		Department of Justice	S
		Department of Insurance	S
		Department of Labor	S
		Department of Natural Resources	S
		Louisiana Public Service Commission	S
		Louisiana Board of Regents	S
		Department of Revenue	S
		Department of Social Services	S
		Secretary of State	S
		Louisiana State Police	S
		Department of Transportation and Development	S
		Department of the Treasury	S
		Department of Wildlife and Fisheries	S
		Volunteer Organizations	S
ESF 16	Military Support to Civilian Affairs	Louisiana National Guard	P
		Governor's Office of Homeland Security and Emergency Preparedness	S

SECTION 5: The head of each department, office, agency, and organization (hereafter "department") identified in Section 4 of this Order shall designate both an emergency coordinator and an alternate emergency coordinator to act on the department's behalf during an emergency situation, and furnish the director with their names and all telephone numbers. The head of each department shall also designate a Continuity of Operations Plan (COOP) coordinator who will prepare and maintain plans, procedures, arrangements, and agreements to ensure that the organization will continue to carry out its mission in an emergency or disaster.

SECTION 6: The head of each department assigned a primary ESF responsibility in Section 4 of this Order shall submit implementing procedures to the director that set forth the department's procedures for carrying out its assigned emergency support functions. The head of each department shall submit annual updates of their implementing procedures to the director.

SECTION 7: The head of each department assigned a support ESF responsibility in Section 4 of this Order shall assist its primary department in the preparation of their procedures and/or any other documents necessary to support the Plan.

SECTION 8: The head of each department assigned a primary and/or a support ESF responsibility in Section 4 of this Order will:

A. Staff the Center with personnel during training exercises and emergencies as requested by the director;

B. Maintain and operate a 24-hour response capability in the department headquarters, or in the department's designated emergency operations center, when the Plan is implemented;

C. Participate in exercises of the Plan when scheduled by the director;

D. Participate in, and conduct, training essential to implementation of the department's assigned emergency service;

E. Conduct an annual internal review to update the details of the department's implementing procedures and advise the director of any needed modifications to the department's implementing procedures; and

F. Maintain logs, records, and a reporting system required by all state and federal laws, rules, and regulations.

SECTION 9: 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 10: Executive Order No. KBB 2005-18, issued on July 11, 2005, 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 3rd day of August, 2006.

Kathleen Babineaux Blanco
Governor

ATTEST BY
THE GOVERNOR
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