

Executive Orders

EXECUTIVE ORDER MJF 03-09

Bond AllocationC Industrial District No. 3 of the Parish of West Baton Rouge, State of Louisiana

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 2003 (hereafter "the 2003 Ceiling");
2. the procedure for obtaining an allocation of bonds under the 2003 Ceiling; and
3. a system of central record keeping for such allocations; and

WHEREAS, the Industrial District No. 3 of the parish of West Baton Rouge, state of Louisiana, has requested an allocation from the 2003 Ceiling to be used in connection with a program to provide financing for the acquisition, construction and installation of certain water pollution control facilities at the chemical plant complex of The Dow Chemical Company located at the corner of Woodland Road and the east side of Louisiana Highway No. 1 Frontage Road, parish of West 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 2003 as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$16,000,000	Industrial District No. 3 of the Dow Chemical Company	Parish of West Baton Rouge, State of Louisiana

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 2003, provided that such bonds are delivered to the initial purchasers thereof on or before August 8, 2003.

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 12th day of May, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0306#003

EXECUTIVE ORDER MJF 03-10

Prohibited Expenditure of State Monies

WHEREAS, Article IV, Section 5(A) of the Louisiana Constitution declares that the governor shall faithfully support the constitution and laws of the state and the United States and shall see that the laws are faithfully executed;

WHEREAS, Article III, Section 16(A) of the Louisiana Constitution declares that no money shall be withdrawn from the state treasury except through specific appropriations, except as otherwise provided by the constitution;

WHEREAS, Article VII, Section 10(D)(1) of the Louisiana Constitution declares that money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law, except as otherwise provided by the constitution;

WHEREAS, Article XII, Section 10(C) of the Louisiana Constitution declares that no judgment against the state, a state agency, or a political subdivision shall be exigible, payable, or paid except from funds appropriated therefor by the legislature or by the political subdivision against which the judgment is rendered;

WHEREAS, thirty-five coroners filed suit against the state of Louisiana in *Warren W. Hoag, Jr., et al. v. State of Louisiana, through its Treasurer, John Neely Kennedy*, 19th Judicial District Court, Parish of East Baton Rouge, No. 471,708, for past due and future extra compensation pursuant to R.S. 33:1559 which provides that extra compensation for coroners in the amount of \$548.00 shall be payable monthly by the state treasurer on the warrant of the coroners *from funds appropriated by the legislature for this purpose*, and in *Hoag v. State*, 2001-1076 (La. App.1 Cir. 11/20/02), 836 So. 2d 207, *writ den.*, 2002-3199 (La.

3/28/03), 840 So. 2d 570, the First Circuit Court of Appeal held that the legislature's failure to appropriate funds for payment of the extra compensation to coroners violated Article V, Section 31 of the Louisiana Constitution which provides that the salary of a coroner shall not be diminished during his term of office; despite this holding, no reduction or diminution of salary has occurred during the coroners' term of office since the extra compensation has not been appropriated for or paid to the coroners during their term of office or after their election to office;

WHEREAS, the judgment against the state in *Warren W. Hoag, Jr., et al. v. State of Louisiana, through its Treasurer, John Neely Kennedy*, 19th Judicial District Court, Parish of East Baton Rouge, No. 471,708, is now final and demand has been made upon the state treasurer for the immediate full payment of the judgment, plus interest, without funds having been appropriated by the legislature for payment of the judgment;

WHEREAS, House Bill No. 1632 of the 2003 Regular Session of the Louisiana Legislature provides for the appropriation of the amount of the judgment in *Warren W. Hoag, Jr., et al. v. State of Louisiana, through its Treasurer, John Neely Kennedy*, 19th Judicial District Court, Parish of East Baton Rouge, No. 471,708, plus legal interest until paid, but the bill is still pending before the legislature;

WHEREAS, R.S. 39:77 prohibits the expenditure of any monies in excess of the funds appropriated or otherwise allocated for expenditure by any board, commission, department, or agency of the state during any fiscal year unless approval for the expenditure has been obtained from the interim emergency board and/or the Legislature by a two-thirds vote of the members thereof taken by mail ballot; and

WHEREAS, in the absence of an appropriation by the legislature, the withdrawal, expenditure, or disbursement of monies from the state treasury to pay the warrants of the coroners or the judgment against the state in *Warren W. Hoag, Jr., et al. v. State of Louisiana, through its Treasurer, John Neely Kennedy*, 19th Judicial District Court, Parish of East Baton Rouge, No. 471,708, would have the effect of creating a deficit in the state general fund and be in violation of constitutional and statutory requirements placed upon the withdrawal, disbursement, or expenditure of monies from the state treasury;

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: I hereby declare and certify that, based on the official forecast for the state general fund established by the Revenue Estimating Conference compared to total authorized appropriations from the state general fund, without a specific appropriation from the legislature, the withdrawal, disbursement, or expenditure of any monies from the state treasury on the warrant of the coroners or to satisfy, in whole or in part, the judgment against the state in *Warren W. Hoag, Jr., et al. v. State of Louisiana, through its Treasurer, John Neely Kennedy*, 19th Judicial District Court, Parish of East Baton Rouge, No. 471,708, would have the effect of creating a deficit in the state general fund and be in violation of the requirements placed upon the expenditure of monies by the legislature and the people of Louisiana.

SECTION 2: As chief executive officer of the state of Louisiana, with the constitutional duty and authority to protect and preserve the public fisc and to see that the constitution and laws of this state pertaining to the expenditure of state monies are faithfully executed, I hereby order that the state treasurer shall not withdraw, disburse, or expend any monies from the state treasury on the warrant of the coroners or to satisfy, in whole or in part, the judgment against the state in *Warren W. Hoag, Jr., et al. v. State of Louisiana, through its Treasurer, John Neely Kennedy*, 19th Judicial District Court, Parish of East Baton Rouge, No. 471,708, without a specific appropriation from the legislature that has become law.

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 Louisiana, at the Capitol, in the city of Baton Rouge, on this 23rd day of May, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0306#005

EXECUTIVE ORDER MJF 03-11

Bond Allocation Louisiana Public Facilities Authority

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 2003 (hereafter "the 2003 Ceiling");
2. the procedure for obtaining an allocation of bonds under the 2003 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 2003 Ceiling to finance student loans which, if the student meets certain timely payment requirements, will have interest rates below the interest rates established by the United States Department of Education and which

1. have been made
 - a. to residents of the state of Louisiana attending a post-secondary school located within or without the state of Louisiana; or
 - b. to an out-of-state resident attending a post-secondary school located within the state of Louisiana;
2. are guaranteed;
3. are "eligible student loans" within the meaning of the Higher Education Act of 1965; and
4. meet certain additional requirements under the financing documents, 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 2003 as follows:

Amount of Allocation	Name of Issuer	Name of Project
\$67,200,000	Louisiana Public Facilities Authority	Student Loan Revenue Bonds

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 2003, provided that such bonds are delivered to the initial purchasers thereof on or before September 2, 2003.

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 4th day of June, 2003.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0306#036