

# Executive Orders

## EXECUTIVE ORDER MJF 03-03

Additional 2002 Carry-Forward Bond Allocation  
Louisiana Housing Finance Agency

WHEREAS, pursuant to the Tax Reform Act of 1986 and Act No. 51 of the 1986 Regular Session of the Louisiana Legislature (collectively hereafter "the Act"), Executive Order No. MJF 96-25, as amended by Executive Order No. MJF 2000-15, (hereafter collectively "MJF 96-25") 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;

WHEREAS, subsection 4.8 of MJF 96-25 provides that if the ceiling for a calendar year exceeds the aggregate amount of bonds subject to the private activity bond volume limit issued during the year by all issuers, by executive order, the governor may allocate the excess amount to issuers or an issuer for use as a carry-forward for one or more carry-forward projects permitted under the Act;

WHEREAS, on December 30, 2002, Executive Order No. MJF 2002-74 was issued to carry-forward one hundred thirty-five million three hundred sixty-six thousand two hundred sixteen dollars and three cents (\$135,366,216.03) of the 2002 Ceiling which was unused and returned; however, the Order did not reflect the allocation and portion of the allocation returned unused from Executive Order Nos. MJF 2002-54 and 2002-57;

WHEREAS, Executive Order No. MJF 2002-54, issued on October 25, 2002, allocated three million two hundred thousand dollars (\$3,200,000) from the 2002 Ceiling to the Lafayette Economic Development Authority in connection with a Tube-Alloy Corporation project, but two hundred ninety-seven thousand two hundred fifty dollars (\$297,250) of the three million two hundred thousand dollar (\$3,200,000) allocation was returned unused;

WHEREAS, Executive Order No. MJF 2002-57, issued on November 6, 2002, allocated five million dollars (\$5,000,000) from the 2002 Ceiling to the Parish of DeSoto, State of Louisiana, in connection with an International Paper Company project, but the five million dollar (\$5,000,000) allocation was returned unused; and

WHEREAS, the governor desires to allocate the additional unused portion of the 2002 Ceiling as a carry-forward for a project which is permitted and eligible under the Act;

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 and in accordance with the provisions of Section 146(f) of the Internal Revenue Code of 1986, as amended, and in accordance with the request for a carry-forward filed by the designated issuer, the excess and/or unissued private activity bond volume limit under the 2002 Ceiling is hereby allocated to the following issuer, for the following carry-forward project, and in the following amount.

Issuer	Carry Forward Amount	Carry Forward Project
Louisiana Housing Finance Agency	Single Family Mortgage Revenue Bond Program	\$5,297,250

SECTION 2: All references in this Order to the singular shall include the plural, and all plural references shall include the singular.

SECTION 3: 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 4: 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 13th day of February, 2003.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0303#001

## EXECUTIVE ORDER MJF 03-04

Executive Branch Expenditure Freeze

WHEREAS, pursuant to the provisions of Article IV, Section 5 of the Louisiana Constitution of 1974, as amended, and Act No. 13 of the 2002 Regular Session of the Louisiana Legislature, the governor issued Executive Order No. MJF 2002-29 on September 24, 2002, ordering an expenditure freeze throughout the executive branch of state government to achieve a state general fund savings of at least seventy-five million dollars (\$75,000,000) for the remainder of the 2002-2003 fiscal year;

WHEREAS, Executive Order No. MJF 2002-29 was issued as a prudent money management practice but not as a response measure to a projected budget deficit; consequently, the total estimated dollar savings of the

expenditure freeze is not deducted from appropriations on the budget status report like the appropriations cuts ordered this day in Executive Order No. MJF 2003-4 under the authority of R.S. 39:75(C)(1)(a); and

WHEREAS, prudent money management practices dictate that the best interests of the citizens of the state of Louisiana will be served by continuing the expenditure freeze ordered in Executive Order No. MJF 2002-29, but decreasing its estimated dollar savings in conjunction with the appropriations cuts ordered in Executive Order No. MJF 2003-4 and other considerations, to achieve a state general fund savings of at least fifty-four million six hundred thirty-eight thousand six hundred ninety-seven dollars (\$54,638,697) for the remainder of the 2002-2003 fiscal year;

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 following departments, agencies, and/or budget units of the executive branch of the state of Louisiana, as described in and/or funded by appropriations through Act. No. 13 of the 2002 Regular Session of the Louisiana Legislature (hereafter "Act No. 13"), (hereafter "Unit" and/or "Units") shall reduce expenditure of funds appropriated to the Unit from the state general fund by Act No. 13, in the amounts shown below:

<b>Executive Department</b>	<b>State General Fund</b>
Schedule 01	\$ 2,725,064
Secretary of State Budget Unit 04-139	\$ 154,996
Office of the Attorney General Budget Unit 04-141	\$ 487,965
Commissioner of Elections Budget Unit 04-144	\$ 204,883
Lieutenant Governor Budget Unit 04-146	\$ 16,679
State Treasurer Budget Unit 04-147	\$ 53,805
Department of Agriculture and Forestry Budget Unit 04-160	\$ 1,226,088
Department of Culture, Recreation and Tourism Schedule 06	\$ 1,663,320
Department of Transportation and Development Schedule 07	\$ 61,784
Department of Public Safety and Corrections Corrections Services All Corrections Services Budget Units in Schedule 08	\$ 3,324,709
Department of Health and Hospitals Schedule 09	\$ 36,101,431
Department of Social Services Schedule 10	\$ 1,269,447

Department of Natural Resources Schedule 11	\$ 352,861
Department of Revenue Schedule 12	\$ 124,271
Department of Labor Schedule 14	\$ 139,639
Department of Civil Service Schedule 17	\$ 19,822
Department of Education All Department of Education Budget Units in Schedule 19 (except 19-695 and 19-699)	\$ 6,037,441
Louisiana State University Health Science Center Health Care Services Division Budget Unit 19-610	\$ 21,075
Other Requirements Schedule 20	\$ 653,418

#### SECTION 2:

A. No later than March 5, 2003, the head of each Unit listed in Section 1 of this Order shall submit to the commission of administration (hereafter "commissioner") a supplemental mid-year budget adjustment plan, on the BA-7 form and questionnaire revised January 30, 2001, which reflects the Unit's proposed allocation of the expenditure freeze ordered in Section 1 of this Order (hereafter "supplemental mid-year budget adjustment plan"), and a description of the methodology used to formulate the supplemental mid-year budget adjustment plan.

B. In the event that positions of employment will be affected by the supplemental mid-year budget adjustment plan, the description of the methodology used to formulate the supplemental mid-year budget adjustment plan shall include, at a minimum, the following information for each position of employment proposed to be affected:

1. The type of position of employment to be affected, including job title;

2. The job function of the position of employment and an analysis of how it meets or serves the role, scope, and/or mission of the Unit; and

3. An explanation of why the position of employment is being selected for inclusion in the Unit's supplemental mid-year budget adjustment plan.

C. No Unit shall implement the expenditure freeze ordered in Section 1 of this Order without the commissioner's prior written approval of the Unit's supplemental mid-year budget adjustment plan.

D. Once approved, a supplemental mid-year budget adjustment plan may not be changed without the commissioner's prior written approval.

SECTION 3: If full or partial implementation of the expenditure freeze mandated in Section 1 of this Order will prevent a statewide elected official from being able to perform and/or fulfill his or her constitutional functions and/or duties, the commissioner is authorized to grant the statewide elected official an exemption from Section 1 to the extent necessary.

SECTION 4: The commissioner is authorized to develop additional guidelines as necessary to facilitate the administration of this Order.

SECTION 5: Executive Order No. 2002-29, issued on September 24, 2002, is hereby rescinded and terminated.

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 with the Office in implementing the provisions of this Order.

SECTION 7: This Order is effective upon signature and shall remain in effect through June 30, 2003, unless amended, modified, terminated, or rescinded prior to that date.

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 February, 2003.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0303#007

**EXECUTIVE ORDER MJF 03-05**

Executive Branch Appropriations Cuts

WHEREAS, R.S. 39:75(A)(1) directs the Division of Administration to submit a monthly budget status report to the Joint Legislative Committee on the Budget (hereafter "Committee") indicating the balance of the budget for the state general fund and dedicated funds by comparing the official forecast for these funds to the total authorized appropriations from each fund; once approved by the Committee, the most recent budget status report becomes the official budget status of the state;

WHEREAS, if the most recently approved budget status report indicates that the total appropriation from any fund will exceed the official forecast for that fund, R.S. 39:75(B) mandates the Committee shall immediately notify the governor that a projected deficit exists for that fund;

WHEREAS, by letter dated January 22, 2003, received on January 24, 2003, the Committee notified the governor that it approved a budget status report at its January 17, 2003 meeting indicating a projected deficit of eighteen million five hundred eighty-one thousand dollars (\$18,581,000) exists in the state general fund for fiscal year 2002-2003 based on the revised revenue forecast adopted by the Revenue Estimating Conference on January 16, 2003;

WHEREAS, once notified that a projected deficit exists, under R.S. 39:75(C) and Section 8 of Act No. 13 of the 2002 Regular Session of the Louisiana Legislature, the governor has interim budget balancing powers, and may reduce appropriations for the executive branch of government for any program that is appropriated from a fund that is in deficit posture in accordance with R.S. 39:75(C)(1)(a); and

WHEREAS, if within thirty (30) days of the determination of the existence of a projected deficit, the governor does not make necessary adjustments in the appropriations to eliminate the projected deficit, R.S. 39:75(D) mandates the governor shall call a special session of the Louisiana Legislature for that purpose;

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: Appropriations to the following departments, agencies, and/or budget units of the executive branch of the state of Louisiana, described in and/or funded by appropriations from the state general fund through Act No. 13 of 2002 Regular Session of the Louisiana Legislature, (hereafter "Unit" and/or "Units") shall be reduced pursuant to R.S. 39:75(C)(1)(a) in the amounts shown below (hereafter "appropriations cuts") in order to eliminate the projected deficit by adjusting authorized appropriations from the state general fund by eighteen million five hundred eighty-one thousand dollars (\$18,581,000).

<b>Executive Department</b>	<b>State General Fund</b>
Schedule 01	\$ 926,714
Secretary of State Budget Unit 04-139	\$ 52,709
Office of the Attorney General Budget Unit 04-141	\$ 165,943
Commissioner of Elections Budget Unit 04-144	\$ 69,674
Lieutenant Governor Budget Unit 04-146	\$ 5,672
State Treasurer Budget Unit 04-147	\$ 18,298
Agriculture and Forestry Budget Unit 04-160	\$ 416,956
Department of Culture, Recreation and Tourism Schedule 06	\$ 565,646
Department of Transportation and Development Schedule 07	\$ 21,011
Department of Public Safety and Corrections Corrections Services	
All Corrections Services Budget Units in Schedule 08	\$ 1,130,635
Department of Health and Hospitals Schedule 09	\$ 12,277,026
Department of Social Services Schedule 10	\$ 431,701
Department of Natural Resources Schedule 11	\$ 119,997
Department of Revenue	

Schedule 12	\$ 42,261
Department of Labor Schedule 14	\$ 47,487
Department of Civil Service Schedule 17	\$ 6,741
Department of Education All Department of Education Budget Units in Schedule 19 (except 19-695 and 19-699)	\$ 2,053,154
Louisiana State University Health Science Center Health Care Services Division Budget Unit 19-610	\$ 7,167
Other Requirements Schedule 20	\$ 222,208

**SECTION 2:**

A. No later than March 5, 2003, the head of each Unit listed in Section 1 of this Order shall submit to the commissioner of administration (hereafter "commissioner") a supplemental mid-year budget adjustment plan, on the BA-7 form and questionnaire revised January 30, 2001, which reflects the Unit's proposed allocation of the appropriations cuts ordered in Section 1 of this Order (hereafter "supplemental mid-year budget adjustment plan"), and a description of the methodology used to formulate the supplemental mid-year budget adjustment plan.

B. In the event that positions of employment will be affected by the supplemental mid-year budget adjustment plan, the description of the methodology used to formulate the supplemental mid-year budget adjustment plan shall include, at a minimum, the following information for each position of employment proposed to be affected:

1. The type of position of employment to be affected, including job title;

2. The job function of the position of employment and an analysis of how it meets or serves the role, scope, and/or mission of the Unit; and

3. An explanation of why the position of employment is being selected for inclusion in the Unit's supplemental mid-year budget adjustment plan.

C. No Unit shall implement the appropriations cuts ordered in Section 1 of this Order without the commissioner's prior written approval of the Unit's supplemental mid-year budget adjustment plan.

D. Once approved, a supplemental mid-year budget adjustment plan may not be changed without the commissioner's prior written approval.

SECTION 3: The commissioner is authorized to develop additional guidelines as necessary to facilitate the administration of this Order.

SECTION 4: 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 the implementation of the provisions of this Order.

SECTION 5: This Order is 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 21st day of February, 2003.

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

ATTEST BY  
THE GOVERNOR  
Fox McKeithen  
Secretary of State  
0303#008