

Executive Orders

EXECUTIVE ORDER MJF 98-43

Bond Allocation—Louisiana Public Facilities Authority

WHEREAS, pursuant to the Tax Reform Act of 1986 (hereafter "the Act") and Act Number 51 of the 1986 Regular Session of the Louisiana Legislature, Executive Order Number MJF 96-25 (hereafter "MJF 96-25") was issued on August 27, 1996, 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 1998 (hereafter "the 1998 Ceiling");
2. the procedure for obtaining an allocation of bonds under the 1998 Ceiling; and
3. a system of central record keeping for such allocations; and

WHEREAS, the Louisiana Public Facilities Authority has requested an allocation from the 1998 Ceiling to be used in connection with the financing of the acquisition, construction, and equipping of a sugar mill for Alma Plantation, Ltd. (the "Project"), located on Louisiana Highway 416, Lakeland, parish of Pointe Coupee, 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 1998 Ceiling as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$1,700,000	Louisiana Public Facilities Authority	Alma Plantation, Ltd.

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's 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, provided that such bonds are delivered to the initial purchasers thereof on or before December 27, 1998.

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 29th day of September, 1998.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9810#011

EXECUTIVE ORDER MJF 98-44

Suspension of Absentee Voting in Person in Plaquemines Parish

WHEREAS, "in order to ensure maximum citizen participation in the electoral process and provide a safe and orderly procedure for persons seeking to qualify or exercise their right to vote, to minimize to whatever degree possible a person's exposure to danger during declared states of emergency, and to protect the integrity of the electoral process," the Louisiana Legislature enacted R.S. 18:401.1 to provide "a procedure for the emergency suspension or delay and rescheduling of qualifying, absentee voting in person, and elections"; and

WHEREAS, on September 29, 1998, pursuant to the provisions of R.S. 18:401.1(B), the secretary of state, in conjunction with the commissioner of elections and registration, certified to the governor that as a result of Hurricane Georges, a state of emergency exists in parish of Plaquemines and they recommend absentee voting in person in that parish be suspended until such time as the absentee voting in person may be resumed;

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: Under the authority of R.S. 18:401.1(B) and based on the September 29, 1998, certification of the secretary of state, in conjunction with the commissioner of elections and registration, that a state of emergency exists in the parish of Plaquemines, and the recommendation that absentee voting in person in that parish be suspended, absentee voting in person in the parish of Plaquemines is hereby suspended.

SECTION 2: In accordance with the procedures set forth in R.S. 18:401.1, absentee voting in person in the parish of Plaquemines shall resume on Wednesday, September 30, 1998 commencing at 1:00 p.m. and concluding at 5:00 p.m. Absentee voting will be conducted at the Registrar of Voter's Office in the Plaquemines Parish Governmental Building in Port Sulphur, the Pointe-a-la-Hache Courthouse and the Belle Chasse Public Library.

SECTION 3: This Order is effective upon signature.

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 29th day of September, 1998.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9810#012

EXECUTIVE ORDER MJF 98-45

Louisiana Historical Records Advisory Board

WHEREAS, Executive Order Number MJF 98-31, signed on June 12, 1998, established the Louisiana Historical Records Advisory Board (hereafter "Board"); and

WHEREAS, it is necessary to amend Executive Order Number MJF 98-31 in order to add to the membership of the Board;

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: Section 3 of Executive Order Number MJF 98-31, is amended to provide as follows:

The Board shall consist of nineteen (19) members who shall be appointed by, and serve at the pleasure of, the governor. As much as practicable, Board members shall be broadly representative of public and private archives, records offices, and research institutions and organizations in the state. The membership of the Board shall be selected as follows:

- A. the director of State Archives;
- B. ten (10) members outstanding in one or more of the following fields: administration of government records, historical records, and/or archives; and
- C. eight (8) members at large.

SECTION 2: All other sections and subsections of the Executive Order Number MJF 98-31 shall remain in full force and effect.

SECTION 3: 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 1st day of October, 1998.

M.J. "Mike" Foster
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9810#013

EXECUTIVE ORDER MJF 98-46

Louisiana Highway 1 Project Task Force

WHEREAS, Louisiana Highway 1 (hereafter "LA 1"), a 2-lane highway with sections which are impassible during inclement weather, is vital to the economic vitality and safety of the citizens of Louisiana who live near and/or work in the region of LA 1 between Port Fourchon/Grand Isle and Alexandria (hereafter "the region");

WHEREAS, the citizens of Louisiana who live and/or work in the region, especially those in the vicinity of Grand Isle, Port Fourchon, and Raceland, are dependent on LA 1 remaining open and passable for safe and expeditious evacuations during the threat of a hurricane and/or a tropical storm;

WHEREAS, the economic infrastructure of the region is dependent upon the integrity of LA 1 as ninety-five percent (95 percent) of the shellfish and finfish harvested in the region's waters are shipped to market over LA 1; sugar cane harvests that annually generate approximately two hundred-twenty million dollars (\$220,000,000) and vegetable harvests that annually generate approximately four million dollars (\$4,000,000) in sale revenues are transported to market and/or processing facilities over LA 1; and the vast majority of the goods and services needed to support and sustain the region's oil and gas industry, an industry that generates annual state mineral revenues in the range of half a billion dollars (\$500,000,000), are transported over LA 1;

WHEREAS, the state of Louisiana's goals for the twenty-first century include developing a transportation infrastructure in the region that will safely and adequately support an increase in traffic volume resulting from emergency situations and/or economic growth and development; and

WHEREAS, the interests of the citizens of the state of Louisiana would be best served by the creation of a task force charged with the duty of

- 1) analyzing the feasibility of upgrading, from a 2-lane to a 4-lane highway or an interstate, the section of LA 1 between Port Fourchon/Grand Isle and Alexandria; and
- 2) evaluating the impact that such an upgrade would have on the citizens of the state of Louisiana, especially those citizens who live and/or work in region;

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 Highway 1 Project Task Force (hereafter "Task Force") is established within the executive department, Office of the Governor.

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

A. Evaluating the feasibility of upgrading, from a 2-lane highway to a 4-lane highway or an interstate, the section of Louisiana Highway 1 (including Louisiana Highway 3090) that is located between Port Fourchon/Grand Isle and Alexandria (hereafter "LA 1 Project");

B. Analyzing the need for and means to provide adequate funding for the LA 1 Project, including the availability of state and/or federal funding sources and innovative financing alternatives; and

C. Evaluating and documenting the level of citizen support for the LA 1 Project by:

1) the citizens of the state of Louisiana, in the region of LA 1 between Grand Isle/Port Fouchon and Alexandria (hereafter "the region") and statewide;

2) the municipalities, communities and parishes in the region and statewide; and

3) the members of the Louisiana Legislature from the region and statewide.

SECTION 3: The Task Force shall submit a comprehensive written report to the governor; the House Committee on Transportation, Highways and Public Works; and the Senate Committee on Transportation, Highways and Public Works, by April 1, 1999.

SECTION 4: The Task Force shall be composed of a maximum of twenty-one (21) members appointed by, and serving at the pleasure of, the governor. The membership of the Task Force shall be selected as follows:

A. the governor, or the governor's designee;

B. the secretary of the Department of Transportation and Development, or the secretary's designee;

C. the commissioner of administration, or the commissioner's designee;

D. the chair of the House Transportation, Highways, and Public Works Committee, or the chair's designee;

E. the chair of the Senate Transportation, Highways, and Public Works Committee, or the chair's designee;

F. the Federal Highway Administrator for the state of Louisiana, or the Federal Highway Administrator's designee;

G. citizens of the state of Louisiana who reside in a community in the region of LA 1 between Grand Isle/Port Fourchon and Alexandria;

H. representatives of businesses and/or industries that are located in the region of LA 1 between Grand Isle/Port Fourchon and Alexandria; and

I. one (1) at-large member.

SECTION 5: The governor shall appoint the chair from the membership of the Task Force. All other officers shall be elected by the membership of the Task Force.

SECTION 6: Support staff for the Task Force and facilities for its meetings shall be provided by the Department of Transportation and Development.

SECTION 7: Task Force members shall not receive additional compensation or a per diem from the Office of the Governor, or the Department of Transportation and

Development. Nonetheless, contingent upon the availability of funds, a member who is not an elected official or an employee of the state or federal government, may receive reimbursement from the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, and upon the written approval of the commissioner of administration.

SECTION 8: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Task Force in implementing the provisions of this Order.

SECTION 9: 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 8th day of October, 1998.

¹ Factual data was provided by the Department of Economic Development in combination with the Barataria-Terrebonne National Estuary Program.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9810#069

EXECUTIVE ORDER MJF 98-47

Oversize and Excess Weight Vehicle Task Force

WHEREAS, the size, width, height, length, weight and load of vehicles which operate on the highways of the state of Louisiana are regulated by R.S. 32:379, *et seq.*;

WHEREAS, notwithstanding the limitations set forth in R.S. 32:380-386 (hereafter "standard limitations"), the Department of Transportation and Development is authorized by R.S. 32:386.1 to issue blanket oversize yearly permits for a set fee, and by R.S. 32:387, 387.2, 387.3, 387.4, 387.6, 387.7, 387.9, and 387.10 to issue special permits for a fee under certain circumstances, to vehicles which exceed standard limitations;

WHEREAS, all vehicles and motor vehicles registered in the state of Louisiana are also assessed an annual registration fee or tax pursuant to the provisions of R.S. 47:462; however, the rates assessed vehicles such as trucks, trailers, semi-trailers, and/or truck-tractors that are based on the weight of the vehicle, may not be commensurate with the amount that Louisiana's neighboring states assess comparable vehicles;

WHEREAS, the amount of deterioration, if any, caused to Louisiana's highways and/or roadways by vehicles specially permitted to carry weight in excess of standard limitations

should be studied and compared to the amount of deterioration, if any, caused by vehicles that are in compliance with standard limitations because a balance should be maintained between the economic concerns of businesses and the public's interests in preserving the safety and structural integrity of the state's highway system; and

WHEREAS, the interests of the citizens of the state of Louisiana would best be served by the creation of a task force charged with the duty of evaluating:

1. the laws that govern the vehicles which operate on the highways and roadways of this state in excess of the standard limitations set forth in R.S. 32:380-386;

2. the amount of deterioration, if any, caused to Louisiana's highways and/or roadways by such vehicles in comparison to the amount of deterioration caused by vehicles in compliance with standard limitations; and

3. the adequacy of the fees and/or taxes that vehicles on Louisiana's highways and/or roadways are assessed;

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 Oversize and Excess Weight Vehicle Task Force (hereafter "Task Force") is established within the executive department, Office of the Governor.

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

- A. analyzing Louisiana's laws, rules, and regulations which pertain to

1. the size, weight, width, height, length, and/or load of vehicles which operate on the highways and/or roadways of this state;

2. the standard and special taxes and/or fees assessed vehicles that exceed those size, weight, width, height, length and/or load limitations (hereafter "standard limitations"); and

3. the standard and special taxes and/or fees assessed vehicles that do not exceed standard limitations;

- B. evaluating the relationship, if any, of the amount of deterioration to the highways and/or roadways of this state and of the increase, if any, in hazards to public safety, as a result of vehicles that operate within the standard limitations and those that operate in excess of standard limitations on those highways and/or roadways; and

- C. evaluating the adequacy of the standard and/or special taxes and/or fees that this state assesses trucks, semi-trailers, truck-tractors, tandem trucks, or combinations, and other similar vehicles, both when in compliance with standard limitations and when in excess of standard limitations, and comparing the adequacy of those assessments to the standard and/or special taxes and/or fees assessed comparable vehicles by neighboring states.

SECTION 3: The Task Force shall submit a comprehensive written report to the governor; the House Committee on Transportation, Highways and Public Works; the House Committee on Ways and Means; the Senate Committee on Transportation, Highways, and Public Works; and the Senate Committee on Revenue and Fiscal Affairs, by March 1, 1999.

SECTION 4: The Task Force shall consist of nineteen (19) members who shall be appointed by, and serve at the pleasure of, the governor. The Task Force membership shall be selected as follows:

1. the governor, or the governor's designee;

2. the chair of the Senate Committee on Transportation, Highways, and Public Works, or the chair's designee;

3. the chair of the House Committee on Transportation, Highways, and Public Works, or the chair's designee;

4. the chair of the House Committee on Ways and Means, or the chair's designee;

5. the chair of the Senate Committee on Revenue and Fiscal Affairs, or the chair's designee;

6. the commissioner of Administration, or the commissioner's designee;

7. the secretary of the Department of Transportation and Development, or the secretary's designee;

8. the secretary of the Department of Public Safety and Corrections, or the secretary's designee;

9. the commissioner of the Department of Agriculture, or the commissioner's designee;

10. the chair of the Louisiana Highway Safety Commission, or the chair's designee;

11. the district administrator of the Federal Highway Administration, or the district administrator's designee; and

12. one (1) representative from the Louisiana Farm Bureau Federation;

13. one (1) representative from the American Sugar Cane League;

14. one (1) representative from the Louisiana Forestry Association;

15. one (1) representative from the Louisiana Motor Transport Association;

16. one (1) representative from the Louisiana Good Roads Association;

17. one (1) representative from the Louisiana Oilfield Contractors Association; and

18. two (2) at-large members.

SECTION 5: The governor shall select the chair of the Task Force from its membership. All other officers shall be elected by the membership of the Task Force.

SECTION 6: The Task Force shall meet at least once a month and at the call of the chair.

SECTION 7: Support staff for the Task Force and facilities for its meetings shall be provided by the Department of Transportation and Development.

SECTION 8: The members of the Task Force shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, members who are not an employee of the state of Louisiana or one of its political subdivisions, or an elected official, may receive reimbursement from the Office of the Governor, for actual travel expenses incurred, in accordance with state guidelines and procedures, with the prior written approval of the assistant chief of staff, Office of the Governor, and concurrence of the commissioner of Administration.

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

SECTION 10: 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 8th day of October, 1998.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9810#070

EXECUTIVE ORDER MJF 98-48

Formosan Termite Task Force

WHEREAS, Formosan termites, tenacious insects with a "swarm" season that are eating and tunneling through buildings, live trees, agricultural crops, electronic and communication cables, creosote treated wood, wooden bridges, railroad ties, pilings, foam and fiberglass insulation, brick, mortar, caulk, plastic and many other materials, have reportedly inflicted severe damage in twenty-five (25) parishes in the state of Louisiana¹;

WHEREAS, in the city of New Orleans alone, Formosan termites have caused an estimated two billion dollars in property damage over the past decade², jeopardizing many of the city's nationally acclaimed historic buildings because repairs and/or historic restorations have become too costly;

WHEREAS, since all of Louisiana's parishes are at risk of being infested with Formosan termites, it is imperative that this state make an immediate and concerted effort to contain Formosan termites and to eradicate them from infested areas; and

WHEREAS, the interests of the citizens of the state of Louisiana would best be served by the creation of a task force designed to analyze the extent of Louisiana's infestation of Formosan termites and to recommend solutions for the containment of Formosan termites to areas already infested and the eradication of Formosan termites from those areas;

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 Formosan Termite Task Force (hereafter "Task Force") is hereby established within the executive department, Office of the Governor.

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

A. Evaluating the extent of Formosan termite infestations and/or activity in the state of Louisiana and the extent of economic and/or property damage that has resulted from Formosan termite activity and/or infestations in this state;

B. Evaluating the threat that Formosan termites pose to Louisiana's timber and agricultural industries and the mechanisms available to limit and contain infestations in timber and agricultural areas and/or prevent the spread of termite infestations to those areas;

C. Analyzing and evaluating recent developments in and strategies for treating areas infested with Formosan termites and eradicating Formosan termites, including new termiticides, baits, traps, pesticides, biological controls, and/or quarantines; and

D. Analyzing the need for and means to provide adequate funding for treating and/or containing Formosan termite infestations, and eradicating Formosan termites from infested areas.

SECTION 3: The Task Force shall submit a comprehensive written report to the governor and the commissioner of the Department Agriculture and Forestry on its research, analyses, and recommendations by April 1, 1999.

SECTION 4: The Task Force shall consist of twenty (20) members who, unless otherwise specified, shall be appointed by, and serve at the pleasure of, the governor.

1. The governor, or the governor's designee;
2. The commissioner of the Department of Agriculture and Forestry, or the commissioner's designee;
3. The secretary of the Department of Health and Hospitals, or the secretary's designee;
4. The secretary of the Department of Environmental Quality, or the secretary's designee;
5. The secretary of the Department of Economic Development, or the secretary's designee;
6. Two (2) members of the Louisiana Senate designated by the president of the Senate;
7. Two (2) members of the Louisiana House of Representatives designated by the speaker of the House of Representatives;
8. The chancellor of the Louisiana State University Agriculture Center, or the chancellor's designee;
9. The president of Jefferson Parish, or the president's designee;
10. The presiding officer of the Jefferson Parish Council, or the presiding officer's designee;
11. The mayor of the city of New Orleans, or the mayor's designee;
12. The presiding officer of the New Orleans City Council, or the presiding officer's designee;
13. The executive director of the New Orleans Mosquito and Termite Control Board, or the executive director's designee;
14. The director of the Southern Regional Research Center, Agricultural Research Service, United States Department of Agriculture, or the director's designee;
15. The president of the Louisiana Farm Bureau Federation, or the president's designee;

16. One (1) homeowner in the Greater New Orleans Metropolitan Area;

17. One (1) French Quarter property owner; and

18. One (1) pest control industry specialist.

SECTION 5: The governor and the commissioner of the Department Agriculture and Forestry, or their designees, shall serve as co-chairs of the Task Force. All other officers shall be elected by the membership of the Task Force.

SECTION 6: The Task Force shall meet monthly and at the call of the co-chairs.

SECTION 7: Support staff for the Task Force and facilities for its meetings shall be provided by the Department of Agriculture and Forestry.

SECTION 8: The members of the Task Force shall not receive additional compensation or a per diem from the Office of the Governor for services on the Task Force.

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

SECTION 10: 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 the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 8th day of October, 1998.

¹ Factual data was provided by the Department of Agriculture and Forestry.

² *Id.*

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9810#071