

Executive Orders

EXECUTIVE ORDER MJF 02-12

Advisory Task Force on Funding and Efficiency
of the Louisiana Department of Environmental Quality

WHEREAS, Article X, Section 1, of the Louisiana Constitution of 1974, as amended, mandates that "[t]he natural resources of the state, including air and water, and the healthful, scenic, historic, and esthetic quality of the environment shall be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and welfare of the people"; and

WHEREAS, the Louisiana Department of Environmental Quality (hereafter "Department") is the primary state agency charged with environmental protection, the best interests of the citizens of the state of Louisiana will be served by creating an advisory task force to review the funding structure of the Department, the Department's funding sources, the allocation of the funds among the Department's regulatory programs, the costs-benefits of the regulatory programs that have state mandated standards which exceed those required by federal law, and the effectiveness of the Department's reporting, monitoring, permitting, and enforcement programs, and to make recommendations regarding any of the foregoing;

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 Advisory Task Force on Funding and Efficiency of the Louisiana Department of Environmental Quality (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:

1. evaluating the funding structure of the Louisiana Department of Environmental Quality including, but not limited to, fees, fines, penalties, assessments, collections, federal funds, and state general fund appropriations; objectively comparing the funding structure of the Louisiana Department of Environmental Quality to the environmental departments of other states; and recommending an appropriate allocation of funds and funding structure for the Louisiana Department of Environmental Quality which balances the resource needs of the state of Louisiana and the department with the public trust mandates of the Louisiana Constitution of 1974 on environmental protection and the concerns of regulated businesses and industries;

2. analyzing the efficiency and effectiveness of the Louisiana Department of Environmental Quality's programs and functions including, but not limited to, permitting, monitoring, and enforcement; and, where appropriate, recommending measures to improve the efficiency and/or effectiveness of such programs and/or functions; and

3. identifying, evaluating, and recommending appropriate funding sources for the regulatory programs of the Louisiana Department of Environmental Quality that

have state mandated standards which exceed those required by federal law.

SECTION 3: By March 1, 2003, the Task Force shall submit a final report to the governor on the issues set forth in Section 2 of this Order. A preliminary report on the issues, which includes draft legislation that may be appropriate, shall be submitted to the governor no later than December 31, 2002.

SECTION 4: The Task Force shall be composed of a maximum of twenty-nine (29) members who, unless otherwise specified, shall be appointed by and serve at the pleasure of the governor. The membership of the Task Force shall be selected as follows:

1. the governor, or the governor's designee;
2. the secretary of the Louisiana Department of Environmental Quality, or the secretary's designee;
3. the president of the Louisiana Senate, or the president's designee;
4. the speaker of the Louisiana House of Representatives, or the speaker's designee;
5. the director of the Petro Chemical and Environmental Technology Cluster of the Department of Economic Development, or the director's designee;
6. the chair of the Governor's Task Force on Environmental Protection and Preservation;
7. the chair of the House Committee on the Environment, or the chair's designee;
8. the chair of the Senate Committee on Environmental Quality, or the chair's designee;
9. the legislative auditor, or the legislative auditor's designee;
10. a representative of the Louisiana Association of Business and Industry;
11. a representative of the Louisiana Environmental Action Network;
12. a representative of the Louisiana Farm Bureau Association;
13. a representative of the Louisiana Forestry Association;
14. a representative of the Louisiana Independent Oil and Gas Association;
15. a representative of the Louisiana Municipal Association;
16. a representative of the League of Women Voters;
17. a representative of the Louisiana Nature Conservancy;
18. a representative of the Louisiana Police Jury Association;
19. a representative of the Public Affairs Research Council;
20. a representative of the Louisiana Electric Utility Association;
21. a representative of the Louisiana Pulp and Paper Association;
22. a representative of the Council for a Better Louisiana;

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Bond Allocation Louisiana Housing Finance Agency

- 23. a representative of the Alliance for Affordable Energy;
- 24. a representative of the Coalition to Restore Coastal Louisiana;
- 25. a representative of the Louisiana Chemical Association;
- 26. a representative of the Midcontinent Oil and Gas Association;
- 27. a representative of the Louisiana Wildlife Federation; and
- 28. two (2) members at-large.

SECTION 5: The chair of the Task Force shall be appointed by the governor from the membership for the Task Force. All other officers, if any, shall be elected by and from the membership of the Task Force.

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

SECTION 7:

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

1. Task Force 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.

2. Task Force members who are also a member of the Louisiana Legislature may seek a per diem from the Louisiana Senate or House of Representatives, as appropriate, for their attendance at Task Force meetings and/or services on the Task Force.

SECTION 8: Support staff, facilities, and resources for the Task Force shall be provided by the Louisiana Department of Environmental Quality.

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 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 21st day of June, 2002.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0207#001

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 "the 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 Louisiana Housing Finance Agency has requested an allocation from the 2002 Ceiling to provide mortgage financing for a multifamily housing project comprised of (i) Melrose East I Apartments 36 units, (ii) Melrose East II Apartments - 76 units, and (iii) Melrose East III Apartments 60 units, located in Melrose East neighborhood, city of Baton Rouge, parish of East Baton Rouge, 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
\$5,000,000	Louisiana Housing Finance Agency	Melrose Ease II, LLC

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 September 23, 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

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

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0207#002