

Executive Orders

EXECUTIVE ORDER MJF 01-47

School Finance Review Commission

WHEREAS, Article VIII, §13(B) of the Louisiana Constitution of 1974, as amended, provides that the State Board of Elementary and Secondary Education (hereafter "BESE"), "shall annually develop and adopt a formula which shall be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to equitably allocate the funds to parish and city school systems" and that the Louisiana Legislature "shall annually appropriate funds sufficient to fully fund the current cost to the state of such a program as determined by applying the approved formula in order to insure a minimum foundation of education in all public elementary and secondary schools" (hereafter "MFP formula");

WHEREAS, the School Finance Commission, a year and a half cooperative partnership between the Office of the Governor, Louisiana Legislature, and BESE (collectively hereafter "cooperative partnership"), was created through Executive Order No. MJF 99-41, issued on August 26, 1999, to make recommendations regarding the funding methods, the adequacy of funding, and the equitable distribution of funding, for public elementary and secondary schools; and

WHEREAS, as high quality public elementary and secondary schools are essential to the economic development and long-term economic success of the state of Louisiana, the best interests of the citizens of the state of Louisiana will be served by recreating the cooperative partnership through a commission that is charged with reviewing and reevaluating the recommendations of the School Finance Commission and annually analyzing, prioritizing, and making recommendations regarding the MFP formula and related public elementary and secondary school funding issues;

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 School Finance Review Commission (hereafter "Commission") is established within the executive department, Office of the Governor, as a partnership of the Office of the Governor, the Louisiana Legislature, and State Board of Elementary and Secondary Education (hereafter "BESE").

SECTION 2: The Commission's duties and functions shall include, but are not limited to, the following:

A. In 2001-2002, reevaluating and revising as necessary, the recommendations contained in the report of the School Finance Commission created by Executive Order No. MJF 99-41, issued on August 26, 1999, specifically regarding, but not limited to the following:

(1) the equity and adequacy of funding to parish and city school systems as per the minimum foundation program (hereafter "MFP");

(2) state appropriations to hold-harmless local school districts;

(3) the differentiation of state and local shares in each part of the MFP;

(4) teacher pay, including the establishment of a target statewide average teacher salary; and

(5) BESE's revision of a uniform statewide teacher salary schedule; thereafter, annually reevaluating and revising as necessary, the recommendations contained in the Commission's most recent annual report;

B. Annually researching, analyzing, and making recommendations regarding the funding of public elementary and secondary schools and related issues, particularly pertaining to the following matters:

(1) the equity and adequacy of state funding to parish and city school systems as per the MFP relating specifically, but not limited, to

a) the cost of educating high poverty and special education children and

b) employee health care expenses;

(2) spending priorities on the parish and city school system level related to

a) differences by categories of state level and district level spending of MFP funds among parish and city school systems,

b) the appropriateness of increasing the state's responsibility for expenditures directly related to classroom instruction and increasing the responsibility of parish and city school systems for expenditures not directly related to classroom instruction,

c) costs other than classroom expenditures incurred by parish and city school systems and the role of those costs within the MFP formula,

d) the appropriateness of using incentives via the MFP formula to encourage parish and city school system spending practices that are consistent with a state-identified expenditure model for producing the highest level of student achievement,

e) the feasibility of providing such incentives, and

f) restrictions on parish and city school systems regarding local revenue increases;

(3) linking accountability to the MFP formula regarding

a) the appropriateness of linking accountability scores, results, etc., to increases or changes in funding by expenditure category and/or in the aggregate,

b) the feasibility of creating such links while maintaining funding equity, and

c) options for creating and/or constructing such links; and

(4) teacher pay related to

a) equitable distribution of state funding,

b) salary equity among parish and city school systems,

c) differentiated hiring and personnel practices and/or student-teacher ratios, and d) specified recipients of targeted salary increases;

C. Annually compiling and prioritizing a limited list of the most relevant issues related to funding of public

elementary and secondary schools; researching and/or analyzing the issues as needed; and issuing findings and recommendations; and

D. Annually issuing revised recommendations as necessary, regarding the issues set forth in subsections 2A, 2B, and 2C, for every year in which the Commission is convened.

SECTION 3: The Commission shall submit to the governor, the president of the Senate, the speaker of the House of Representatives, and BESE an annual report by March 1, 2002, and by March 1, or a date specified by the commission, of every year hereafter, in which the Commission is convened.

SECTION 4: With the exception of the members of the Louisiana Legislature, all members of the Commission shall be appointed by the governor. All non-ex-officio members shall serve at the governor's pleasure. The Commission shall be composed of thirty-four (34) members selected as follows:

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

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

C. five (5) members of the Senate, appointed by the president of the Senate, including the chairs of the Senate Committee on Education and Senate Committee on Finance;

D. five (5) members of the House of Representatives appointed by the speaker of the House of Representatives, including the chairs of the House Committee on Education and the House Committee on Appropriations;

E. five (5) members of BESE;

F. the superintendent of the Department of Education, or the superintendent's designee;

G. one (1) representative of the Louisiana Federation of Teachers;

H. one (1) representative of the Louisiana Association of Educators;

I. one (1) representative of the Associated Professional Educators of Louisiana;

J. six (6) representatives of school districts and/or local school boards; and

K. seven (7) representatives of business, education, and/or local communities.

SECTION 5: The governor shall appoint the chair and/or co-chairs of the Commission. All other officers, if any, shall be elected by the membership of the Commission.

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

SECTION 7: The Commission shall provide the opportunity for public input from legislators, BESE members, parish and city school system officials, community leaders, parents, and/or other persons not serving on the Commission.

SECTION 8: Support staff, facilities, and resources for the Commission shall be provided by the Office of the Governor, BESE, and/or other interested entities, as coordinated by the Office of the Governor.

SECTION 9:

A. Commission members shall not receive additional compensation or a per diem from the Office of the Governor for serving on the Commission.

B. Commission members who are an employee or an elected public official of the state of Louisiana or a political

subdivision of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency, and/or office.

C. Commission members who are also a member of the Louisiana Legislature or BESE may seek a per diem from the House of Representatives, Senate, or BESE, as appropriate, for their attendance at Commission meetings and/or service on the Commission.

SECTION 10: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the Commission in implementing the provisions of this Order.

SECTION 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 19th day of October, 2001.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0111#007

EXECUTIVE ORDER MJF 01-48

Bond Allocation Louisiana Local Government
Environmental Facilities and Community
Development Authority

WHEREAS, Executive Order No. MJF 2001-29, issued on July 31, 2001, granted a private activity bond allocation from the 2001 private activity bond volume limit to the Louisiana Local Government Environmental Facilities and Community Development Authority in accordance with the requirements of Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15; and

WHEREAS, it is necessary to amend Executive Order No. MJF 2001-29 in order to extend the time period in which the bonds may be delivered to initial purchasers;

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 No. MJF 2001-29, issued on July 31, 2001, is hereby amended to provide as follows:

The granted allocation shall be valid and in full force and effect through the year of 2001, provided that such bonds are delivered to the initial purchasers thereof on or before December 21, 2001.

SECTION 2: All other sections of Executive Order No. MJF 2001-29 shall remain in full force and effect.

SECTION 3: The provisions of this Order are effective upon signature.

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 25th day of October, 2001.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0111#018

EXECUTIVE ORDER MJF 01-49

Comprehensive Energy Policy Advisory Commission

WHEREAS, several regions of the United States of America are currently experiencing an energy shortage;

WHEREAS, several regions of the United States of America are also experiencing a shortage of electrical generating capacity;

WHEREAS, the state of Louisiana has a large supply of energy-rich natural resources;

WHEREAS, the state of Louisiana has an abundance of natural resources which are well-suited for the production of electricity and other forms of energy;

WHEREAS, many of Louisiana's natural resources are not currently being utilized as effectively as possible;

WHEREAS, much of the energy consumed in Louisiana is used directly in the extraction, refining, processing, or manufacture of large portions of the nation's energy and agricultural supplies;

WHEREAS, there have been significant advancements in energy production methods which should be explored and put into practice;

WHEREAS, the development of a comprehensive energy policy for Louisiana would help maximize the use of Louisiana's natural resources and help alleviate the national shortage of energy;

WHEREAS, the current methods of transmitting and distributing energy have evolved in a patchwork pattern over time and need to be studied and modified to function as part of a comprehensive system; and

WHEREAS, the development of such a comprehensive energy policy would be in the best interests of the people of Louisiana and the nation;

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 Comprehensive Energy Policy Advisory Commission (hereafter "Commission") is established and created within the executive department, Office of the Governor.

SECTION 2: The Commission shall review existing state energy policies and shall develop recommendations for a comprehensive energy policy for the state of Louisiana. In preparing this policy, the Commission's duties shall include, but are not limited to the following:

A. review the potential to revitalize the usage of undeveloped mineral leases and abandoned wells on state property;

B. review methods by which the state could provide incentives and encourage the exploration and production of oil and natural gas on these undeveloped leases and abandoned wells;

C. review current conservation incentive programs and develop methods to improve, expand, or redesign such programs to reduce the consumption of energy by the state, its citizens, and its industry;

D. determine the feasibility of the state constructing, or encouraging the construction of electrical cogeneration facilities to increase the supply of electricity and reduce its cost;

E. determine ways to encourage the building, in appropriate locations, of private electrical generation and cogeneration plants in this state, through cogeneration of electricity and other methods;

F. determine recommendations for methods to ensure the full utilization of the capacity of the electrical power line infrastructure in this state;

G. review efforts by the federal government to implement a national energy policy and recommend ways that Louisiana can influence and participate in that plan to benefit the citizens of Louisiana and the nation;

H. review environmental issues associated with the foregoing as necessary to protect and conserve Louisiana's natural heritage;

I. cooperate with the State Water Policy Advisory Task Force, the Department of Natural Resources, the Department of Economic Development, the Public Service Commission, and all other components of the state which recommend, set, or implement state policies concerning energy production and distribution;

J. consider any other issues necessary to develop a comprehensive energy policy for Louisiana.

SECTION 3: By February 1, 2002, the Commission shall submit to the governor a report on the issues set forth in Section 2 of this Order.

SECTION 4: With the exception of the speaker of the House of Representatives and the president of the Senate, and/or their designees, all members of the Commission shall be appointed by the governor. All non-ex-officio appointees on the Commission shall serve at the pleasure of the governor. The Commission shall be composed of twenty-two (22) members selected as follows:

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

B. the speaker of the House of Representative, or the speaker's designee;

C. the president of the Senate, or the president's designee;

D. the secretary of the Department of Natural Resources, or the secretary's designee;

E. the secretary of the Department of Economic Development, or the secretary's designee;

F. the chair of the State Mineral Board, or the chair's designee;

G. one (1) member of the Louisiana Public Service Commission, appointed by the governor;

H. one (1) member of the State Board of Commerce and Industry, appointed by the governor;

I. five (5) members with significant experience in private industry in fields relating to the extraction,

production, or distribution of energy, appointed by the governor; and

J. nine (9) at-large members, appointed by the governor.

SECTION 5: The governor shall appoint the chair of the Commission. All other officers, if any, shall be elected by the membership of the Commission.

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

SECTION 7: Support staff, facilities, and resources for the Commission shall be provided by the Department of Natural Resources.

SECTION 8:

A. Commission members shall not receive additional compensation or a per diem for serving on the Commission.

B. Commission members who are employees or elected public officials of the state of Louisiana may seek reimbursement of travel expenses, in accordance with PPM 49, from their employing and/or elected department, agency, and/or office.

C. Commission members who are also members of the Louisiana Legislature may seek a per diem from the House of Representatives or the Senate, as appropriate, for

their attendance at Commission meetings and/or service on the Commission.

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

SECTION 10: 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 25th day of October, 2001.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0111#017