

Executive Orders

EXECUTIVE ORDER MJF 00-25

Special Farm Product Permit
Transportation of Corn in its Natural State

WHEREAS, temperatures above ninety degrees Fahrenheit (90°F) and relative humidity above eighty-five percent (85%) cause and/or contribute to the rapid growth of the types of fungi which cause aflatoxin, a group of extremely toxic chemicals that may occur when certain fungi infect grain, including corn, and form secondary metabolites;

WHEREAS, as a result of the severe drought and the prolonged period in July of record and near record-breaking high temperatures and high relative humidity, there is an imminent threat of aflatoxin rapidly spreading and destroying most of Louisiana's remaining corn harvest for the year 2000;

WHEREAS, R.S. 32:387(C)(2) authorizes the secretary of the Department of Transportation and Development to "issue special permits he finds essential and in the best interest of the state by reason of an emergency situation, unusual circumstances, natural catastrophes, or disasters affecting the transportation on the highways of the state of farm products in their natural state";

WHEREAS, due to imminent threat of aflatoxin destroying the remainder of Louisiana's 2000 corn harvest, there is both a vital public interest and an economic necessity which demands the harvested corn in its natural state be transported to elevators by the most direct and expeditious routes possible;

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: Pursuant to R.S. 32:387(C)(2), the secretary of the Department of Transportation and Development shall issue special farm product permits for the remaining period of the Louisiana 2000 corn harvest season, which shall not be construed to last beyond September 15, 2000, for the operation of vehicles and/or trucks which haul or transport corn harvested in Louisiana and still in its natural state, at a gross weight not to exceed one hundred thousand pounds (100,000 lbs.), on individually designated routes. As used herein, "individually designated routes" shall mean routes not otherwise authorized by R.S. 32:387.9 for persons issued a special annual permit for the operation of trucks hauling agronomic or horticulture crops in their natural state.

SECTION 2: Pursuant to R.S. 32:387(C)(2), the secretary of the Department of Transportation and Development may establish and collect a reasonable fee in an amount not to exceed one hundred dollars (\$100.00) for each special farm product permit issued pursuant to Section 1 of this Order.

SECTION 3: All departments, commissions, boards, agencies, and officers of the state, or any political

subdivision thereof, are authorized and directed to cooperate in the implementation of the provisions of this Order.

SECTION 4: This Order is effective upon signature and shall continue in effect until September 15, 2000, unless 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 31st day of July, 2000.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0007#018

EXECUTIVE ORDER MJF 00-26

Post-Conviction DNA Testing Advisory Commission

WHEREAS, numerous scientific advances have been made in recent years in the field of forensic science and DNA testing;

WHEREAS, some of the inmates presently incarcerated with the Louisiana Department of Corrections were convicted before the existence or wide-spread availability of DNA testing;

WHEREAS, a few recent cases in Louisiana and elsewhere in the nation have shown that DNA testing can, in some circumstances, establish the actual innocence or remove all doubt as to the guilt of an inmate for the crime for which he or she was convicted; and

WHEREAS, legislation may be necessary to establish appropriate procedures to allow inmates to obtain DNA testing of old evidence when such testing was not available at the inmate's trial;

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 Post-Conviction DNA Testing Advisory Commission (hereafter "Commission") is established within the executive department, Office of the Governor.

SECTION 2: The purpose of the Commission is to evaluate the need for and, if appropriate, to recommend legislation and policy changes necessary to allow incarcerated persons who were convicted before the existence or wide-spread availability of DNA testing to have access to such testing when it would be able to conclusively determine the person's guilt or innocence. In fulfilling this purpose, the duties and functions of the Commission shall include, but are not limited to:

A. reviewing:

1. the existing policies and laws of the state of Louisiana which govern this issue;
2. the legislation and policies adopted by other states and the federal government to resolve this issue; and
3. the federal and state constitutional provisions and interpretations which would constrict the state's ability to enact legislation on this issue.

B. estimating:

1. the number of inmates currently incarcerated whose trials occurred before DNA testing existed or was widely available;
2. of those inmates, the number where the evidence involved is likely to be still available with adequate quality and quantity to conduct DNA testing; and
3. of those inmates, the number where DNA testing could be conclusive of guilt or innocence.

C. preparing:

1. a written report which presents and evaluates the information gathered by the Commission and recommends appropriate legislative and policy changes; and
2. draft recommended legislation and administrative policies, procedures, and regulations which would be necessary to implement the Commission's recommendations.

SECTION 3: The Commission shall submit a written report to the governor by March 1, 2001, which addresses the issues set forth in Section 2. This report shall include draft legislation and, if appropriate, draft administrative policies, procedures, or regulations.

SECTION 4: The Commission shall be composed of a maximum of 17 members, who, unless otherwise specified, shall be appointed by, and serve at the pleasure of, the governor. The membership of the Commission shall be selected as follows:

- A. the governor, or the governor's designee;
- B. the superintendent of the Louisiana State Police, or the superintendent's designee;
- C. the secretary of the Department of Public Safety and Corrections, or the secretary's designee;
- D. three members of the Louisiana House of Representatives, designated by the speaker of the House of Representatives;
- E. three members of the Louisiana Senate, designated by the president of the Senate;

F. two judges of a court of this state, appointed by the governor;

G. two district attorneys or assistant district attorneys, appointed by the governor;

H. two attorneys whose legal practice consists largely of criminal defense cases, appointed by the governor;

I. a representative of a crime lab facility located in Louisiana, appointed by the governor; and

J. an employee of the Louisiana State Law Institute appointed by the governor.

SECTION 5: The governor shall appoint the chair of the Commission. All other officers 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 for the Commission and facilities for its meetings shall be provided by the Department of Corrections.

SECTION 8: Except for the Governor's designee, commission members shall not receive compensation or a per diem or travel expenses from the office of the Governor for serving 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 March 31, 2001, or 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 August, 2000.

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

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
0008#90