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Executive Orders

EXECUTIVE ORDER DCT 80-16

WHEREAS, The Older Americans Act of 1965 as amended requires the delineation of Planning and Service Areas for purposes of planning, coordination and implementation of services and programs for the elderly population of the State; and

WHEREAS, the Older Americans Act of 1965 as amended mandates the establishment of area agencies on aging to work cooperatively with the state agency on aging to plan, coordinate and administer programs for the elderly; and

WHEREAS, area agencies shall be designated and shall operate through the Office of Elderly Affairs to plan, coordinate and administer programs and services for the elderly,

NOW, THEREFORE, I, DAVID C. TREEN, Governor of the State of Louisiana, in order to facilitate the administration of the Older Americans Act and all the programs thereof, do hereby authorize the Office of Elderly Affairs to designate planning and service areas to coincide with the geographic boundaries of the sixty-four parishes of the State of Louisiana and to designate Area Agencies on Aging therein to provide an effective and efficient community based system of comprehensive planning and coordination of services to the elderly population of Louisiana.

IN WITNESS WHEREOF, I have hereunto set my hand officialy and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this the 1st day of August, A.D., 1980.

David C. Treen
Governor of Louisiana

Policy and Procedure Memoranda

POLICY & PROCEDURE MEMORANDA Office of the Governor Division of Administration Policy & Procedure Memorandum No. 49 (Revised)

Subject: General Travel Regulations
Effective: August 20, 1980

Pursuant to the authority extended by Louisiana Revised Statutes 39:231, the following travel regulations have been established by the Commissioner of Administration. The regulations and allowances contained herein pertain to the travel of State officers and employees on official State business, the expenses incurred therein and the maximum claims for reimbursement that will be allowed. These regulations apply to all State Departments, boards, and commissions created by the Legislature or Executive Order and operating from funds appropriated, dedicated, self-sustaining and/or federal funds.

Legal Basis - R.S. 39:231 — "The Commissioner, with the approval of the Governor, shall prescribe rules defining the conditions under which each of various forms of transportation may be used by State officers and employees and used by them in the

discharge of the duties of their respective offices and positions in the State service, and he shall define the conditions under which allowances will be granted for all other classes of traveling expenses and the maximum amount allowable for expenses of each class."

Scope of Regulations — The following regulations cancel and supercede all preceding travel regulations and special approvals or exceptions granted accordingly by the Commissioner of Administration to specifically include departmental regulations as provided for in Section II C herein. All agencies which desire to retain special approvals or exceptions to the state travel regulations must re-submit a request for approval or exception to the Commissioner of Administration within thirty days of the adoption of these regulations.

These regulations are adopted in accordance with the Louisiana Administrative Procedures Act and thereby will become effective on the date of publication in the *Louisiana Register*.

I. Definitions: For the purpose of this section, the following words have the meaning indicated.

A. State Officer —

1. State Elected Officials.

2. Department Head as defined by Title 36 of the Louisiana Revised Statutes (Secretary, Deputy Secretary, Undersecretary, Assistant Secretary, and the equivalent positions in Higher Education and the Offices of Elected Officials).

B. State Employee — Employees below the level of State Officer.

C. Authorized Persons — Advisors and consultants who are called upon to contribute time and services to the state who are not otherwise required to be reimbursed through a contract for professional, personal or consulting services in accordance with R.S. 39:1481 et seq.

D. Official Domicile —

1. The official domicile of an officer or employee assigned to an office shall be the city in which the office is located, except where domicile is fixed by law.

2. The official domicile of a person located in the field shall be the city or town nearest to the area where the majority of work is performed, or such city, town, or area as may be designated by the department head, provided that in all cases such designation must be in the best interests of the agency and not for convenience of the person.

3. Every State Officer or Employee, except those on temporary assignment, shall be assigned an official domicile, and no travel or subsistence expenses shall be allowed at the place of official residence unless granted under the provisions of VI-A-5.

E. Temporary Assignment — Any assignment made for a period of less than thirty-one consecutive days at a place other than the official domicile.

F. Traveler — A State Officer, State Employee, or authorized person when performing authorized travel.

G. Travel Period — A period of time between the time of departure and the time of return.

H. In-State Travel — All travel within the borders of Louisiana.

I. Out-of-State Travel — Travel to other states within the continental United States.

J. Travel Outside the Continental United States — All travel to states, nations, or territories outside the continental United States.

K. Special Meals — Meals for non state officials or employees who are considered guests of the state.

II. Exceptions to Regulations — The Travel Regulations established by the Commissioner of Administration shall govern reimbursement of travel expenses (transportation, meals, lodging, and miscellaneous expenses) for all State Officers and Employees with the following exceptions.

A. Where allowances are fixed by law.

B. Where the best interests of the State call for exceptions; however, no change from the established regulations will be

allowed without first securing prior written approval from the Commissioner of Administration.

C. Department heads may establish travel regulations within their respective agencies, but such regulations shall not exceed the maximum limitations established by the Commissioner of Administration. Three copies of such regulations shall be submitted for prior review and approval by the Commissioner of Administration.

D. Department heads may, in special instances, allow their employees to exceed the lodging and meals provisions of these regulations by no more than twenty percent on a case by case basis. Each case must be fully documented as to necessity (i.e., convention or conference held in same hotel, proximity to meeting place, etc.) Documentation must be readily available in the Department's travel reimbursement files.

E. Unless exception to these regulations is requested and approved, the rates and procedures contained herein will be the only basis upon which reimbursement may be made.

III. Eligibility for Reimbursement of Travel Expenses.

A. All State Officers and Employees are eligible to receive reimbursement for travel and subsistence only when away from "official domicile" or on temporary assignment or unless reimbursed under provisions of VI-A-5.

Temporary assignments will be deemed to have ceased after a period of thirty-one days, and after such period, the place of assignment shall be deemed to be his/her official domicile. He/she shall not be allowed travel and subsistence unless permission to extend the thirty-one day period has been previously secured from the Commissioner of Administration.

B. A State Officer or Employee whose residence is other than the official domicile of his/her office shall not receive travel and subsistence while at his/her official domicile nor shall he/she receive reimbursement for travel to and from his/her residence.

C. State Officers will be reimbursed on an actual expense basis for all reasonable travel expenses except in cases where other provisions for reimbursement have been made by statute. In cases where actual expenses are claimed, all State Officers will cooperate to the extent that all records of travel will be clear and complete. Receipts and other supporting documents must accompany the request for reimbursement.

IV. Authority to Incur Traveling Expenses (Applicable to all State Officers and Employees)

A. All travel must be authorized and approved in writing by the head of the department, board, or commission from whose funds the traveler is paid. A file shall be maintained on all approved travel authorization. Attachment "A" depicts the format to be used for travel authorization.

B. Traveling expenses of travelers shall be limited to those expenses necessarily incurred by them in the performance of a public purpose authorized by law to be performed by the agency, and must be within the limitations prescribed.

V. Transportation (Applicable to all State Officers and Employees)

A. Travel Routes — The most direct and usually traveled route must be used by official State travelers. All mileage shall be computed on the basis of odometer readings or from point of origin to point of return on the basis of the current official state Department of Transportation and Development highway map. For out-of-state travel mileage shall be computed on the basis of standard highway guides. Any substantial deviations from distances shown in the standard highway guides shall be documented.

B. Method of Transportation — A common carrier (train, bus, or airplane) should be used for out-of-state travel. As otherwise provided herein, air travel by State Officers and Employees will be reimbursed only at coach or economy class rates. The difference between the air coach or economy class rates and first class air rates will be paid by the traveler, if travel was performed at first class air rates. If space is not available in less than first class air accommodations in time to carry out the purpose of the travel, the

traveler will secure a certification from the airline indicating this fact. The certification will be attached to the travel voucher. When the use of a privately-owned automobile for out-of-state travel has been approved in accordance with Section V-C-8, the traveler shall be reimbursed transportation cost in accordance with Section VI-A-1 not to exceed the cost of travel by coach/economy class air rates. Reimbursement shall be on the basis of the most direct route.

C. State-Owned Automobiles.

1. No State Officer or Employee may operate a State-owned vehicle without having in his possession a valid State Driver's License.

2. No State-owned vehicle may be operated in violation of the State or Local laws.

3. All accidents, major or minor, involving State-owned vehicles must be reported on standard state police form SR-10 and immediately sent in writing to the Insurance Section of the Division of Administration, together with name and addresses of available witnesses and principals.

4. All purchases made on state gasoline credit cards must be signed for by the State Officer or Employee making the purchase, and the license number and the unit price and quantity of the commodity purchases must be noted on the delivery ticket by the vendor. Items incidental to the operation of the vehicle may be purchased via state gasoline credit cards only when away from official domicile on travel status. In all instances, where a credit card is used to purchase items or services which are incidental to the operation of a vehicle, the tissue copy of the credit ticket along with a written explanation of the reason for the purchase will be attached to the report required in Item 7 of this section.

5. Travelers in State-owned automobiles, who purchase needed repairs and equipment while on travel status, shall make use of all fleet discount allowances and State bulk purchasing contracts where applicable. Each agency/department shall acquaint themselves with the locations of such allowance and/or contracts by contacting the Purchasing Office, Division of Administration.

6. No State Officer or Employee may carry unauthorized passengers in State-owned automobiles unless their presence is for purposes relating to official State business.

7. The user of each state-owned automobile shall submit a monthly report to the department head, board, or commission indicating the number of miles traveled, odometer readings, credit card charges, dates, and places visited. When an agency car pool vehicle is used, the traveler, upon returning the vehicle to the pool, shall report the operating condition of the vehicle to the person designated as the responsible assigning officer.

8. No state-owned vehicle may be taken outside the geographic boundaries of the State of Louisiana without written permission of the Commissioner of Administration prior to the time of departure.

D. Personally-Owned Vehicles.

1. No personally-owned vehicle may be used on official State business unless prior written approval, as outlined in Section IV-Subparagraph A, has been granted.

2. No personally-owned vehicles may be operated on official State business in violation of the generally recognized State and Local laws, including the automobile insurance coverage requirements as provided by R.S. 32:861.

3. All accidents, major or minor, involving personally-owned vehicles being operated on official State business, must be reported immediately by sending a copy of state police standard form SR-10 to the Insurance Section of the Division of Administration together with names and addresses of available witnesses and principals.

4. When two or more persons travel in the same personally-owned vehicle only one charge will be allowed for the use or expense of the vehicle. The person claiming reimbursement shall report the names of the other passengers.

5. If available, safety restraints must be used by the driver and occupants of state-owned vehicles and are recommended for use in personally-owned vehicles used for official state business.

VI. Reimbursement for Travel, Subsistence and Other Expenses.

A. Transportation — For the purposes of reimbursement, the following regulations are prescribed.

1. A mileage allowance shall be authorized for travelers using personally-owned vehicles while in the conduct of official State business. Mileage shall be reimbursable on the basis of 21¢ per mile. Mileage will be computed as provided for in Section V. The traveler shall be required to pay all operating expenses of the vehicle such as, but not limited to fuel, repairs, replacement of parts, and insurance.

2. State Officers and Employees using either State-owned vehicles or personally-owned vehicles on official State business will be reimbursed for storage and parking fees, ferry fares, and road and bridge tolls.

3. State-owned credit cards will not be issued to State Officers or Employees for use in the operation of privately-owned vehicles.

4. In no case will a traveler be allowed mileage or transportation when he/she is gratuitously transported by another person.

5. When an employee is required to use his/her personally-owned vehicle for agency activities in the immediate vicinity of his/her official domicile, the agency head may request authorization from the Commissioner of Administration for a lump sum allowance for transportation or reimbursement for transportation (mileage) as provided in Section VI-A-1. Requests for a lump sum allowance must be accompanied by a detailed account of routine travel listing exact mileage for each such route. Miscellaneous travel must be justified by at least a one month travel history to include a complete mileage log for all travel incurred showing all points traveled to or from and the exact mileage. Requests for lump sum allowance shall be granted for periods not to exceed one fiscal year. Upon the effective date of these guidelines all prior grants of lump sum allowances shall terminate.

6. Reimbursement will be made as provided for in VI-A-1 or the cost of coach/economy class commercial air rates, whichever is less. Before travel by privately-owned aircraft is authorized by a department head, traveler shall certify that (a) at least one hour of working time will be saved by such travel and (b) no other form of transportation, such as commercial air travel, will serve this same purpose.

B. Lodging and Meals — In-State/Out-of-State Travel - For purposes of reimbursement, the following rates will apply.

1. Meals only (including tips) — Employees, while on in-state/out-of-state travel, may be allowed up to the following amounts for meals.

Breakfast	-	\$ 3.00
Lunch	-	4.00
Dinner	-	8.00
		\$15.00

2. Employees may be reimbursed for meals according to the following schedule.

Breakfast — When travel begins on/or before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch — When travel begins on/or before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner — When travel begins on/or before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

3. Lodging Only — Employees may be reimbursed actual expenses for lodging, not to exceed \$30 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

C. Lodging and Meals in High Cost Areas — for purposes of reimbursement, the following rates will apply.

1. Meals only (including tips) — Employees, while traveling on official state business in high cost areas as designated by Section VI-C-5, may be reimbursed up to the following amounts for meals.

Breakfast	-	\$ 5.00
Lunch	-	7.00
Dinner	-	14.00
		\$26.00

2. Employees may be reimbursed for meals according to the following schedule.

Breakfast — When travel begins on/or before 6:00 a.m. on the first day of travel, or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

Lunch — When travel begins on/or before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

Dinner — When travel begins on/or before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

3. Lodging Only — Employees may be reimbursed actual expenses for lodging, not to exceed \$52 (plus tax) per day. Receipts from a bona fide hotel or motel for lodging shall be submitted and attached to the travel voucher.

4. Extended Stays — For travel assignment involving duty for extended periods, usually in excess of thirty days, at a fixed location outside of the State, the reimbursement rate indicated in Items 1 and 3 should be adjusted downward whenever possible. Care should be exercised to prevent allowing rates in excess of those required to meet the necessary authorized subsistence expenses. The traveler is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business. It is the responsibility of each agency head to authorize only such travel allowances as are justified by the circumstances affecting the travel. The rates authorized will not exceed reimburseable allowance stated herein, unless special approval is granted by the Commissioner of Administration.

5. High Cost Areas — Atlanta, Georgia, Baltimore, Maryland, Boston, Massachusetts, Chicago, Illinois, Dallas, Texas, Denver, Colorado, Detroit, Michigan, Houston, Texas, Las Vegas, Nevada, Los Angeles, California, Miami, Florida, New Orleans, Louisiana, New York, New York, Orlando, Florida, Philadelphia, Pennsylvania, San Francisco, California, Seattle, Washington, Washington, D.C.

D. Other expenses — Only the following expenses incidental to travel may be reimbursed.

1. Communication expense relative to official state business.

2. Registration fees at conferences (meals that are a designated integral part of the conference may be reimbursed on an actual expense basis with prior approval by the department head).

3. Charges for storage and handling of equipment.

4. Taxi and bus fares.

5. Tips (for baggage handling only).

6. Limousine services to and from terminals or stations.

7. Vehicle Rental — when determined to be in the best interest of the state and approved by the Commissioner of Administration prior to rental of vehicle.

E. Special Meals — Reimbursement for special meals incurred by state officials while on travel status.

1. Permission to incur expenses relative to Special Meals must be obtained from the Commissioner of Administration prior to the time of departure. The request for permission must include a statement of justification which fully describes the purpose of the gathering and why it is in the best interest of the state. Additionally, such a request must list all persons to attend by name and title.

2. Subsequent to a Special Meal and prior to actual reimbursement a detailed breakdown of all expenses incurred accompanied by receipts must be sent to the Commissioner of Administration for review and approval.

3. For the purpose of this section there will be no reimburse-

ment for alcoholic beverages either separately or as part of a special meal reimbursement as provided for above.

F. Restrictions Governing Claims for Reimbursement.

1. Travel allowances shall not be granted for travel accomplished on Saturday, Sunday, or holidays unless approved in writing by the head of the department or his designee. (Approval and justification must be readily available in the department's reimbursement file).

2. No claim for reimbursement shall be made for any lodging and/or meals furnished at a State institution or other State agency.

3. In case an employee travels by an indirect route for his/her own convenience, any extra cost shall be borne by the traveler and reimbursement for expenses shall be based only on such charges as would have been incurred by the most direct and usually traveled route.

4. Items included in any expense account which do not fully conform to these regulations will be disallowed for payment.

G. Receipts or Other Support (Applicable to Employees).

Receipts or other substantiation are required for travel expenses, except for the following.

1. Taxicab, local bus or streetcar fares.

2. Routine meals (number of meals must be shown on travel voucher).

3. Telephone and telegraph under \$3.00.

4. Tips for baggage handling.

H. Reimbursement for travel outside the continental United States — All travel outside the continental United States must be approved by the Commissioner of Administration prior to the time of departure.

VII. General.

A. Funds for Travel Expense — Persons traveling on official business will provide themselves with sufficient funds for all routine expenses. Advances of funds for travel shall be made only for extraordinary travel and should be punctually repaid when submitting travel voucher covering the related travel.

The expense claim covering the related travel shall be submitted not later than the fifteenth day of the month following the completion of travel, and any advance made for the purpose of travel shall be repaid no later than the time the expense claim is submitted.

B. State Agency Credit Cards — Credit cards used in the name of the State agency are not to be used for the purpose of securing transportation, lodging, meals, or telephone and telegraph service, unless prior written permission has been obtained from the Commissioner of Administration.

C. Claims — All claims for reimbursement for travel shall be submitted on State Form BA-12 (Attachment B) and shall include all details provided for on the form. It must be signed by the person claiming reimbursement and approved by his/her immediate supervisor. The purpose for extra and unusual travel must be stated in the space provided on the front of the form. In all cases, the date and hour of departure from and return to domicile must be shown.

Excepting where the cost of air transportation is invoiced directly to the agency/department, all expenses incurred on any official trip shall be paid by the traveler and his travel voucher shall show all such expenses in detail to the end that the total cost of the trip shall be reflected by the travel voucher. If the cost of air transportation is paid directly by the agency/department, a notation will be indicated on the travel voucher depicting the date of travel, destination, amount, and the fact that it has been paid by the agency/department. The Traveler's copy of the passenger ticket shall be attached to the travel voucher.

In all cases, and under any travel status, cost of meals and lodging shall be paid by the traveler and claimed on the travel voucher for reimbursement, and not charged to the State Department.

D. Lodging — Agency heads shall take necessary steps to inform all personnel on travel status that whenever possible, travelers shall request and make use of special discount rates for lodging, usually granted to government employees.

E. Advisors and Consultants — Reimbursement of expenses for travel to be performed by authorized persons who are called upon to contribute time and services as consultants or advisors, shall require prior written approval from the Commissioner of Administration. Complete explanation and justification must be shown on the travel expense form or attached thereto.

F. Fraudulent Claims — Any person who submits a claim pursuant to the aforementioned regulations, and who willfully makes and subscribes to any such claim which he/she does not believe to be true and correct as to every material matter, or who willfully aids or assists in, or procures, counsels or advises the preparation of presentation of a claim which is fraudulent or is false as to any material matter shall be guilty of official misconduct. Whoever shall receive an allowance or reimbursement by means of a false claim shall be subject to immediate dismissal, as well as being criminally and civilly liable within the provisions of State Law.

VIII. The Commissioner of Administration may waive in writing any provision in these regulations when the best interest of the State will be served.

Effective Date: August 20, 1980.

E. L. Henry

Commissioner of Administration

Emergency Rules

DECLARATION OF EMERGENCY

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education, at its meeting on July 24, 1980, exercised those powers conferred by the emergency provisions of the Administrative Procedures Act R.S. 49:953B and adopted Guidelines for Tuition Exemption Continuing Education Program for Teachers. The effective date for implementation of these guidelines will be August 18, 1980 in order that the guidelines can be printed and distributed to allow approximately 8,000 teachers to return to school in the fall semester of 1980 under this program as provided by the Legislature.

GUIDELINES

Tuition Exemption Continuing Education Program for Teachers

Bulletin 1533/1980-81

Louisiana State Department of Education

Introduction

The Louisiana Legislature during the First Extraordinary Session of 1977, passed Act 20, which established funding for continuing education. Louisiana Revised Statute 17:7.3 provides continuing education funding at Louisiana colleges and universities. The purpose of the Act is to make it possible for teachers to return to Louisiana colleges and universities to take courses in their fields or disciplines.

The attached Guidelines have been adopted by the State Board of Elementary and Secondary Education by the authority vested in them in Louisiana Revised Statute 17:7.3. By Board authority, the Guidelines are subject to further administrative interpretation by the Louisiana State Department of Education. The Guidelines are addressed to participants in the continuing education program. Infractions of these Guidelines will cause applicants to pay their own tuition. Questions relative to the Guidelines should be submitted to the State Department of Education, Continuing Education Office, Box 44064, Room 603, Baton Rouge, Louisiana 70804; telephone numbers (504) 342-3414 or (504) 342-3422 or toll free 1-800-272-9872.

Application Forms

A. Distribution.

1. The State Department of Education prepares and distributes the forms.
2. Participating parish or city school systems secure forms from the State Department.
3. Participating schools secure forms from either parish or city school board office.
4. Participating applicants secure forms from either employing school or school board office.

B. Completion.

1. Read the directions on the application.
2. Complete Section I and sign.
3. Have employing authority complete Section II and sign.
4. Have university official complete Section III and sign.
5. Present application to appropriate university official at the time of official university registration. (You must inquire at the Registrar's Office at the university which you plan to enroll as to the specific university official to whom this form is submitted. Applicant will be declared ineligible for tuition exemption if the application form is incomplete or inaccurate.

Deadlines

A. Applications and courses.

1. Regular Semester or Quarter.
 - a. Application forms must be submitted to the specific university official no later than the fourteenth official university class day.
 - b. Courses to be reimbursed shall be courses for credit which begin and end within the same semester or quarter in which registration is held no later than the fourteenth official university class day of the semester or quarter.
2. Summer Session.
 - a. Application forms must be submitted to the specific university official no later than the seventh official university class day.
 - b. Courses to be reimbursed shall be courses for credit which begin and end within a summer session in which registration is held no later than the seventh official university class day.
3. Interim Courses.
 - a. Application forms must be submitted to the specific university official no later than the fifth official university class day.
 - b. Courses to be reimbursed shall be courses for credit which begin after the close of one term and before the opening of the following term.

B. Unsuccessfully completed courses.

1. Applicants who do not successfully complete the course(s) for which tuition exemption was applied must pay the tuition as determined by the college or university in which the applicant was enrolled.
2. The applicant will receive a bill for the dropped, failed, or incompleting course(s) from the State Department of Education.
3. Courses dropped before the university deadline will cause the applicant to be billed a percentage of the tuition. The university determines the percentage of the tuition due.
4. The deadline for removal of an incomplete "I" grade shall be sixty university class days into the following semester unless the university deadline is sooner.
5. The applicant shall be allowed thirty days from receipt of the billing for unsuccessfully completed courses in which to pay the tuition due. After thirty days from the applicant's receipt of the billing, if no payment is made, the applicant's name and the signed application form shall be submitted by the Department of Education to the Attorney General of the Louisiana Department of Justice for collection. A penalty in the amount of five percent of the tuition shall be imposed on each applicant who fails to meet the thirty day time restraint.

Eligibility

A. Participants.

1. Elementary and Secondary Teachers — Any full-time degreed teacher who is regularly employed or on approved leave

from a state approved elementary or secondary school, listed on the annual school report as a member of the faculty of a state approved elementary or secondary school under the jurisdiction of the State Board of Elementary and Secondary Education is eligible. These schools shall include public, nonpublic, alternative, and special schools as defined in Bulletin 741.

2. Vocational-Technical Instructors.

- a. Any full-time instruction regularly employed or on approved leave from a vocational-technical school, which is under the direction of the State Board of Elementary and Secondary Education, and who is required by Bulletin 746 to earn fifteen credit hours in VTIE courses for certification, or who desires to take courses in his field of specialization is eligible.

- b. Vocational-technical instructors must be listed on a composite report which is submitted to the State Board of Elementary and Secondary Education.

3. Adult Education Teachers — Any full-time degreed teacher teaching adult education for a minimum of thirty hours per week in schools under the jurisdiction of the State Board of Elementary and Secondary Education, who is under agreement with a city or parish school system to teach a full year in this capacity, or an adult education teacher who is on approved leave from such schools is eligible.

4. Teachers in thirteenth and fourteenth Grades — Any full-time degreed teacher regularly employed or on approved leave listed on the annual school report as a member of the faculty of Bossier Parish Community College or St. Bernard Parish Community College is eligible.

5. Academic Supervisors — Any degreed person holding a teacher's certificate and working in a supervisory capacity with an academic program within the state school system and under its jurisdiction is eligible. This includes academic supervisors working in the city and parish school systems of the state, the nonpublic school system, the State Department of Education.

B. Colleges and Universities.

1. State Supported — Delgado College, Grambling State University, Louisiana State University, Louisiana Tech University, McNeese State University, Nicholls State University, Northeast Louisiana University, Northwestern State University, Southeastern Louisiana University, Southern University, University of New Orleans and University of Southwestern Louisiana.

2. Nonpublic — Centenary College, Dillard University, Louisiana College, Loyola University, Our Lady of Holy Cross College, St. Mary's Dominican College, Tulane University, Xavier University.

Application for admission to colleges and universities must be in compliance with the college or university regulations, entrance requirements, deadlines, and any other conditions for admissions.

No student shall be allowed to pursue courses at more than one college or university simultaneously under this program.

C. Courses.

1. Credit courses in the subject matter area in which the applicant is currently teaching, or courses outside the subject matter area, provided the principal or superintendent recommends the area of instruction in which the applicant shall enroll, are eligible.

2. Course load shall not exceed six semester hours or its equivalency in quarter hours while a teacher is teaching full-time. Summer Session course load may exceed the six hour limit providing a teacher is not teaching summer school. Teachers who are on sabbatical or approved leave are not limited to six hours.

3. Eligibility of courses will be determined by either the principal or the superintendent and the college or university official.

4. Applicants will not receive tuition exemption for the following ineligible courses.

- a. Non-credit courses or audit courses.

- b. Non-instructional credit courses such as examination courses. Thesis courses are eligible for reimbursement only in the semester in which credit is earned.

- c. Courses in theology or divinity.
- d. Courses pursued at more than one college or university simultaneously under this program.
- e. Courses taken outside the geographical boundaries of the State of Louisiana.
- f. Correspondence courses.
- g. Courses which are not successfully completed by the end of the semester or sixty university class days into the following semester unless the university deadline is sooner.
- h. Dropped, incompleting, or failed courses.

D. Tuition.

1. Tuition, for the purposes of this program, is defined as the registration fee and the building use fee per semester hour. The state will not reimburse for student activity fees. Tuition exemption shall be limited to the amount of tuition assessed for on-campus courses.

2. Tuition paid to eligible nonpublic colleges and universities shall be equal to, but not greater than, the highest tuition charged by a public college or university in Louisiana. The difference in the amount of tuition paid by the state and the amount charged by private colleges and universities shall be paid by the applicant.

3. Reimbursement shall be made to the colleges and universities by the State Department of Education from state appropriated funds.

Collections

A. The State Department of Education shall send by certified mail, with return receipt requested, a single billing to each applicant who is ineligible for any reason, for the amount of the outstanding tuition costs.

B. The applicant shall be allowed thirty days from receipt of the billing date in which to pay the amount due.

C. After thirty days from the applicant's receipt of the billing, if no payment is made, the applicant's name and the signed application form shall be submitted by the Department of Education to the Attorney General of the Louisiana Department of Justice for collection. A penalty in the amount of five percent of the tuition shall be imposed on each applicant who fails to meet the thirty day time restraint.

Appeals

A. Any applicant whose tuition exemption is denied may appeal to the State Department of Education, Continuing Education Office, Box 44064, Baton Rouge, Louisiana, 70804.

B. Any applicant whose appeal is denied by the State Department of Education shall have the right to a due process appeal before the State Board of Elementary and Secondary Education. The applicant should contact the Executive Director of the State Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804, no later than fourteen days following receipt of notification from the State Department of Education of tuition exemption denial.

C. While an appeal is pending, the thirty day time restraint imposed for payment of tuition costs shall be temporarily waived until the appeal process has been completed.

D. If the appeal is denied, the applicant shall have thirty days from the date of the notice of the denial in which to pay the amount due. The names and the application forms of all students failing to pay within thirty days shall be submitted to the Attorney General of the Louisiana Department of Justice for collection.

College and University Procedures

A. At the time of registration, the applicant shall be exempt from paying tuition for eligible course work covered in this program.

B. The last date for the colleges and the universities to accept applications for tuition exemption shall be the fourteenth official university class day of a regular semester or quarter, the seventh official university class day of a summer session, and the fifth official university class day for interim courses.

C. Two weeks after the official dates stated above, the university or college shall submit to the State Department of Education the following documents.

- 1. Application forms.
 - 2. A master list of applicants enrolled in the tuition exemption program.
 - 3. An invoice for tuition payments.
- D. Prior to the middle of the semester or quarter, the State Department of Education shall submit to the colleges and universities a check for the full amount of the invoice which shall cover only those charges designated as "tuition" for eligible applicants.

E. Within two weeks after the end of the semester or quarter, the colleges and the universities shall submit to the State Department of Education a list of names and tuition due for applicants who either dropped, failed, or received an incomplete.

F. The deadline for removal of an incomplete grade shall be sixty university class days into the following semester unless the university deadline is sooner. Immediately following the sixty day deadline for completion of incomplete grades, the university shall submit the names and the mailing addresses of applicants who did not successfully complete an "I" grade.

G. Courses dropped before the university deadline will cause the applicant to be billed a percentage of the tuition. The university determines the percentage of the tuition due.

James V. Soileau
Executive Director

DECLARATION OF EMERGENCY

**Office of the Governor
Office of Elderly Affairs**

In accordance with Executive Order Number 80 - 16 which was signed by Governor Treen on August 1, 1980, and the Older American Act of 1965 as amended on October 18, 1978, the Office of the Governor, Office of Elderly Affairs will implement policy effective, October 1, 1980, providing for the designation of planning and service areas, the designation of Area Agencies on Aging to plan, coordinate and administer programs and services for the elderly and the adoption of the State's Plan on Aging for 1981-1983.

The designation of Area Agencies on Aging is necessary to allow the Title III Program which is administered by the Office of Elderly Affairs to be in compliance with the *Federal Register* for the Older American's Act, as amended, Volume 45, Number 63, Monday, March 31, 1980, page 21153 and 21154.

It is also necessary for the office of Elderly Affairs in accordance with Section 1321.29 of the *Federal Register* page 21150 to hold public hearings throughout the State. The hearings of the State Plan will be held as follows: August 20, 1980, Louisiana Tech University, Wyley Towers, Bond Street, Ruston, Louisiana, 1:00 p.m.-3:00 p.m.; August 21, 1980, Christopher Inn, 2110 Royal, New Orleans, Louisiana, 10:00 a.m.-12:00 p.m.; and August 22, 1980, City Hall, City Council Auditorium, 705 W. University, Lafayette, Louisiana, 1:00 p.m.-3:00 p.m.

Public hearings must be scheduled in compliance with Federal Policy Guidelines to allow for the submission of the State Plan on Aging to the Administration by September 1, 1980.

Copies of and information concerning the proposed action may be obtained by writing to: Ms. Rita Coutee, Aging Services Planning Officer, Office of Elderly Affairs, 530 Lakeland Drive, Baton Rouge, Louisiana 70802, Phone: (504) 342-2747. All written comments must be submitted by August 25, 1980, 4:30 p.m.

Priscilla R. Engolia, BCSW, ACSW
Executive Director

DECLARATION OF EMERGENCY

**Department of Health and Human Resources
Office of Family Security**

The Department of Health and Human Resources, Office of Family Security, does hereby exercise the emergency provision of

the Administrative Procedures Act (R.S. 49:953 B) to adopt, effective August 1, 1980, the following increases in the Aid to Families with Dependent Children (AFDC) and General Assistance (GA) grant amounts.

Using a fourteen percent increase standard for AFDC and a ten percent increase standard for GA the new grant amounts are proposed as follows.

I. AFDC.

A. For Parishes Other Than Those Specified in B. Below.

Number of Persons	Flat Grant Amount	Number of Persons	Flat Grant Amount
1	\$ 60	10	\$404
2	112	11	438
3	158	12	474
4	197	13	513
5	235	14	551
6	269	15	588
7	304	16	626
8	339	17	663
9	371	18	701

For each additional person, add 41.00 to the flat grant amount.

B. For Orleans, Jefferson, St. Bernard, and East Baton Rouge Parishes.

Number of Persons	Flat Grant Amount	Number of Persons	Flat Grant Amount
1	\$ 65	10	\$420
2	125	11	455
3	173	12	491
4	213	13	527
5	252	14	564
6	287	15	602
7	320	16	643
8	355	17	674
9	388	18	717

For each additional person, add \$44.00 to the flat grant amount.

II. General Assistance.

A. Regular Grant — The maximum amount paid for a regular grant shall be

- \$83.00 when only one person is to be included in the certification.
- \$120.00 when two or more persons are included in the certification.

B. Special Grant — The maximum amount paid for a special GA grant shall be

- \$121.00 when the budget plan includes an allowance for a special diet approved for a special grant and only one person included in the certification. \$127.00 when a special diet is approved and there are two or more persons in the certification.
- \$139.00 when the budget plan includes an allowance for discharge from a state mental institution.
- \$132.00 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$138.00 when the budget includes two or more persons and special care as explained above is necessary.

C. GA 111 or Handicapped Children's Grant — The amount paid shall be the family budgetary deficit subject to \$121.00 maximum without inclusion of the extra cost of the child's special diet and/or essential transportation (if any), plus the cost of this item or items subject to a maximum of \$306.00

D. Other Grants.

1. Financial Assistance to persons who were patients in Carville and who ceased to be eligible for OAA, ANB, or DA assistance on January 1, 1974, as a result of the SSI Program. This is applicable in Iberville Parish only. (Effective October, 1975.)

Those persons who are currently patients at Carville referred to above, if otherwise eligible, shall be allowed \$39.00 for basic

requirements to provide for personal needs not provided by the hospital.

2. GA recipients receiving SNF care in a skilled nursing home or ICF I or ICF II care in an intermediate care facility shall receive a personal care needs allowance of \$24.00.

E. Indochinese one Person Households — Indochinese one person households shall receive payment in accordance with the payment level applicable to a one person GA certification.

GA

	Pre-Added Basic Requirements	
	13 Years and Over and Less than 65	Birth Through 12 Years
Food	\$40.00	\$27.00
Clothing	9.00	7.00
Incidentals	6.00	5.00
Total	\$55.00	\$39.00

Alvis D. Roberts
Assistant Secretary

DECLARATION OF EMERGENCY

**Department of Natural Resources
Office of Conservation**

Pursuant to the provisions of R.S. 49:953, the Commissioner of Conservation has amended and readopted Section 245.19(a) of Statewide Order 29-0-1 relative to requests for hearings concerning civil penalties assessed in connection with surface mining activities under the Louisiana Surface Mining Program. This rule is being amended and readopted on an emergency basis due to the Surface Mining Control and Reclamation Act of 1976. Failure to amend and readopt Section 245.19(a) could imperil approval by the Department of Interior of final authority for the State of Louisiana to control surface coal mining operations within the state and an imminent peril to public welfare requires this emergency action.

This section shall be effective on and after August 20, 1980.
Emergency Rule

Section 245.19(a)

The person charged with the violation may contest the proposed penalty or the fact of the violation by submitting a petition and an amount equal to the proposed penalty or, if a conference has been held, the reassessed or affirmed penalty, to the Commissioner (to be held in escrow as provided in Paragraph (B)) within thirty days from receipt of the proposed assessment or fifteen days from the date of service of the conference officer's action, whichever is later. The fact of the violation may not be contested if it has been decided in a review proceeding commenced under Section 243.16.

R. T. Sutton
Commissioner of Conservation

Rules

RULE

Department of Commerce & Industry Office of Financial Institutions

Under authority granted by R.S. 6:902B, the Commissioner of Financial Institutions does hereby adopt the following rule for the purpose of providing a means by which State Chartered Savings & Loan Associations may have authority consistent with that granted Federal associations by the Depository Institutions Deregulation & Monetary Control Act of 1980 passed during the Second Session, 96th Congress.

Rule

Notwithstanding any limitations imposed by R.S. 6:701, et seq, State Chartered Savings and Loan Associations, with certain limitations, are hereby empowered to engage in the following activities authorized Federal associations by the Depository Institutions Deregulation and Monetary Control Act of 1980 passed during the 2nd Session, 96th Congress:

1) Effective immediately, State Chartered Savings and Loan Associations may make up to twenty per cent of their assets in consumer loans as defined by the Louisiana Consumer Credit Law (LRS 9:3516 (13)). All provisions of the Louisiana Consumer Credit Law (LRS 9:3510, et seq) will apply to loans made under this authority.

2) Effective immediately, State Chartered Savings and Loan Associations may issue credit cards in their own name and generally engage in credit card operations as permitted by the Louisiana Consumer Credit Law. As an alternative, they may act as an agent in a credit card program as authorized by a rule published in Volume 4, Number 8, of the *Louisiana Register*, dated August 20, 1978.

3) Effective immediately, State Chartered Savings and Loan Associations may exercise trust powers subject to prior approval of the Commissioner of Financial Institutions.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE

Department of Commerce & Industry Office of Financial Institutions

The Commissioner of Financial Institutions hereby issues the following rules which contain instructions for completing an application for permission to organize a State Chartered Savings & Loan Association.

Rule

Instructions

for completing the

Application for Permission to Organize

A State Savings and Loan Association

The application for permission to organize a state savings and loan association is composed of a set consisting of the application

form and six separate exhibits, each outlining specific data which must be attached to the exhibit forms. In addition, each of the applicants and the managing officer are required to complete, on prescribed forms, a Confidential Biographical and Financial Report which is to be included in the Confidential Section. Application forms may be obtained from the Commissioner of Financial Institutions, Box 44095, Baton Rouge, Louisiana 70804.

When the application is made, two separate sets must be submitted, the original and a copy. An original and a copy of the Confidential Section must also be submitted.

Four fundamental factors must be fully developed by the applicants upon which the Office of Financial Institutions gives primary consideration. These are, 1) necessity for the proposed association, 2) reasonable probability of usefulness and success, 3) possible undue injury to properly conducted existing local thrift and home-financing institutions, and 4) character and responsibility of applicants. It is important that all sources of the various data used in developing these factors be clearly stated which includes any reference made to any research reports or special surveys that are attached to exhibit VI.

To expedite the processing of an application, the supporting information should include, but not necessarily be limited to the matters outlined in the various exhibits, with particular emphasis on trend data concerning the proposed service area. Latest Bureau of Census data and special economic surveys made primarily for the applicants, local industries, governmental subdivisions or agencies or educational institutions are extremely useful.

The contents of Exhibits I through VI should be completed to the fullest extent possible. Appropriate notation should indicate data that cannot be ascertained or if not applicable. Application and the exhibits will be available for public inspection. The Confidential Section, to which the required Confidential Biographical and Financial Report of each applicant and the managing officer are attached, will not be available for public inspection.

Processing Procedure

After the application and all supporting data are received by the Office of Financial Institutions and determined to be complete, the applicants will be notified through their appointed chairman that notice of their application should be published in a local newspaper within fifteen days. The Office will also give written notice to each association in the community to be affected that an application has been filed. The notice will state the name and the location of the proposed association. Interested parties then have the opportunity to file communications in favor, or in protest of the application. During this period, the application and supporting data, except for the Confidential Section, will be available for inspection at the Office of Financial Institutions in Baton Rouge.

A representative of the Office will visit the community in which the proposed association is to be established. This visit enables the Office's representative to assess further the information submitted by the group, to acquaint generally the group with over-all procedures, and to answer any subsequent questions which may have arisen in the minds of the petitioners.

Upon completion of the examination of the entire file, the Commissioner will issue either a conditional approval or disapproval.

Upon receipt of the Commissioner's approval for permission to

organize, the applicants should proceed in fulfilling all the requirements of the Office as a condition of its approval of the application. After all conditions have been met, a certificate of authority will be issued by the Commissioner and the Association may commence operation, provided it has been duly incorporated under the State laws.

Additional Information

No new association may operate in Louisiana without being a member of the Federal Home Loan Bank of Little Rock and without its savings accounts or shares being insured by the Federal Savings and Loan Insurance Corporation. A schedule of the minimum savings capital and minimum initial subscribers is attached for your information. At least the minimum required amounts in accordance with the schedule should be indicated on Page 1 of the application.

An excerpt, "Part II - Organization and Incorporation," of the Louisiana Savings and Loan Law is attached for your convenience.

Also attached for your information is a copy of Section 563.33 of the Insurance Regulations for current guidelines concerning the composition of the directorate and Section 563.34 concerning deposit relationships.

The organization of a new association is an important undertaking which requires serious thought and careful planning from the very start, as those who direct the affairs and operations of such an institution are, in effect, the trustees of funds invested by other members of the community. Therefore, it should be understood before an association is organized, there should be no conflicts of interest or transactions between directors, officers, employees or association attorneys and the association. This particularly pertains to loans on properties in which any such individuals have a direct or indirect interest other than loans secured by a first lien on the home or combination of home and business property owned and occupied by such individual. It should also be understood the association will not be permitted to lease its office quarters from directors, employees or other affiliated persons.

Further information may be obtained from Mr. Hunter O. Wagner, Jr., Commissioner of Financial Institutions, Box 44095, Baton Rouge, Louisiana 70804.

Minimum Capital Requirements

Population of Area (1)	Mutual Applicant Amount of Withdrawable Savings (2)
Under 25,000	\$ 500,000 (350)
25,001 - 100,000	\$1,000,00 (750)
Above 100,000	\$2,000,000 (1,000)

This schedule is only a minimum and the Commissioner may impose higher requirements to reflect likely savings growth, operating results and other factors relating to the risk exposure.

(1) In determining population, the area will be defined as the SMSA, if the association is located in an SMSA. In a non-SMSA, the population will be based on the delineated service area or the parish in which the association is located, whichever is greater.

(2) The association will be required to raise one hundred percent of the amount in cash prior to the granting of final approval. The figures in parenthesis indicate the minimum number of subscribers to withdrawable accounts.

R.S. 6:701 Revised Statutes

PART II. ORGANIZATION AND INCORPORATION

Acts 1970, No. 234 enacted this Part containing Sections 11-20, which have been redesignated as § 702-711 on authority of R.S. 24:253.

§702. Organization

Any number of natural persons, not less than five, who are residents of Louisiana may organize on a mutual basis, a corporation to encourage the promotion of thrift and to assist the members of the corporation in purchasing, building, improving, and repairing immovable property and homesteads, and removing encumbrances therefrom, and for the purpose of loaning money to the members thereof.

Acts 1970, No. 234, § 1.

§ 703. Incorporation; Chairman

The proposed incorporators shall appoint one of their number as chairman of the incorporators. The Incorporators shall, either in cash or by subscription, have paid in to the chairman such amount as may be required by the regulations of the Federal Home Loan Bank and the commissioner as a prerequisite to the organization of an association.

Acts 1970, No. 234, § 1.

§ 704. Chairman of incorporators to procure surety bond

The incorporators may require the chairman to procure from a surety company or other surety acceptable to the commissioner, a surety bond in form approved by the commissioner in an amount at least equal to the amount subscribed by the incorporators plus the expense fund. Such bond shall name the commissioner as obligee and shall be delivered to him. It shall assure the safekeeping of the funds subscribed and their delivery to the association after the issuance of the certificate of incorporation and after the bonding of the officers. In the event of failure to complete organization, such bond shall assure the return of the amounts collected to the respective subscribers or their assigns, less reasonable expense which shall be deducted from the expense fund.

Acts 1970, No. 234, § 1.

§ 705. Expense fund for incorporation and organization

The incorporators, in addition to their subscriptions to shares or savings accounts, shall create an expense fund from which expense fund the expense of organizing the association and its operating expenses shall be paid until such time as its net income is sufficient to pay such earnings as may be declared and paid or credited to its savings account holders or shareholders from sources available for payment of earnings. The incorporators and others, before a certificate of incorporation is issued, shall deposit to the credit of the chairman of the incorporators in cash the amount of the expense fund. The amounts contributed to the

expense fund by the incorporators and others shall not constitute a liability of the association.

Acts 1970, No. 234, § 1.

§ 706. Incorporation; articles

A. Every association under this Chapter shall be incorporated and formed under written articles of incorporation. These articles shall be written in the English language and shall be signed by each incorporator or by an agent of each incorporator duly authorized by a document attached to the articles. The articles shall be acknowledged by an incorporator before a notary public and two witnesses, or may instead be executed by authentic act.

B. The articles shall set forth:

- (1) The name of the corporation;
- (2) The duration of the corporation, if other than perpetual;
- (3) The place chosen for its domicile;
- (4) The full name and post office address of each incorporator;
- (5) The mode of liquidation after dissolution of the corporation;
- (6) The maximum and minimum number of directors and the mode of their election.

C. The articles may also contain the following:

(1) Any provision concerning the powers or rights of the corporation, the directors or the members.

(2) Any other provisions for the regulation of the business and conduct of the affairs of the corporation not prohibited by this Chapter or other laws of this state.

(3) Authorization to adopt by-laws.

Acts 1970, No. 234, § 1.

§ 707. Articles of incorporation; recordation

A. The articles of incorporation or a multiple original thereof, shall be filed with the commissioner, accompanied by the incorporation fee. The incorporators shall submit with their articles and bylaws, statements, exhibits, maps and other data which the commissioner may require, which data shall be sufficiently detailed and comprehensive to enable the commissioner to pass upon the petition for incorporation as to the criteria set out in Subsection (B) hereof.

B. On the receipt of the articles of incorporation, attendant data, and the request from the incorporators for approval of incorporation, the commissioner shall give written notice to each association in the community to be affected that a petition for a request for approval of incorporation has been made. This notice shall state the name of the proposed association and the place where the incorporators propose to establish a principal office of the association. The commissioner shall not approve the incorporation of an association unless he shall affirmatively have found that all the requirements in respect to the subscription and payment of shares or savings accounts at the time of organization and previous to the doing of business by any newly organized association have been complied with strictly and in complete good faith. The commissioner, before issuing a certificate of authority to any association, local or foreign, shall examine the qualifications, character and responsibility of the persons organizing the association and shall examine the present and future savings association needs of the community or locality to be served by the proposed association, and, generally, shall consider the possibility of usefulness and service which the proposed association may reasonably be expected to meet and fulfill in the light of the considerations herein set forth, and shall determine that the proposed allocation has been approved for insurance of accounts as provided for in R.S. 6:731(I). If in his judgment and discretion the commissioner deems that the public interest will not be served by permitting such persons to organize the association, he shall refuse to issue his certificate of authority.

C. No association shall commence business in Louisiana until it has procured from the commissioner a certificate of authority. This certificate of authority shall be issued by the commissioner upon approving the request for incorporation. The commissioner shall transmit to the incorporators two copies of the certificate of au-

thority.

D. The incorporators shall thereupon file the articles, or multiple original thereof and a copy of the commissioner's certificate of authority, with the secretary of state. When all incorporation taxes, fees and charges have been paid as required by law, the secretary of state shall record the articles or the multiple original thereof and the commissioner's certificate of authority, and endorse thereon the date, and if requested, the hour of filing thereof with him, and issue a certificate of incorporation which shall show the date and, if endorsed on the articles, the hour of filing of the articles with him. The certificate of incorporation shall be conclusive evidence of the fact that the corporation has been duly incorporated, except that in any proceeding brought by the state to annul, forfeit, or vacate a corporation's franchise, the certificate of incorporation shall be only prima facie evidence of due incorporation.

E. Upon issuance of the certificate of incorporation, the corporation shall be duly incorporated, and the corporate existence shall begin, as of the time when the articles were filed with the secretary of state, except that, if the articles were so filed within three days (exclusive of legal holidays) after acknowledgment thereof or execution thereof as an authentic act, the corporation shall be duly incorporated, and the corporate existence shall begin as of the time of such acknowledgment or execution.

F. A multiple original of the articles, or a copy certified by the secretary of state, with a copy of the commissioner's certificate of authority, and with a copy of the certificate of incorporation, shall, within thirty days after the certificate of incorporation was issued, be filed for record in the office of the recorder of mortgages of the parish in which the association is domiciled.

Acts 1970, No. 234, § 1.

§ 708. Organization meeting

Within thirty days after the corporate existence of an association begins, the directors of the association shall hold an organization meeting and shall elect officers, and adopt by-laws. At the organization meeting the directors shall take such other action as is appropriate in connection with beginning the transaction of business by the association. The commissioner may extend by order the time within which the organization meeting shall be held.

Acts 1970, No. 234, § 1.

§ 709. Corporate name

The words "homestead," "building and loan," "savings and loan" shall form a part of the name of every local association organized subsequent to July 27, 1932. Corporations existing prior to July 27, 1932, as building and loan or homestead associations, saving and loan associations, societies, or companies, may continue their present name or may use any other names authorized in this section. An ordinal number may not be used as a single descriptive word preceding the words "Savings Association," or "Savings and Loan Association," unless such words are followed by the words "of . . .," the blank being filled by the name of the community, town, city or parish in which the association has its home office. An ordinal number may be used together with another descriptive word, preceding the words "Savings Association" or "Savings and Loan Association" provided the other descriptive word has not been used in the corporate name of any other association in the state, in which case the suffix mentioned above is not required to be used. An ordinal number may be used together with another descriptive word, preceding the words "Savings Association" or "Savings and Loan Association," even when such other descriptive word has been used in the corporate name of an association in the State, provided the suffix "of . . .," as provided above, is also used. The suffix provided above may be used in any corporate name. The use of the words, "National," "Federal," "United States," "Insured," "Guaranteed," or any form thereof, separately or in any combination thereof with other words or syllables, is prohibited as part of the corporate name of an association. No certificate of incorporation of a proposed association having the same name as a corporation

authorized to do business under the laws of this state or a name so nearly resembling it as to be likely to deceive shall be issued by the commissioner, except to an association formed by the reincorporation, reorganization, or consolidation of the association with other associations, or upon the sale of the property or franchise of an association. Corporations existing as associations prior to July 29, 1970 may continue their present name or may use any of the names authorized in this section.
Acts 1970, No. 234, § 1.

§ 710. Corporate title and exclusiveness of name

No person, firm, company, association, fiduciary, partnership or corporation, either a domestic or foreign, unless it is lawfully authorized to do business in this state under the provisions of this Chapter and actually is engaged in carrying on a savings association business shall do business under any name or title which contains the terms "homestead savings association," "savings and loan association," "building and loan association," "building association," or any combination employing either or both of the words "building" or "loan" with one or more of the words "saving," "savings," or any combination employing one or more of the words "saving," "savings," with one or more of the words "association," "institution," "society," "company," "fund," "corporation," or use any name or sign or circulate or use any letterhead, billhead, circular or paper whatever, or advertise or represent in any manner which indicates or reasonably implies that his or its business is of the character or kind of business carried on or transacted by a savings and loan association or which is likely to lead any person to believe that his or its business is that of a savings and loan association. Upon application by the commissioner or any association, a court of competent jurisdiction may issue an injunction to restrain any such entity from violating or continuing to violate any of the foregoing provisions of this section. Any person who violates any of the provisions of this section shall be punishable by fine of not more than one thousand dollars and each day of violation shall constitute a separate offense.

Acts 1970, No. 234, § 1.

§ 711. Forfeiture of charter for nonuse

Any association which shall not commence business within six months after the date upon which its corporate existence shall have begun, shall forfeit its corporate existence, unless the commissioner, before the expiration of such six months period, shall have approved the extension of time within which it may commence business, upon a written application stating the reasons for such delay. Upon such forfeiture the certificate of incorporation shall expire, and all action taken in connection with the incorporation thereof, except the payment of the incorporation fee, shall become void. Amounts credited on shares and savings accounts, less expenditures authorized by law, shall be returned pro rata to the respective holders thereof.

Acts 1970, No. 234, § 1.

¶ 1142

§ 563.30 Reservation of right concerning advertising.

The Corporation reserves the right to prescribe the form in which insurance of accounts may be advertised.

¶ 1143

§ 563.31 Other insurance or guaranty.

(a) An insured institution shall not acquire any insurance or guaranty of all or any part of the accounts of such insured institution in addition to the insurance provided by Title IV of the National Housing Act. As used in this section the term "accounts" shall have the same meaning as the term "withdrawable or repurchasable shares, investment certificates, or deposits" where used in subsection (a) of section 405 of the National Housing Act, except that the term "accounts" shall not include mortgage-backed bonds or subordinated debt securities.

(Paragraph (a) revised eff. 5-23-75)

(b) The foregoing provisions of this section shall not be deemed to be violated by any action by a Federal savings and loan association that is in conformity with § 545.24-2 of this chapter or by any action by an insured institution which is not a Federal savings and loan association that would be in conformity with said § 545.24-2 if such institution were a Federal savings and loan association which was a "deposit association" within the meaning of that term as used in § 545.1-2 of this chapter.
(Paragraph (b) Added Eff. 12-31-74.)

(Added 7-7-62; revised 11-12-66; 12-31-74; 5-23-75)

1144

§ 563.32 Payment of trustee fees on pension trust accounts.

Notwithstanding any other provision of this subchapter, annual payment by an insured institution of a nominal fee, even if computed with reference to the number of persons having interests in the trust, may be made to the trustee of a trust qualified under the Self-Employed Individuals Tax Retirement Act of 1962, as amended, during the period that the account for such trust is maintained in such institution.

(As added eff. 3-19-69.)

1145

§ 563.33 Directors, officers, and employees.

(a) *Directors.* The following guidelines are recommended for composition of the board of directors of an insured institution:
563.33

(1) A majority of the directors of an insured institution should live or work in the normal lending territory of such institutions.

(2) Not more than one-third of the directors of an insured institution should be salaried officers or employees of such institution or of any subsidiary or holding company affiliate thereof.

(3) Not more than two of the directors of an insured institution should be members of the same immediate family.

(4) Not more than one director of an insured institution should be an attorney with the same law firm.

(5) (i) No director of an insured institution should be a director of any other financial institution or holding company affiliate thereof, other than a commercial bank or trust company.

(ii) Not more than one-third of the directors of an insured institution should be directors of a commercial bank, trust company, or holding company affiliate of such a bank or company.

(iii) Not more than one director of an insured institution should be a director of the same commercial bank, trust company, or holding company affiliate of such a bank or company.

(iv) No director of an insured institution should be a salaried officer or employee of any other financial institution or holding company affiliate thereof.

(v) Paragraphs (a) (5) and paragraph (c) of this section do not apply to directors, officers or employees of another financial institution or holding company affiliate thereof (a) if such other financial institution and such insured institution are subsidiaries of the same savings and loan holding company or (b) if neither such other financial institution nor any holding company affiliate thereof which is a financial institution has an office located within any county (or similar political subdivision) or standard metropolitan statistical area (SMSA) in which such insured institution has an office or within any county or SMSA from which such insured institution receives either more than \$5,000,000 or five percent of its savings accounts.

(b) *Inconsistent conditions of insurance or agreements for operating policies.* Any insured institution which agrees in writing with the Corporation to comply with all of the guidelines set forth in paragraph (a) if this section need no longer comply with any present condition of insurance or provision of its agreement for operating policies concerning the composition of its board of directors or the employment of its officers.

(c) *Officers.* Except as provided in paragraph (a) (5) (v) of this section, no salaried officer of an insured institution may become

or, after the 1978 annual meeting of such institution, continue to serve as a salaried officer or employee of any other financial institution or holding company affiliate thereof.

(d) *Other employment.* No insured institution or subsidiary thereof shall permit any salaried officer or employee to work during the hours of his employment by such institution or subsidiary for any affiliated person of such institution unless such affiliated person compensates such institution or subsidiary for the time during which such officer or employee is engaged in such work.

(As added eff. 9-30-76)

¶ 1146

§ 563.34 *Deposit relationships involving affiliated persons.*

No insured institution or subsidiary thereof shall maintain a deposit relationship with any affiliated person of such institution or with any financial institution or holding company affiliate thereof of which an affiliated person of such insured institution is a director, if the maintenance of such deposit relationship has been specifically disapproved by the Principal Supervisory Agent of the Corporation. No such deposit relationship shall be established (including a new interlock involving an existing deposit relationship) after September 30, 1976, without the prior written approval of the Principal Supervisory Agent. In taking action with respect to the maintenance or establishment of such deposit relationship, factors to be considered by the Principal Supervisory Agent will include:

(a) The size of the depository relative to the deposits maintained or to be maintained by such insured institution or subsidiary;

(b) The amount of the deposits relative to the size of such insured institution or subsidiary;

(c) The need for the deposit relationship by such insured institution or subsidiary and available alternative deposit relationships not involving affiliated persons;

(d) The extent to which affiliated persons have an interest in the depository;

(e) Whether the deposit relationship has been approved by a disinterested majority of the entire board of directors of such insured institution or subsidiary;

(f) Any current supervisory problems involving such insured institution or subsidiary and the affiliated persons having an interest in the depository;

(g) Whether the deposit relationship involves an active demand account;

(h) Whether the deposit relationship was established prior to July 1, 1972; and

(i) Any other factors which may have a detrimental effect on such insured institution or subsidiary.

(12-28-70; 7-1-72; 10-19-73; 9-30-76)

¶ 1147

§ 563.35 *Restrictions involving loan services.*

(a) *Tie-in prohibitions.* No insured institution or service corporation affiliate thereof may grant any loan on the prior condition, agreement, or understanding that the borrower contract with any specific person or organization for the following:

(1) Insurance services (as an agent, broker, or underwriter), except insurance or a guarantee provided by a government agency or private mortgage insurance;

(2) Building materials or construction services;

(3) Legal services rendered to the borrower;

(4) Services of a real estate agent or broker; or

(5) Real estate or property management services.

(b) *Notice with respect to insurance on home loans.* An insured institution or subsidiary thereof shall notify the borrower in writing of his right to freely select the person or organization rendering the insurance services referred to in paragraph (a) (1) of this section in connection with a loan on a home (as defined in § 541.10-2 of this chapter) occupied or to be occupied by the

borrower at or prior to the time of the written commitment to make such loan.

(c) *Limitation on paragraphs (a) and (b).* Notwithstanding paragraphs (a) and (b) of this section, an insured institution or subsidiary thereof may refuse to make any loan if it believes on reasonable grounds that the insurance services provided by the person or organization selected by the borrower will afford insufficient protection to such institution or subsidiary.

(d) *Payment of attorney's fee by home borrowers.* In connection with a loan on a home (as defined in § 541.10-2 of this chapter) occupied or to be occupied by the borrower, an insured institution or subsidiary thereof may require such borrower to reimburse it for legal services rendered by its attorney, or to directly pay such attorney for such services, only if:

(1) Such attorney's fee is limited to legal services attributable to processing closing such loan (and not unrelated services performed for the institution or subsidiary by the attorney);

(2) Such attorney's fee, if in excess of \$100, is supported by a statement provided to the borrower at or prior to settlement which (i) describes the legal services being performed.

Application for Permission to Organize
a State Savings and Loan Association

Date

To the Commissioner of Financial Institutions
P. O. Box 44095, Capitol Station
Baton Rouge, Louisiana 70804

We, the undersigned prospective incorporators, residents of Louisiana, being natural persons and of lawful age, being persons of good character and responsibility, and believing in the necessity for a local mutual thrift institution in the community to be served, and in the reasonable probability of its usefulness and success without undue injury to properly conducted existing local thrift and home-financing institutions, intend to organize a state savings and loan association. We hereby make application to the Office of Financial Institutions for permission to organize, under such terms and conditions as the Office of Financial Institutions may prescribe, a state savings and loan association to be named and located as follows:

Proposed Name

Street and Number

City, Parish, State and Zip Code

We hereby appoint _____ of _____ as chairman of the proposed incorporators to represent the undersigned before the Office of Financial Institutions, and to receive all notices, correspondence, and documents relating to this application.

We hereby agree to raise initial savings capital or shares in the amount of not less than \$_____ from _____ initial subscribers, or such other amount from such other number of subscribers as may be designated by the Office of Financial Institutions, under such conditions as it may prescribe.

The undersigned agree to pledge savings accounts or shares in the amount required by the Federal Home Loan Bank Board to be held in escrow as a pledge to indemnify the association against any loss or operating deficit incurred by the association under such conditions as the Federal Home Loan Bank Board may prescribe. We have, in connection with this application, read the provisions of the Louisiana law which govern the organization of a state savings and loan association.

It is understood that, in the event this application is approved, the proposed association shall not be authorized to commence business (a) until it has been incorporated under the laws of Louisiana, (b) until the initial savings capital or shares has been deposited by the subscribers, (c) until the insurance of its savings accounts or shares by the Federal Savings and Loan Insurance Corporation has become effective, (d) until it has become a member of the Federal Home Loan Bank, (e) until the Board of Directors of the association has adopted a resolution ratifying and confirming the action of these incorporators in making this application with supporting information, (f) until it has fulfilled all the requirements of the Office of Financial Institutions as a condition of its approval of this application and (g) until the association has received a certificate of authority issued by the Commissioner.

In support of this application, we hereby make the following statements and representations and submit the following information for the purpose of inducing the Commissioner of Financial Institutions to approve the organization of the proposed state savings and loan association.

THE UNDERSIGNED HEREBY CERTIFY, JOINTLY AND SEVERALLY, that the statements and representations made in this Application for Permission to Organize a State Savings and Loan Association, and all evidence and data submitted in support thereof are consistent with the facts to their best knowledge and belief, and that they are made for the purpose of inducing the Commissioner of Financial Institutions to approve the organization of the proposed association.

Typed Name _____ Signature _____

Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

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Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

Typed Name _____ Signature _____

Residence _____ Business Address _____

Name of Proposed Association

Date

EXHIBIT I

Legal and Other Documents

The required information should be securely attached to this form and in the order called for in the outline. If for any reason any of the required documentation is omitted explain in the Comment Section below.

A. Articles of Incorporation: At least one original copy of the Articles of Incorporation of the proposed association must be filed with the application.

B. Copy of the Proposed Bylaws.

C. Copy of the Proposed Lending Plan: If the Uniform Lending Plan approved by the Office of Financial Institutions is proposed, a copy of such will suffice. (Copies of the Approved Uniform Lending Plan are available upon request)

D. A model copy of Articles of Incorporation and Bylaws will be made available by the Office of Financial Institutions upon request.

Comment Section

Name of Proposed Association

Date

EXHIBIT II

Necessity for Proposed Association

The required information should be securely attached to this form and in the order called for in the outline. If for any reason any of the required documentation is omitted explain in the Comment Section on page 3 of this exhibit.

A. Maps: Use a sufficiently detailed map that includes a distance scale. The proposed site location and savings service area should each be clearly indicated along with the local and surrounding communities, any existing or proposed savings and loan offices, bank offices, and relative locations of such facilities as shopping centers. Delineate a realistic savings service area, and submit information justifying the delimitation of the savings service area as a logical, realistic choice. All maps should be original and required notations should be in contrasting colors for clear interpretation. See attached sheet concerning preparation, page 4.

B. Proposed Location: Describe in narrative form the geographical location of the proposed facility. Include in the description the character of land uses in the immediate vicinity such as: strip development; shopping center (neighborhood or regional — number of stores, principal tenants, square footage of retail space, area of draw, retail sales, etc.); office buildings, residential neighborhood, etc. If the proposed association is to be located in a shopping center not yet in operation, give full details regarding the status of development, number of stores and principal tenants, square footage of retail space, proposed opening date and other information you believe may be pertinent.

C. Proposed Savings Service Area: Describe in detail the general community characteristics of the proposed savings service area, and show specific statistics to support your application. All phases of community information are to be set forth on a current basis and on what you believe to be meaningful trends. Additional data covering a broader area may also be quite helpful. Sources of the various data should be clearly stated.

Remember, such data should relate to the savings service area in order for the application to be fairly analyzed. Information on other areas may be presented, but the impact on the savings service area should be fully explained. Information should be supplied on a trend basis and credible projections are helpful.

1. Population trends.
2. Resident income levels, type of housing occupancy; e.g. median family income, per household income and predominant range of income.
3. Savings potential of population and/or evidence of any untapped savings potential.
4. Existing or proposed major economic base of the community.

D. Local Savings:

1. Savings-type deposit data of financial institutions in the area. For banks use most recently published "Call Report."

E. Local Home Financing:

1. Characterize the strength of mortgage demand in the area using such relevant economic data as:

- a. Volume of tract housing and other new single family dwellings completed and sold.
- b. Volume of new multiple housing units completed and rented.
- c. Housing developments, recent and proposed, including number of units, value and type of housing occupancy.

In addition to the narrative discussion, the Data Sections I, II, and III that follow should be completed in support of Exhibit II.

DATA SECTION - I			
	Service Area	City	Parish
A. <u>Population</u>			
1. Number			
1960.....	_____	_____	_____
1970.....	_____	_____	_____
1980.....	_____	_____	_____
Present Estimate.....	_____	_____	_____
Projected Estimate.....	_____	_____	_____
2. Percentage Change			
1960/1970.....	%	%	%
1970/1980.....	%	%	%
1980/Present.....	%	%	%
B. <u>Median Age</u>			
1970.....	_____	_____	_____
1980.....	_____	_____	_____
Present.....	_____	_____	_____
C. <u>Persons Per Household</u>			
1970.....	_____	_____	_____
1980.....	_____	_____	_____
Present.....	_____	_____	_____
D. <u>Median Family Income</u>			
1970.....	\$	\$	\$
1980.....	\$	\$	\$
Present.....	\$	\$	\$

DATA SECTION - II
Savings and Loan Institutions Within Proposed Service Area
(Omit 000's)

Name & Location	Air Miles & Direction from Proposed Site	Date Opened	Savings Totals Latest Three Years			Assets as of
			as of dates			

DATA SECTION - III
Commercial Banks Within Proposed Service Area
(Omit 000's)

Name & Location	Air Miles & Direction from Proposed Site	Date Opened	Savings and Time Deposits Latest Call and Year - End Latest Three Years			Assets as of
			as of dates			

COMMENT SECTION - EXPLANATION FOR OMITTED DOCUMENTATION, ETC.

Applicant Permission to Organize
Exhibit II, Page 3

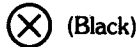
MAPS

Each set of the application and supporting documents must be accompanied by two original maps: (1) a map of the surrounding area of at least one hundred miles radius of the proposed location upon which is shown the proposed location and the proposed service area (PSA); and (2) a city, parish or local area map upon which is shown the proposed location, the PSA, other existing or proposed thrift institution offices, commercial banks and significant commercial facilities in or near the PSA.

Notations appearing on maps submitted in support of an application should be as follows:

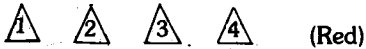
A. Proposed Service Area (PSA) — should be outlined by a heavy black line.

B. Proposed Location — should be marked with a black X and with a black circle around it.



(Black)

C. Other Savings and Loans — Any other existing or proposed savings and loan offices in or near the PSA should be marked by red numbers with red triangles around them.



(Red)

D. Commercial Banks — should be marked by black numbers with black diamonds around them.



(Black)

E. Commercial Facilities — Significant commercial facilities in or near the PSA should be marked by green numbers with green squares around them.



(Green)

A key listing the names of each item identified by one of the above symbols should be provided as an attachment to each map. Each map should contain a distance scale.

Interested persons may submit written comments on the proposed rule through August 5, 1980, to the following address: Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Baton Rouge, Louisiana 70804, (504) 925-4661. Mr. Wagner is the person responsible for responding to inquiries about the proposed rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

Name of Proposed Association

Date

EXHIBIT III

Reasonable Probability of Usefulness and Success

The required information should be securely attached to this form in the order called for in the outline. If for any reason any of the required documentation is omitted, explain in the Comment Section at the bottom of the last page of this exhibit.

A. Proposed Operations:

1. Statement describing office location as nearly as possible.
2. Statement as to estimated amount of initial savings and/or share capital and number of initial subscribers; (See application instructions for minimum amount of initial savings and subscribers

required) Statement of estimated growth in savings for each of the first three years and the basis on which the estimates were made. Also complete Data Section I of this exhibit form.

3. Statement of plans as to representative directorate, full time executive management and other personnel. (See Sections 563.33 and 563.34 of the Federal Insurance Regulations as a guide, a copy of these regulations is attached to the application instructions)

4. Statement of plans as to full-time operations in independent ground-floor office quarters, including leasing arrangements, parking facilities, etc. (The association will not be allowed to lease quarters from directors, employees or other affiliated persons) Show approximate cost per square foot, cost of land and/or remodeling. Describe the exterior and interior of the office quarters. Attach sketches and/or drawings showing the floor plan and office arrangement. Attach photographs of the exterior and interior, if selected, and include at least one street scene showing the immediate surroundings.

5. Estimates and the basis on which they were made, as to annual volume of business for the first year. Both savings and loans as well as income and expenses. Also complete Data Section II of this exhibit form.

6. Statement as to applicants' willingness to pledge their savings and/or share accounts as guaranty to the association against operating deficits and losses in excess of its reserves. Such guarantee is usually provided in a form of pledge of savings and/or share accounts issued by the association and to be held in escrow for six years by the Federal Home Loan Bank of Little Rock, to be used under specific terms and conditions contained in the form of pledge and escrow agreement executed by the guarantors. Experience has shown that the pledge should equal at least ten percent of the total required subscriptions to withdrawable accounts.

7. Statement of plans as to the association's lending policies, including interest rates, service charges, loan terms, appraisal methods, etc. Statement of appraisal policies, procedures and methods should include, whether independent appraisers or an appraisal bureau will be used or whether appraisals will be made by various members of the Board of Directors or operating staff. In either case, the qualifications and experience of those selected to make appraisals should be described.

8. Statement of plans on methods of generating savings and of plans as to the interest rates to be paid on such savings.

DATA SECTION - I

ESTIMATED SAVINGS AND/OR SHARE ACCOUNTS

<u>Description</u>	<u>Estimated Volume at End of</u>		
	<u>First Year</u>	<u>Second Year</u>	<u>Third Year</u>
Savings - Paying at Regular Rate.....	\$ _____	\$ _____	\$ _____
Savings - Paying More Than Regular Rate.....	\$ _____	\$ _____	\$ _____
Advances & Borrowed Money.....	\$ _____	\$ _____	\$ _____
Estimated Average Rate to be paid on Savings	_____ %	_____ %	_____ %
Estimated Average Rate of Borrowed Money....	_____ %	_____ %	_____ %
Estimated Average Cost of Money.....	_____ %	_____ %	_____ %

DATA SECTION - II

A. Estimated Volume of Loans:

<u>Type of Loan</u>	<u>Estimated Volume at End of</u>		
	<u>First Year</u>	<u>Second Year</u>	<u>Third Year</u>
First Mortgage Loans.....	\$ _____	\$ _____	\$ _____
Other Loans.....	\$ _____	\$ _____	\$ _____

B. Estimated Income & Expenses for First Year's Operations

1. Income

a. Interest on Mortgage Loans.....	\$ _____
b. Interest on Loans on Savings.....	_____
c. Interest on Other Loans.....	_____
d. Interest on Investments and Deposits.....	_____
e. Loan Fees.....	_____
f. Service Charges and Other Fees.....	_____
g. Other Income.....	_____
(1) Total Gross Operating Income.....	_____

2. Operating Expenses

a. Compensation to Directors, Officers & Employees.....	\$ _____
b. Directors, Officers & Employees Expense.....	_____
c. Office Building Expenses Including Depreciation.....	_____
d. Furniture, Fixtures & Equipment, Including Depreciation..	_____
e. Advertising.....	_____
f. Computer Services.....	_____
g. Stationery, Printing and Office Supplies.....	_____
h. Telephone and Postage.....	_____

1. Insurance and Bond Premium.....	_____
j. Federal Insurance Premium.....	_____
k. Audit.....	_____
l. Supervisory Examinations and Assessments.....	_____
m. Organization dues & Subscriptions.....	_____
n. Other Operating Expenses.....	_____
(1) Total Operating Expenses.....	_____
(2) Net Operating Income Before Cost of Money (B.1.(1) less B.2.(1)).....	_____
3. <u>Cost of Money</u>	
a. Interest on Withdrawable Savings.....	_____
b. Interest on Advances & Borrowed Money.....	_____
(1) Total Cost of Money.....	_____
(2) Net Operating Income (B.2.(2) less B.3.(1)).....	_____
4. <u>Non-Operating Items</u>	
a. Non-Operating Income.....	_____
b. Non-Operating Expense.....	_____
(1) Net Non-Operating Income.....	_____
(2) Net Income (B.3.(2) plus B.4.(1)).....	_____
C. <u>Compensation to be Paid in First Year</u>	
1. Annual Salary of Managing Officer.....	\$ _____
2. Annual Salary of Other Employees.....	_____
3. Directors' Fees, If Any.....	_____

COMMENT SECTION

EXHIBIT V

Character and Responsibility of Applicants

A. Each applicant and the proposed managing officer must fill out the form "Biographical Sketch and Other Information" to be attached to and made part of this exhibit. All information in connection with this application including the information in this exhibit shall be available for public inspection at the Office of Financial Institutions. If disclosure of the managing officer would jeopardize his or her current employment, include his or her completed form in the "Confidential Section" which shall not be considered as part of the application and will be treated as confidential.

Name of Proposed Association

Date

EXHIBIT IV

Possible Undue Injury to Properly Conducted Existing Local Thrift and Home-Financing Institutions

A. Provide information under this heading that you believe indicates that the proposed association can be established without undue injury to properly conducted existing local thrift and home-financing institutions.

Name of Proposed Association

Date

BIOGRAPHICAL SKETCH AND OTHER INFORMATION

To be completed by each applicant and the proposed managing officer and attached to and made part of Exhibit V. Please type or print.

NAME: _____

HOME ADDRESS: _____

OCCUPATION: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: _____

DATE OF BIRTH: _____ PLACE OF BIRTH: _____

MARITAL STATUS: _____ FULL NAME OF SPOUSE: _____

CHILDREN (NAMES AND AGES): _____

RELATIONSHIP BY BLOOD OR MARRIAGE AND ANY BUSINESS RELATIONSHIP WITH ANY OTHER DIRECTOR: _____

EDUCATIONAL BACKGROUND: _____

RESIDENCES WITHIN PAST 15 YEARS: _____

EMPLOYERS WITHIN PAST 15 YEARS: _____

CIVIC AFFILIATIONS: _____

AFFILIATION WITH ANY FINANCIAL INSTITUTION: _____

AFFILIATION WITH ANY BUSINESSES CLOSELY RELATED TO THE SAVINGS AND LOAN BUSINESS, SUCH AS REAL ESTATE, HAZARD INSURANCE, HOME CONSTRUCTION, BUILDING SUPPLIES, MORTGAGE LENDING OR BROKEAGE, ETC.: _____

HAVE YOU EVER BEEN ADJUDGED BANKRUPT OR EVER BEEN AFFILIATED WITH A BUSINESS THAT HAS BEEN ADJUDGED BANKRUPT? _____ IF SO, GIVE DETAILS: _____

I CERTIFY THAT THE ABOVE INFORMATION IS TRUE, CORRECT AND COMPLETE AND IS SUBMITTED FOR THE PURPOSE OF INDUCING THE COMMISSIONER OF FINANCIAL INSTITUTIONS TO APPROVE THE ORGANIZATION OF A SAVINGS AND LOAN ASSOCIATION.

Signature

Applicant Permission to Organize Exhibit V, Attachment

Date

PART I

Name of Proposed Association _____ Date _____

EXHIBIT VI

Other Pertinent Information

A. Include here or attach any additional information considered pertinent and not specifically applicable to any one exhibit requirement. Any research report or special economic surveys made primarily for the applicant should be attached to this exhibit.

Confidential Section

in connection with the application for permission to organize

Name of Proposed Savings and Loan Association _____

Date _____

The "Confidential Biographical and Financial Report" of each applicant and the proposed managing officer should be attached to this sheet and submitted separately from the application and required exhibits. If the "Biographical Sketch and Other Information" completed by the managing officer would jeopardize his or her current employment if disclosed, it should be included in this section. No other confidential information may be included in this section without the approval of the Commissioner.

This Section shall not be considered as part of the application and will not be available for public inspection and will be treated as confidential.

Confidential

Biographical and Financial Report submitted by

(Last Name) (First Name) (Middle Name)

(No. & Street) (City) (State & Zip)

to the Office of Financial Institutions in connection with application for permission to organize

(Name of proposed savings & loan association)

Please type or print this report which is to be completed by each applicant, director, and managing officer — existing or proposed — and submitted in duplicate for the confidential use by this Office in evaluating an application in which the submitter is a party. Each item of the report should be completed by entry of the data or insertion of the words "none" or "not applicable." If any space provided is insufficient, a signed supporting statement on paper the same size as this page should be attached.

The providing of the information is mandatory. Omission of any item(s) will delay processing of the application. Any misrepresentation or omission of a material fact may subject the individual to legal sanctions.

Date of birth: _____ Social Security Number: _____
Place of birth: _____
Citizenship: _____
Marital status: _____
Husband's full name: _____ Wife's full maiden name: _____
Children — Names and Ages: _____

If divorced, give name(s) of previous spouse(s) and any current alimony arrangements:

Educational background:

Residences within past fifteen years — list cities and, if readily available, all street addresses, with period covered by each:

*Occupation:

Employers — list all within past fifteen years and period covered by each, including any period(s) of self-employment:

*Occupation: If you are employed by a corporation, foundation, etc., include a clear description of the activities of the corporation and your responsibilities. Be specific. For example, if you are a merchant, indicate what type.

Have you ever been adjudged a bankrupt or compromised with creditors? If so, give details including court(s) in which proceedings were conducted, indicating ultimate disposition of the claims of creditors:

Have you ever been affiliated with a business that has been adjudged bankrupt or compromised with creditors? If so, give details including court(s) in which proceedings were conducted, indicating ultimate disposition of the claims of creditors:

Have you ever been charged* or convicted in a legal proceeding with the commission of a criminal offense other than a traffic violation for which you paid a fine of \$30.00 or less and an offense committed prior to your sixteenth birthday (if the answer is in the affirmative, the circumstances, including the nature of each offense referred to and the date and place of charge or conviction, must be explained in detail):

*Include charges even if they were dismissed and include court martial while in military service and include actions involving breach of trust.

If not listed elsewhere in this Exhibit, state whether you are now or ever have been an officer, director, trustee, or manager of any financial institution, including a commercial bank, a savings bank, a trust company, a savings and loan association, or a credit union, with respect to which there has been a change in status through closing, reorganization, merger, or any other action as a result of State or Federal supervisory action; and whether or not your tenure with any such institution has been changed or terminated as a result of State or Federal supervisory action. If your answer is affirmative in any respect as to the foregoing, give complete details:

Do you have a license to practice any profession? If so, give details: If you have a license that would be considered closely related to the savings and loan business, clearly describe your present and contemplated activities in that regard.

Have you ever been denied a license to practice any profession or have you ever been the subject of disciplinary action by a committee of your professional peers, or have you ever had a license to practice a profession revoked? If so, give details:

State whether or not you have entered into or will enter into any agreement, contract, or understanding, oral or written, express or implied, with respect to control of or services to the proposed association. If such agreement, contract, or understanding exists, give full details:

Indicate any affiliation (other than as a customer) you have with other financial institutions. If there is an affiliation, indicate the institution(s) and position. Attorneys or accountants should indicate if they or members of their firm represent other financial institutions.

(a) List as to stock and proprietary interests in financial institutions and businesses handling real estate, hazard insurance, home construction, land development, building supplies, or mortgage brokerage — attaching separate sheets (signed) if needed:

Name of Institution:

Incorporated or unincorporated?:

Nature of activity:

Value of your interest:
(Include dollar value and percentage of ownership)

Latest annual return or loss on your interest:

PART II
Financial Statement*
as of _____, 19____

ASSETS**

Cash on hand and in banks	\$ _____
U. S. Government bonds	_____
Other creditor securities	_____
Stocks (a)	_____
Other proprietary interests (including closely held corporations) (a)	_____
Cash surrender value of life insurance	_____
Notes and other debts receivable	_____
Real estate owned (b)	_____
Other assets	_____
Total Assets	\$ _____

Liabilities

Notes and accounts payable	\$ _____
Real estate mortgages payable	_____
Other debts secured by assets owned	_____
Judgments outstanding (c)	_____
Other liabilities	_____
Total Liabilities	\$ _____

Net Worth

Total Liabilities and Net Worth \$ _____

Contingent liabilities (d)	\$ _____
Indirect liabilities (e)	\$ _____
Lawsuits pending (f)	\$ _____

List and describe any substantial changes in the above anticipated within the next year:

Annual income from all sources: \$ _____
Net Worth: \$ _____

*Subsidiary schedules to the Financial Statement are keyed to certain items.

**If any asset is not owned outright or is recorded as owned in other than your own name solely, please attach a signed explanatory schedule.

(b) Real Estate Owned (For each parcel included give the following information — attaching separate sheets (signed) if needed):
Location and brief description of property:
(Each parcel should be clearly described in the following terms: Size; general location; present degree of development; residential, commercial, farmland or ranchland; any planned development or sale for development.

Fair market value:

Liens outstanding — amounts and holders:

Equity:

(c) Judgments outstanding:
(Please give all pertinent details)

(d) Contingent Liabilities:
(Please give all pertinent details)

(e) Indirect Liabilities:
(Please give all pertinent details)

(f) Lawsuits pending:
(Please give all pertinent details; in addition to personal lawsuits in which you are a defendant, include any case involving a corporation in which you are an officer or substantial stockholder)

Statement of Income

Latest annual salary and net income from other sources — itemize:

I certify that the information contained in this questionnaire has been carefully examined by me and is true, correct and complete, and acknowledge that any misrepresentation or omission of a

material fact with respect to the foregoing constitutes fraud in the inducement and is grounds for denial of approval to organize a state association and/or Insurance of Accounts by the Federal Savings and Loan Insurance Corporation in this or any other matter, grounds to require the resignation of the undersigned as a director or officer of the said Association, and may subject the undersigned to other legal sanctions, including those provided for in Sections 1001, 1008 and 1014 of Title 18 of the United States Code.

Signature

*(Typed or Printed
Name)*

(Date of Signature)

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE
Department of Commerce & Industry
Office of Financial Institutions

The Commissioner of Financial Institutions hereby issues the following rule which contains instructions for completing an application for permission to establish a branch office by existing State Chartered Savings & Loan Associations.

Rule
Application for Approval to Establish a Branch

Date

To the Commissioner of Financial Institutions
Office of Financial Institutions
Post Office Box 44095, Capitol Station
Baton Rouge, Louisiana 70804

The undersigned applicant hereby makes application to the Office of Financial Institutions for permission to establish, under such terms and conditions as the Office of Financial Institutions may prescribe, a branch office of the

Name of Applicant Association

Home Office Address

City, Parish, State and Zip Code

To be located at

Address of Proposed Branch

City, Parish, State and Zip Code

The undersigned hereby certify that the statements and representations made in this application and all evidence and data submitted in support thereof are consistent with the facts to their best knowledge and belief, and that they are made for the purpose of inducing the Commissioner of Financial Institutions to approve the establishment of the proposed branch office at the location indicated above.

Applicant Association

By: _____ Title: _____

Attest:

Secretary

Outline of Information to be Submitted in Support of an Application for Permission to Establish a Branch Office by a State Savings and Loan Association.

The Office of Financial Institutions Requires that Each Application requires that each application be supported by information in accordance with the following outline:

I. Legal Documents

A. A resolution of the Board of Directors authorizing the association to make application to establish a branch.

B. An opinion from the association's attorney that the association has the legal right to operate such a branch office.

II. Necessity for the Proposed Branch

A. Maps: Use sufficiently detailed maps that include a distance scale. The proposed site location and savings service area should each be clearly indicated along with the local and surrounding

communities, any existing or proposed savings and loan offices, bank offices, and relative locations of such facilities as shopping centers. Delineate a realistic savings service area, and submit information justifying the proposed savings service area as a logical, realistic choice. All maps should be original and required notations should be in contrasting colors for clear interpretation. See attached sheet (MAPS) concerning preparation.

B. Proposed Location: Describe in narrative form the geographical location of the proposed facility. Include in the description the character of land uses in the immediate vicinity such as: strip development; shopping center (neighborhood or regional — number of stores, principal tenants, square footage of retail space, area of draw, retail sales, etc.); office buildings, residential neighborhood, etc. If the proposed branch is to be located in a shopping center not yet in operation, give full details regarding the status of development, number of stores and principal tenants, square footage of retail space, proposed opening date and other information you believe may be pertinent.

C. Proposed Savings Service Area: Describe in detail the general community characteristics of the proposed savings service area, and show specific statistics to support your application. All phases of community information are to be set forth on a current basis and on what you believe to be meaningful trends. Additional data covering a broader area may also be quite helpful. Sources of the various data should be clearly stated.

Remember, such data should relate to the savings service area in order for the application to be fairly analyzed. Information on other areas may be presented, but the impact on the savings service area should be fully explained. Information should be supplied on a trend basis and credible projections are helpful.

1. Population trends.
2. Resident income levels, type of housing occupancy; e.g. median family income, per household income and predominant range of income.
3. Savings potential of population and/or evidence of any untapped savings potential.
4. Existing or proposed major economic base of the community.

D. Local Savings:

1. Savings-type deposit data of financial institutions in the area. For banks use most recently published "Call Report."

E. Local Home Financing:

1. Characterize the strength of mortgage demand in the area using such relevant economic data as:
 - a. Volume of tract housing and other new single family dwellings completed and sold.
 - b. Volume of new multiple housing units completed and rented.
 - c. Housing developments, recent and proposed, including number of units, value and type of housing occupancy.

III. Reasonable Probability of Usefulness and Success

A. Proposed Operations

1. Statement describing office location as nearly as possible. Include information such as traffic patterns, location to customer convenience, proximity to other businesses and its possible effect, etc. Also include the services to be offered at proposed branch office.

2. Statement of estimated growth in savings, exclusive of savings to be transferred from the main office, for each of the first three years and the basis on which the estimates were made.

3. Statement of plans as to full-time operations in branch premises, including description of the premises, leasing or purchasing agreements, parking facilities, drive-up windows, etc. (The association will not be allowed to lease branch quarters from Directors, employees or other affiliated persons.) Show approximate cost per square foot, cost of land and/or remodeling. Describe the exterior and interior of the office quarters. Attach sketches and/or drawings showing the floor plan and office arrangement. Attach photographs of the exterior and interior, if selected, and include at least one street scene showing the immediate surroundings.

4. Estimates and the basis on which they were made, as to the annual volume of business for each of the first three years for both savings and loans. (Include transfers to be made from the main office).

5. Submit a detailed breakdown of the investment in, and the rental of furniture, fixtures and equipment for the branch. Also submit a detailed breakdown of the estimated income, expenses, and profit and loss for the first three years of operations of the proposed branch.

6. Indicate whether or not the lending policies, interest rates, service charges, loan terms, appraisal methods, etc., will be the same as that of the main office. Explain all changes planned.

7. Statement as to plans for the branch management.

B. Financial Condition of the Home Office

1. Attach latest month-end balance sheet and profit and loss statement of the association.

2. Submit a budget for the current earnings period and for the next succeeding period which reflects the estimated additional expense of the maintenance of the proposed branch.

3. Give the name and complete address of each existing branch and indicate those which are approved but not yet in operation.

4. Give the name and complete address of each service corporation in which the association owns twenty per cent or more of the stock with a complete description of its activities. Attach a sufficiently detailed current balance sheet and a profit and loss statement of each. Show the total dollar amount and the percent of the total capital investment the association owns in each of these corporations.

IV. Possible Undue Injury to Properly Conducted Existing Local Thrift and Home Financing Institutions

A. Provide information that you believe indicates that the proposed branch can be established without undue injury to properly conducted existing loan and thrift and home financing institutions.

V. Other Pertinent Information

A. In addition to the attachments and narrative discussions called for in this outline, the forms attached containing the Data Sections I through VII must also be completed, attached to, and made part of the application.

B. Include or attach any additional information you may consider pertinent and not specifically applicable to any one of the headings in this outline.

VI. After the application and all supporting data are received by the Office of Financial Institutions and determined to be complete, the applicants will be notified that notice of their application should be published in a local newspaper within fifteen days. The Office will also give written notice to each association in the community to be affected that an application for a branch has been filed. The notice will state the name and the location of the proposed branch. Interested parties then have the opportunity to file communica-

tions in favor, or in protest of the application. During this period, the application and supporting data, except for the Confidential Section, will be available for inspection at the Office of Financial Institutions in Baton Rouge.

MAPS

Each set of the application and supporting documents must be accompanied by two original maps: (1) a map of the surrounding area of at least one hundred miles radius of the proposed location upon which is shown the proposed location and the proposed service area (PSA); and (2) a city, parish or local area map upon which is shown the proposed location, the PSA, other existing or proposed thrift institution offices, commercial banks and significant commercial facilities in or near the PSA.

Notations appearing on maps submitted in support of an application should be as follows:

A. Proposed Service Area (PSA) — should be outlined by a heavy black line.

B. Proposed Location — should be marked with a black X and with a black circle around it.



(Black)

C. Other Savings and Loans — Any other existing or proposed savings and loan offices in or near the PSA should be marked by red numbers with red triangles around them.



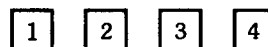
(Red)

D. Commercial Banks — should be marked by black numbers with black diamonds around them.



(Black)

E. Commercial Facilities — Significant commercial facilities in or near the PSA should be marked by green numbers with green squares around them.



(Green)

A key listing the names of each item identified by one of the above symbols should be provided as an attachment to each map. Each map should contain a distance scale.

DATA SECTION - I

Selected Demographic Information

	<u>Service Area</u>	<u>City</u>	<u>Parish</u>
A. <u>Population</u>			
1. Number			
1960.....	_____	_____	_____
1970.....	_____	_____	_____
1980.....	_____	_____	_____
Present Estimate.....	_____	_____	_____
Projected Estimate.....	_____	_____	_____
2. Percentage Change			
1960/1970.....	_____ %	_____ %	_____ %
1970/1980.....	_____ %	_____ %	_____ %
1980/Present.....	_____ %	_____ %	_____ %
B. <u>Median Age</u>			
1970.....	_____	_____	_____
1980.....	_____	_____	_____
Present.....	_____	_____	_____
C. <u>Persons Per Household</u>			
1970.....	_____	_____	_____
1980.....	_____	_____	_____
Present.....	_____	_____	_____
D. <u>Median Family Income</u>			
1970.....	\$ _____	\$ _____	\$ _____
1980.....	\$ _____	\$ _____	\$ _____
Present.....	\$ _____	\$ _____	\$ _____

Association & Proposed Branch Address

Date

DATA SECTION - II
Savings and Loan Institutions Within Proposed Service Area
(Omit 000's)

<u>Name & Location</u>	<u>Air Miles & Direction from Proposed Site</u>	<u>Date Opened</u>	<u>Savings Totals Latest Three Years as of dates</u>			<u>Assets as of</u>

DATA SECTION - III
Commercial Banks Within Proposed Service Area
(Omit 000's)

<u>Name & Location</u>	<u>Air Miles & Direction from Proposed Site</u>	<u>Date Opened</u>	<u>Savings and Time Deposits (IPC) Latest Call, and Year-End for Previous Two Years as of dates</u>			<u>Assets as of</u>

Association & Proposed Branch Address

Date

DATA SECTION - IV

Estimated Savings for Proposed Branch
(Exclude Savings to be Transferred)

Table with columns: Description, Estimated Volume at End of First Year, Second Year, Third Year. Rows include Savings - Paying at or Below Regular Rate and Savings - Paying More Than Regular Rate.

DATA SECTION - V

Estimated Volume of Savings & Loans
(Include Amounts Transferred)

Table with columns: Description, Estimated Volume at End of First Year, Second Year, Third Year. Rows include Savings - Paying at or Below Regular Rate, Savings - Paying More Than Regular Rate, Mortgage Loans, and Other Loans.

DATA SECTION - VI

PROPOSED INVESTMENT IN AND RENTAL OF FURNITURE, FIXTURES, AND EQUIPMENT

INSTRUCTIONS: Complete all applicable items in the following table in as much detail as possible. Precede all estimates with an asterisk. Copies of any completed or tentative contracts and leases should be available for review by the investigating examiner.

Main table for furniture and equipment with columns: ITEM, TOTAL NO. OF UNITS, TOTAL COST (If owned), ANNUAL RENTAL (If leased). Includes rows for Vault Door, Safe, Typewriters, Desks, etc., and a TOTALS row.

*LIST ALL ITEMS COMPRISING THIS EDP OR ADP INVENTORY.

DATA SECTION - VII

Attach the following statements to this Section:

1. Detail breakdown of the estimated income, expenses, and profit and loss for the first three years of operations of the proposed branch.
2. All of the information (in detail) called for in Section III., B., 1., 2., 3., & 4. of the outline of required information to be submitted with the application.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

RULE
Department of Commerce & Industry
Office of Financial Institutions

The Commissioner of Financial Institutions hereby issues the following rule which contains instructions for completing an application for permission to establish a new State Chartered bank or a branch office by an existing State Chartered Bank.

Rule
General Provisions

I. Definitions.

(a) Applicant — Applicant means a party seeking a Certificate of Authority from the Commissioner.

(b) Application — An application shall consist of the necessary forms provided by the Commissioner, submitted in a completed form to the Commissioner along with all supporting documents requesting that a Certificate of Authority be granted.

(c) Bank — Any corporation engaged in banking business chartered by the Commissioner.

(d) Branch — Branch means an additional office for receiving deposits, or paying checks, or lending money apart from the chartered premises.

(e) Commissioner — Commissioner means the Commissioner of Financial Institutions often referred to as Bank Commissioner. The Commissioner supervises banks, savings and loan associations, credit unions, licensed lenders under the Louisiana Consumer Credit Law and the Sale of Checks Act. He is also the ex-officio Commissioner of Securities.

(f) Investigation — The Commissioner or any examiner or examiners designated by the Commissioner may make such investigations as deemed necessary to assist in the determination of matters pending before the Commissioner. The investigation shall include an examination of each of the six factors included in the application.

(g) Depository Financial Institutions — Any bank, savings bank, homestead association, building and loan association, savings and loan association or credit union chartered by the Commissioner or the appropriate federal authority.

II Declaration of Policy — It is declared to be the policy of this office to protect and foster the growth of the independent unit bank, an institution whose ownership and origins are grounded in the local community and whose activities are bound up with local economic and social organizations; to prevent the undesirable concentration of control in the banking field to the detriment of the public interest and to insure effective competition among banking institutions.

III Application for New Financial Institution Charters.

A. Scope: This section applies to applications for Certificates of Authority under Sections 54, 55, 152, 232, 233, 234, 235, 236, 237, 243, 244, 322 and 328, Title 6 of the Louisiana Revised Statutes of 1950.

B. Applications and Contents: Applications shall be in such form and contain such information as the Commissioner may from time to time prescribe. The Commissioner may refuse to accept an application until the applicants have submitted all required information. The application will contain a public section and a confidential section. The public file in each case shall consist of supporting data and supplementary information. Data, comments and information submitted by interested persons in favor of or in opposition to such application. Those portions of the application which cover the convenience and needs of the community and the future earnings prospects shall make up the public section.

Evidence of publication in an area news media must be furnished the Commissioner prior to the acceptance of the application. Upon receiving proof of publication, and after the application is completed to the satisfaction of the Commissioner, the application may be accepted for filing.

Six factors within the application are to be considered:

- (a) Financial History and Condition.
- (b) Distribution and Adequacy of Capital Structure.
- (c) Future Earnings Prospects.
- (d) Management.
- (e) Convenience and Needs of the Community.
- (f) Corporate Powers.

IV Proposed New Bank.

A. Financial History and Condition.

1. General — For evident reasons, proposed new banks have no financial history to serve as a basis for determining qualification. Some consideration may be given to the history of other banks presently and formerly operating in the area of the applicant.

General quality of an applicant's assets must be satisfactory and at least on a par with that of the average State insured bank. This will, however, have only limited application in the case of a proposed or newly organized bank, since the assets will consist largely of cash, balances due from banks, and fixed assets.

2. Permanent quarters — Fixed assets are the primary concern in analyzing the asset condition of a proposed or newly organized bank. These assets should be listed and described in detail. For example, the following elements are pertinent to an adequate description and evaluation of applicant's realty interests: the original cost of the bank premises at time of construction with a breakdown between land and building, original cost to applicant, date of construction, reasonableness of purchase price, from whom purchased, insurance to be carried, assessed value, prospective or immediate repairs or alterations, estimated useful life of the building as of the beginning of business. Ample information should also be reported on the furniture and fixtures investment. Total investment in these fixed assets must not exceed a percentage of total capital determined by the Commissioner.

If the leasing of bank premises is contemplated either through a real estate subsidiary of the proposed bank or otherwise, the terms of the lease are to be outlined and subject to the approval of the Commissioner.

The new bank will provide procedures, security devices and safeguards. In addition, if the new bank plans to utilize electronic data processing services for some or all of its accounting functions, proponents should be apprised of the need to furnish "Letters of Assurance."

3. Temporary quarters — In applications anticipating the use of temporary quarters pending construction or renovation of permanent facilities, details should be provided regarding the location of the site in relation to the permanent location, the exact address.

4. Organizational Expenses — Legal fees, professional assistance fees and organizational expenses are to be supported by a detailed account of the services rendered and subject to approval of the Commissioner. All such organizational expenses are to be charged off the bank's books on the first day of business regardless of IRS regulations.

B. Distribution and Adequacy of the Capital Structure — Adequacy of the capital structure shall be determined by the Commissioner in light of the location of the proposed bank, the projected nature of its business, future growth potential, projected future earnings, and the quality of its management. Distribution of stock ownership shall be broad based and subject to the approval of the Commissioner. The number of shares of stock and its par value as of the commencement of business should be scheduled. The per share price of the stock should be stated, and, in cases where an additional amount per share is assessed to cover organizational and preopening expenses, that amount should also be identified.

C. Future Earnings Prospects — Allowing a new bank to commence operations without some indication that it can be operated profitably not only creates a potentially unsatisfactory situation, but could also have a detrimental effect on other competing banks. Usually the operations of a new bank are not profitable for at least the first year. Applications, therefore, should make estimates of operating income and expenses for the the first three years of

operating, using, among other things, the projections of loan and deposit volumes made in connection with the "Distribution and Adequacy of the Capital Structure" factor.

In determining future earnings prospects, applicants must estimate the probable income from loans and discounts, bonds and securities, service charges and commissions, and other sources of income. Assistance in this task may be obtained from evaluating proposed lending policies and interest rates, the demand for loans in the area and types thereof, the probable nature of the bank's investment policy, the amount of the time and demand deposits likely to be acquired, the probable competitive reaction from existing banks, the economic conditions in the community, the possibility of future development or retrogression in the area, and the apparent money-making ability of the bank's management. In addition, estimates must be made for expenses such as salaries and other employee benefits, interest, occupancy and equipment outlays, electronic data processing service costs, and other current operating expenses. It is considered imprudent to pay dividends or bonuses during the formative years of operation. Any dividend paid during this period is subject to the approval of the Commissioner.

D. General Character of Management — The quality of a bank's management is vital and is perhaps the single most important element in determining the applicant's acceptability.

In most instances, the management of a proposed or newly organized bank will not have an operating record as a functioning unit. The application should, therefore, contain a schedule giving the name, address, approximate age, total liabilities and net worth of each director and officer, and include with respect to each the following information:

1. Banking and Business Experience

Comments in this regard should detail present occupation or profession and past banking, business, farming, or other experience.

Indicate all firms, companies, corporations, and organizations in which a given director or officer is substantially interested.

2. Proposed Duties and Responsibilities in Bank

Outline the duties and responsibilities as well as the title of each proposed officer and director.

3. Net Worth — Current financial statements must be furnished on each proposed director, officer and five percent stockholder.

4. Extent of Stock Investment in Bank — Stock holdings of each director and officer are to be indicated and subject to the approval of the Commissioner. The successful operation of a bank requires a real interest in its welfare, as well as a willingness to devote a substantial amount of time to its affairs. When directors and officers have a significant financial investment, genuine and continuing interest is more likely.

5. Integrity of Management — No person shall serve as a director, officer, or employee of a bank who has been convicted, or who is hereafter convicted, of any criminal offense involving dishonesty or a breach of trust. If it is found that criminal proceedings have at any time been instituted or fidelity insurance cancelled with respect to any officer or director, or if there is any doubt concerning the integrity of any director or officer, a thorough investigation of all surrounding circumstances shall be conducted.

6. In addition, comparable information should be included on any shareholder (other than a proposed director or officer) who is subscribing to five percent or more of the aggregate par value of stock to be issued.

In addition, the Commissioner has found that on occasion, subsequent to the approval of an application and prior to the actual opening of a proposed new bank, changes have occurred in the management or ownership. The Commissioner is interested in being advised when such changes in management/ownership take place. Accordingly, in order to monitor such changes, the Commissioner requires that the prospective incorporators advise in writing if changes in the directorate, active management, or in the

ownership of stock of five percent of the total subscribed capital be made prior to opening. Ownership control by several individuals or a group of shareholders, as well as any contemplated or existing buy-sell, voting trust, or proxy agreements between various individuals or other entities, such as holding companies, should be reported. Copies of any such agreements shall be furnished by the applicant or proponents involved. A list of stock subscribers shall be submitted including therein at least the following: The number of shares per individual subscriber of five percent or more of the total stock issue, all proposed directors and officers, the par value and the purchase price of the stock and any financing arrangement including the source of financing and the collateral pledged on the loans. Financing arrangements of stock purchased must be approved by the Commissioner.

E. Convenience and Needs of the Community to be Served — Consideration should be given to the adequacy of existing depository financial institutions in the community and in nearby rival communities for a bank is unlikely to fulfill a need if it is unable to command sufficient volume to maintain profitable operations.

A clear definition of the proposed bank's trade area is essential in determining convenience and needs. A brief description of the general area in which the proposed bank is to be situated and its location in relation to other prominent nearby communities, developments, or other important landmarks should be initially presented. While it is not required, it would be very helpful to have a professional economic survey made to support the need of a new banking institution. Once the trade area has been defined, information regarding the following should be set forth.

1. Economic Data — The principal industrial, trade, or agricultural activity should be described and annual values of principal products indicated. The presence and source of large payrolls in the area may also be an important consideration. The past and present volume of postal activity and the number and value of residential and commercial building permits can often be of considerable value in determining the vitality of the area. Figures regarding retail sales from public sources or trade organizations are useful. Information regarding medical facilities and other professional services can be a useful indicator of the self-sufficiency of the community or trade area. Statistical information on governmental units — such as assessed valuations, tax levies, bonded indebtedness, and tax delinquencies, and data on the educational environment of the area are also valuable indicators. The Survey should not, however, be filled with pages of statistics unless the figures are relevant to the area and to the application.

2. Demographic Data — Population figures within the trade area, as well as the general surrounding areas are significant determinants in considering convenience and needs. While the population as of the date of application is important, the survey should also present data which establishes population trends, as well as projections for the future.

In some cases it is difficult to obtain accurate population data for a particular trade area, as statistics combine portions of several census tracts. In some instances, data showing the number of household units in the area may be a more appropriate basis for assessing reasonable population estimates.

3. Competition — The survey should include a schedule of all depository financial institutions likely to be affected by the proposed bank, including the name, location, and year established; total deposits, loans and capital; and the distance and direction from the proposed bank site. While the number of depository financial institutions operating in the city or area to be served are important in determining whether the addition of a new bank may result in an over-banked condition, consideration will also be given to possible procompetitive consequences flowing from the new bank proposal, such as increased customer services and banking options to residents of the area.

4. Other Supporting Data — The extent of new or proposed residential, commercial and industrial development and construc-

tion is a significant secondary consideration in resolving the convenience and needs factor. Plans for the development of shopping centers, apartment complexes and other residential subdivisions, factories, or other major facilities near the proposed site should, therefore, be scheduled. In certain instances, the inclusion of maps may be desirable to clarify comments, showing by appropriate identification the name and location of each competing depository financial institution and the locations of other important buildings, offices, shopping centers, industrial parks, and the like in relation to the bank site.

F. Corporate Powers — Under this factor, the application shall include a copy of the proposed bank's articles of incorporation. Careful attention should be given to see that these articles of incorporation conform to the restrictive provision of Title 6, LRS.

V The Following Information is Required by the Commissioner of Financial Institutions as part of all Applications filed for the Organization of a New Proposed State Bank.

A. Written statement by proponents that no commissions have been or will be paid in connection with sale of stock; estimated fees to be paid in connection with organization of the new bank and to whom said fees are to be paid.

B. List of stockholders, showing address, occupation, and number of shares of each subscriber.

C. A paid-in surplus of fifty percent of the capital stock, plus a reasonable undivided profit fund are recommended and deemed advisable.

D. The Office of Financial Institutions reserves the right to impose any additional requirements it may deem necessary or desirable.

E. A certified copy of a resolution of the Board of Directors of the proposed banking institution in organization:

1. That the bank shall not pay cash dividends for the first three years of operation without prior approval from the Commissioner.

2. That the bank shall not exercise Trust Powers without prior approval from the Commissioner.

3. That the bank shall have fidelity and indemnity protection recommended by the American Banker's Association, including \$1,000,000 excess employee's coverage.

VI The Following Requirements must be met after Conditional Approval and Prior to the Issuance of the Certificate of Authority.

A. Appropriate certificate from a bank(s) certifying that the new institution has on deposit to its credit a sum equal to the capital funds.

B. Appropriate sworn statement by the President and/or Cashier that each stock subscription has been paid in full, in cash.

C. Copy of charter showing recordation certified by the Clerk of Court for the Parish of the domicile of the new institution.

D. Copy of certificate from the Secretary of State showing recordation of charter in his office.

E. Copy of publication of charter with affidavit of publisher showing that charter has been published once a week for four weeks in a newspaper published in the Parish of the domicile of the proposed new bank.

F. Certified copy of resolution of Board of Directors showing election of officers. (If officers are named in the charter, not necessary.)

G. Directors' Oaths of Office (forms to be furnished by Office of Financial Institutions.)

H. Certified copy of resolution of Board of Directors that all officers and employees are bonded; name of bonding company, form and amount of bond.

I. Notice that application for deposit insurance has been made to the Federal Deposit Insurance Corporation, Memphis, Tennessee, 38103, and certification that deposit insurance is to be granted.

J. The Office of Financial Institutions reserves the right to impose any additional requirements it may deem necessary or desirable.

K. That the bank will be open within twelve months from date of the conditional approval. If said bank cannot be established within the time specified, the organizers should submit to the Office of

Financial Institutions, in writing, a request for an extension of time.

L. That at least fifteen days before the opening of the bank, you shall advise the Office of Financial Institutions of the exact date of opening so that a Certificate of Authority may be issued.

M. Until the conditional approval becomes effective, the Office of Financial Institutions shall have the right to alter, suspend or withdraw said conditional approval should any interim development be deemed to warrant such action.

VII Application to Establish a Branch or to Move Main Office or Branch.

A. Provisions of Law — No State bank may establish and operate any new branch, or change the location of any existing branch, or move its main office, unless it obtains the necessary certificate of authority from the Commissioner.

B. Changing Location versus Establishing a Branch — As a general rule, an application involving a move of an existing office from one location to another is of less significance than one providing for the establishment of a new branch, for evident reasons. In most instances, a relocation application will not involve an examination of the bank or a field investigation of the proposal and will be investigated by the Commissioner. Some modification of the guidelines may be warranted in considering relocations as opposed to establishing de novo branches.

C. Branch Procedure — The responsibilities of the Commissioner, as well as the rights of both applicants and the Commissioner, with respect to branch applications are comparable in character to those arising under applicable law in applications. It is appropriate that the procedure followed in applications be adhered to insofar as practical in dealing with branch applications.

In applying to establish a branch or to relocate an existing office, banks must file a formal application on the appropriate form. Preliminary consideration will be given in the Commissioner's Office to the application to determine whether an examination of the applicant bank should be ordered.

No newly organized bank will receive an investigation for a proposed branch prior to its first regularly scheduled examination.

D. Factors under De Novo Branches or Relocations.

1. Financial History and Condition

The guidelines outlined under this factor for banks are applicable to branch applications. A branch system must be measured in terms of the whole and not in terms of a part. Consequently, the emphasis should be placed upon the financial history and condition of the applicant bank, rather than upon the financial history and condition of the subject branch.

Current balance sheet data of the applicant bank should be incorporated in the report, preferably as a part of a separate statistical schedule consisting of a statement of assets and liabilities of the applicant, an analysis of the capital account, earnings data over the past three-year period, and the trend of deposits over the last five calendar years.

If the proposal involves the purchase or construction of additional bank premises or other fixed assets, detailed comments are necessary.

With respect to an operating bank's financial condition, the Commissioner requires that the general quality of its net assets be satisfactory and on a par with that of the average State bank.

The bank's asset condition and problems, "Violations of Law and Regulations," contingent liabilities, existing litigation against the bank, dividend and remuneration policies, and other matters which could affect the bank's condition will be considered.

If the premises are to be leased, detailed information as to the terms of the lease should be included, as well as a detailed description and estimate of cost of any leasehold improvements.

2. Distribution and Adequacy of Capital Structure — Distribution and adequacy of capital structure should be considered in terms of the applicant bank and all of its branches. Where the establishment of a branch or the relocation of an existing office is likely to lead to an expansion in the deposits and assets of the applicant bank as a

whole, the situation should be considered on the basis of such possible increase.

An existing bank should have capital of sufficient amount to support the volume, type, and character of the business presently conducted, provide for the possibility of loss inherent therein, and permit the bank to continue to meet the reasonable credit requirements of the community served. A benchmark in capital adequacy is a ratio of total adjusted capital to average net assets which is currently, and after three years of operation is estimated to be, equal to the average for all banks. Of course, the estimate after three years of operation necessarily requires an estimation of deposit volume at that time. In addition, the basic capital should be sufficient to provide a ratio to total assets at least equivalent to the average for all banks.

Any plans of the applicant with respect to the bank's capital structure should be detailed.

3. Future Earnings Prospects — Future earnings prospects should be considered in terms of both the applicant bank as a whole, as discussed under this factor for banks, and in terms of the particular subject branch. Applications in connection with the establishment of de novo branches include the applicant's estimates of total deposits, average deposits, income and expense projections, and net profits for the branch for each of the first three years of operation.

The earnings capability of an existing bank is reflected in its earnings record. An operating bank's earnings record should indicate ability to pay all operating expenses with a safe margin for the absorption of losses and for the payment of reasonable dividends.

4. General Character of the Management — Management must be considered in terms of both the applicant as a whole and the subject branch alone. The management of the subject branch should be fully reported as to qualifications and experience, especially if new personnel not previously associated with the applicant bank is to be employed or if the proposed branch is likely to attain substantial size.

The lending or other authority to be exercised by branch officials, supervision to be maintained over branch activities by the main office, and information with respect to audits or examinations to be conducted should be provided. Data on fidelity coverage should also be included.

5. Convenience and Needs of the Community — Where the application is to establish a new branch, the guidelines and considerations outlined under this factor for applications by proposed or newly organized banks apply insofar as pertinent. Where the application is to relocate an existing office, particularly in the same community, the guidelines set forth under this factor for applications by banks will, as a rule, have greater relevancy.

The competitive factor is of primary importance in giving a full evaluation of the existing competition within the proposed trade area, including a schedule of competing depository financial institutions (and their nearby branches), listing as a minimum, their respective deposit and loan totals and distance from the proposed subject branch location. In large centers of population, the requirement for listing all depository financial institutions within twenty five miles may be disregarded, and the listing may be confined to operating within the general competitive area to be served by the proposed branch.

Any pertinent information with respect to local economic conditions, population trends, or unusual circumstances which have affected or may affect the community and the applicant should be commented on under this caption.

6. Consistency of Corporate Powers — This factor will usually have only limited application in connection with branches.

§ 54. Branch offices other than in parish of domicile; capital required.

All banks, savings banks, and trust companies having a capital of one hundred thousand dollars or more may open and maintain a branch office or branch offices in parishes in which there are no

state banks, savings, banks, and trust companies.

Not more than one branch office shall be opened in any one parish other than the parish of domicile, and such branch office shall be included in the number of branch offices authorized by Chapters 3 and 4 of this Title. The branch offices may carry on and conduct all usual transactions authorized by this Title for branch offices.

No branch office shall be opened without a certificate of authority from the commissioner.

§ 55. Branch banks in certain parishes authorized.

All banks in the parishes of Allen, Calcasieu, Cameron, or Jefferson Davis may establish, own, and operate a branch bank or banks in any one or more of the other named parishes.

The rights of banks in these parishes to establish, own, and operate branch banks within the limits of the municipality or parish in which the parent bank is located is not changed or altered by this Section.

§ 152. Assessments.

In order to assist in providing funds for the operation of the State Banking Department every state banking association, savings bank, and trust company shall be assessed by the commissioner, as provided in this Section, in the months of January and July. The amount of the semiannual fees for each institution is based as follows:

Two hundred dollars for each bank.

Fifty dollars for each branch bank.

Four and one-half cents for each one thousand dollars of total assets at the close of the preceding calendar year.

In addition, a filing fee of fifteen hundred dollars is assessed for investigating and processing each application for a new bank, or each application for a merger, consolidation, or purchase of assets and assumption of liabilities.

A filing fee of five hundred dollars is assessed for investigating and processing for each application for a branch office.

Where banks have a branch office or branch offices conducting a general banking business, the main office and each branch office are considered as separate or independent institutions for the purposes of determining the amount of fees to be assessed.

An extra fee of twenty-five dollars per day may be assessed for each additional day or fraction of a day that the commissioner finds necessary for any of the examiners to devote to the examination of any institution under the supervision of the department by reason of the failure or neglect of its officers or employees to keep its books posted daily or its records in such shape as to enable the commissioner to ascertain readily its true condition. This extra fee shall be added to the next semiannual assessment and shall be collected in the same manner as is provided in this Section.

The commissioner shall notify the state auditor in writing during the months of January and July the amount of the semiannual fee assessed against each institution. The state auditor immediately on receipt of this notice shall demand from each institution the amount of the semiannual fee assessed against it. Upon receipt of this demand from the state auditor, each institution assessed shall at once pay the state treasurer the amount of the fee. All fees assessed operate as a first privilege on the assets of the institution against which they are assessed, and if not paid by the tenth of the month following the month in which the assessment is made the state treasurer shall place the claims for the amounts in the hands of the Attorney General. On receipt of the claim the Attorney General shall employ special counsel who shall institute suit in the name of the state treasurer for the collection of the fees. The suit shall be tried in a summary manner before any court of competent jurisdiction. The claim bears legal interest from and after the tenth of the month next following the month in which assessment is made and twenty percent of principal and interest from that date as a fee to be taxed against the delinquent state banking association, savings bank, or trust company, in favor of the special counsel in whose hands the claim is placed.

§ 232. Incorporation; citizenship requirements; private bankers prohibited.

The business of banking shall be carried on only by incorporated associations that have been organized under the laws of Louisiana and of the United States of America, and by firms domiciled in Louisiana whose active members are citizens of this state. No one not incorporated under this Chapter may use the title bank, banking association, or saving bank in connection with its name.

§ 233. Number of incorporators; domicile; powers.

Five or more persons associating themselves together for the purpose of conducting the business of banking or the business of a savings bank may constitute themselves a corporation provided that the corporation be domiciled in some incorporated municipality. However, banking associations may be organized in unincorporated municipalities as provided in R.S. 6:234. Corporations organized under this Chapter may:

(1) Have and enjoy succession by a corporate name, to be selected by themselves, for a period stipulated in the act of incorporation, which period shall not exceed ninety-nine years, and by that corporate name to appear as a natural person in all courts of justice and elsewhere.

(2) Hold, receive, purchase, and convey, by and in their corporate name, such property as may be indispensable to the object of the corporation and as provided for in this Chapter.

§ 234. Banking associations; subscribed capital; payment.

No banking association shall be organized with less than three hundred thousand dollars capital subscribed, except that in incorporated municipalities of three thousand or more but less than thirty thousand, banking associations may be organized with a subscribed capital of not less than one hundred fifty thousand dollars, and in municipalities of less than three thousand, incorporated or unincorporated, banking associations may be organized with a subscribed capital of not less than one hundred thousand dollars.

§ 235. Savings banks; subscribed capital; payment.

Savings banks may be established in incorporated municipalities of less than fifteen thousand with a capital stock of at least one hundred thousand dollars, all of which must be fully paid in before commencing business. Savings banks may be established in municipalities of fifteen thousand or more but less than thirty thousand with a capital stock of at least one hundred fifty thousand dollars, all of which must be fully paid in before commencing business. Savings banks may be established in municipalities of thirty thousand or more with a capital stock of at least three hundred thousand dollars, all of which must be fully paid in before commencing business.

§ 236. Kinds of banks.

Banking companies organized under this Chapter shall consist of banks of deposit, discount, exchange, and savings banks; but no bank as of July 27, 1966 or hereafter organized or chartered under the laws of the State of Louisiana shall be required to use the word "Savings" in its name or title.

§ 237. Banking associations; powers; regulations.

A. Banking associations have the following powers, those incidental to the exercise of these powers, and no others; to receive deposits; to lend money on real and personal security; to accept for payment at a future date drafts drawn upon them by their customers; and to issue letters of credit authorizing the holders of them to draw drafts upon them or their correspondents at sight or on time; to discount and buy and sell promissory notes and bills of exchange, and other evidences of indebtedness, gold and silver and bonds of the United States of America, and of this state, and of the several levee districts of this state and of the parishes and school districts, drainage districts, road districts, and of the municipal corporations of this state, on which bonds there shall have been no default in the payment of interest for the five years preceding the acquisition of the bonds by the bank. However, this

prohibition does not apply to bonds which have been outstanding for less than five years and upon which there has been no default in the payment of interest. Banking associations having a capital of twenty-five thousand dollars* or more, as provided for in R.S. 6:234 may receive savings deposits; they may contract with the depositors for the privilege of sixty days notice of intention to withdraw and they may hold such immovable property as may be provided for in this Chapter.

B. The commissioner of financial institutions shall have the power to enact and promulgate such regulations as he deems necessary in the best interest of banks chartered under the laws of the State of Louisiana consistent with regulations of the comptroller of the currency and the Federal Reserve Board, consistent with services offered by the banks chartered under the laws of the United States and consistent with the provision of Subsection A that any powers given to banks shall be incidental to the exercise of the powers specifically enumerated in Subsection A.

All regulations enacted and promulgated under this act shall be subject to all provisions of R.S. 49:951 through 49:953, and R.S. 49:954.1; and provided further that the commissioner of financial institutions shall give each bank under his jurisdiction written notification of the contest of such rules and regulations, and the date and time of any public hearing held pursuant to the above sections.

*This Section inadvertently was not amended by the legislature. The capital referred to should be one hundred thousand dollars.

§ 243. Articles of association; publication and recordation.

Banking associations and savings banks shall be organized by written articles of associations executed by a notarial act and recorded in the office of the recorder of mortgages in the parish named in the act as the place of business or domicile of the corporation. A certified copy shall be deposited in the office of the Secretary of State.

The articles shall also be published once a week for four weeks in a newspaper published in the parish named in the act as the domicile of the corporation. If there is no newspaper in the parish of domicile then it shall be published in like manner in the official journal of the state. A duly certified copy of the record of the act may be used as evidence for and against the corporation.

The Secretary of State shall be allowed twenty-five cents per hundred words for recording these acts, and one dollar for each certificate of them.

§ 244. Contents of recorded act.

The act thus recorded and published shall contain the name and domicile of the banking association or savings bank, the amount of capital stock and the number of shares, the names and addresses of the subscribers, the period at which the corporation shall commence and its duration, the number and names of its directors and managers, the mode of election and liquidation at the end of the term. It shall also provide for an increase or decrease of the capital and for the number of shares. Every increase or decrease, modification, or addition to the capital or of the number of the shares shall be submitted to a general meeting of the shareholders, held after thirty days notice by publication and by mail, and shall be approved by two-thirds of the amount of the capital stock, and shall be executed, recorded and published as provided for in the original articles.

§ 322. Incorporation; powers.

Any number of persons, not less than five, associating themselves for the purpose of conducting a savings, safe deposit, and trust banking business in any of its branches, may constitute themselves a corporation with power and authority:

(1) To have and enjoy succession by a corporate name, to be selected by themselves, for a period that shall be expressed and limited in the articles of association, not exceeding ninety-nine years, and by that corporate name to contract, and appear as a natural person in all courts of justice and elsewhere.

(2) To receive, hold, purchase, acquire, and convey by and under their corporate name any property, including bonds, stocks, and securities of the United States of America, or of any of the states, or of any corporation, board, or body, public or private, as may be necessary, proper, or convenient to the objects of the association, and to exercise in relation thereto all the direct and incidental rights of ownership. Corporations organized under this Chapter may lawfully purchase, acquire, hold, and convey, other than as trustee or agent, any immovable property:

(a) which may be necessary for the proper transaction of their business;

(b) which has been mortgaged to them in good faith as security for loans;

(c) which has been conveyed to them in satisfaction of debts previously contracted bona fide in the course of their business; and

(d) which they purchase at sale under judgments or mortgages held by themselves or in which they have an interest, by being subrogated to rights according to law; but they shall not hold any immovable property acquired in any way for a longer period than ten years except that which they hold as agent or trustee, or acquire as necessary for the proper transaction of their business.

(3) To make and use a corporate seal, which shall be described in the articles of association.

(4) To name and appoint such managers and directors to administer the affairs of the corporation as they think necessary and proper, the number and style of the directors or managers being prescribed in the articles of association; and to fix the compensation of all persons in their employment. At least a majority of the directors of the corporation shall be citizens of Louisiana.

(5) To make such by-laws for the proper management of the affairs of the corporation as may be necessary and proper and in conformity with the banking law set out in this Title and the articles of association; and they may repeal or amend the by-laws at will.

(6) To accept and execute trusts or agencies of any description which may be committed or transferred with their consent to them by any person whomsoever, or by any court of the state, or of the United States of America, or of any state, territory, or possession thereof. Such banks may be appointed executor, administrator, syndic, receiver, curator, tutor, trustee, or assignee by any person, or by any of the courts mentioned above, in the same manner, to the same extent, and under the same conditions, that individuals may be so appointed. When acting in any such capacity, such banks shall account, shall receive compensation, and shall be subject to all orders or decrees made by the proper court in the same manner and to the same extent as individuals acting in a similar capacity. The designation in any testament of an attorney for the succession, or the selection of an attorney by the surviving spouse or heirs, is binding upon the bank.

When any such bank has been appointed curator of an interdict, or tutor of a minor, it shall have only the care, custody, and administration of the property of the interdict or minor, and the care and custody of the person of the interdict or minor shall be confided to the individual who would otherwise be entitled to the curatorship or tutorship. In such cases, the commissions allowed by law shall be divided equally between the bank and the individual having the custody of the interdict or minor unless, upon proper showing, the court orders a different division of these commissions which it deems more equitable.

(7) To invest the funds of a minor or interdict of which such bank has been appointed tutor or curator in any common trust fund established by such bank under the provision of R.S. 9:2128, such investments to be administered in conformity with such section.

§ 328. Branch offices in parish of domicile.

Any savings, safe deposit, or trust and savings bank may have one or more offices of discount and deposit within the limits of the municipality or parish in which the bank is located. Further, before any such bank opens a branch office under the provisions of this

Chapter it must first obtain a certificate of authority from the commissioner. Whenever any of these banks have taken advantage of the provisions of this Chapter, and have established one or more offices of discount and deposit within the limits of a municipality or parish, no future political or legal subdivision of that municipality or parish shall in any way affect the right of the banks to continue the existence, maintenance, and operation of any of these offices already established, nor shall any provisions contained in this Chapter in any way affect the right of any savings, safe deposit, or trust and savings bank to continue the operation and maintenance of the branch offices as may have been lawfully established prior to twelve o'clock noon, July 29, 1926.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

APPLICATION FOR

OFFICE OF FINANCIAL INSTITUTIONS

PROPOSED NEW BANK

PROPOSED TITLE OF BANK	
LOCATION	
CITY	STATE

INFORMATION FOR THE APPLICANT – PUBLIC SECTION

1. Any prospective incorporator desiring to qualify his certificate may do so by attaching hereto any statement which may be required to make his certificate accurate.
2. Schedules or inserts may be attached to this Application whenever the space provided is insufficient. Such attached schedules or inserts are a part of this Application. All schedules or inserts should be on paper the same size as this page. Applications are to be securely bound.
3. Two copies of the completed Application are to be forwarded to the Office of Financial Institutions. A complete copy should be retained by the prospective incorporators.
4. Requests for clarification as to what information is necessary to complete this Application should be directed to the Office of Financial Institutions.
5. You may provide any information in addition to that requested by the Office which, in your opinion, might aid in the disposition of your application. However, any such unsolicited information will be accepted for consideration with the understanding that it may be made public.

OFFICE OF FINANCIAL INSTITUTIONS APPLICATION FOR PROPOSED NEW BANK		DATE
PROPOSED TITLE		
COMPLETE ADDRESS		
STREET AND NUMBER	CITY	
PARISH	STATE	ZIP CODE
<i>TYPE OF BUSINESS (Check all which apply)</i>		
<input type="checkbox"/> COMMERCIAL BANKING <input type="checkbox"/> SAVINGS BANKING <input type="checkbox"/> INDUSTRIAL BANKING <input type="checkbox"/> TRUST BUSINESS <input type="checkbox"/> CASH DEPOSITORY <input type="checkbox"/> OTHER (<i>Specify</i>)		

We, the undersigned prospective incorporators, being natural persons and of lawful age, intend to organize a State banking corporation as indicated above. We hereby make application to the Office of Financial Institutions on behalf of the Proposed Bank to become, upon its organization, an insured bank under the provisions of the Federal Deposit Insurance Act.

It is understood that the Office of Financial Institutions will consider the Application only with respect to the general character or type of business above stated and that the Bank will not engage in any other business without the prior written consent of the Office.

It is further understood that Federal deposit insurance will not become effective (a) until the Proposed Bank has been incorporated and authorized to engage in the business of receiving deposits, (b) until the Board of Directors of the Bank has adopted a resolution ratifying and confirming the action of these incorporators in making this Application with supporting information, (c) until the Bank has fulfilled such requirements, if any, as may be imposed by the Office of Financial Institutions as a condition of its approval of this Application, and (d) until the Bank has been notified that it has been approved.

We have, in connection with this Application, read the provisions of the State law which govern the organization of a State bank.

In support of this Application, we hereby make the following statements and representations and submit the following information upon several factors for the purpose of inducing the Commissioner of Financial Institutions to approve the Proposed Bank and we hereby request that an Examiner of said Office be assigned to make the necessary investigation.

THE UNDERSIGNED HEREBY CERTIFY, JOINTLY AND SEVERALLY, that the statements contained herein are true to their best knowledge and belief, and that they are made for the purpose of inducing the Commissioner of Financial Institutions to accept the Proposed Bank when organized.

SIGNATURE AND PLACE OF RESIDENCE	SIGNATURE AND PLACE OF RESIDENCE

I. FINANCIAL HISTORY AND CONDITION

A. PRO FORMA STATEMENT OF CONDITION - BEGINNING OF BUSINESS

ASSETS		LIABILITIES AND CAPITAL	
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Cash and due from banks		LIABILITIES:	
Securities			
Loans			
Bank premises			
Furniture, fixtures, and equipment			
Other assets:			
Net organization expenses (Same as I.E.)			
		Total Liabilities	
		CAPITAL:	
		Total Capital Accounts	
TOTAL ASSETS		TOTAL LIABILITIES AND CAPITAL	

B. PREMISES TO BE OCCUPIED BY BANK

INSTRUCTIONS: Complete all appropriate sections below. Where not applicable insert N.A. or None. When the disclosure of any information may adversely affect ongoing negotiations, include such information in the Confidential Section of this application. Copies of any completed contracts and leases should also be submitted and, unless otherwise provided by State law, leases must include clauses similar to those with which you, the applicants, have been provided. The use of these leases and contracts by the Office of Financial Institutions will remain confidential.

1. TYPE OF OCCUPANCY (Check all which apply to indicate both type of quarters at opening and contemplated permanent quarters)

Permanent quarters leased (Complete 2 and 3 below) Permanent quarters owned (Complete 2 and 4 below) Temporary quarters (Complete 5 below)

2. DESCRIPTION OF PREMISES

DIMENSIONS OF LOT	DIMENSIONS OF BUILDING	NO. OF STORIES	NO. PARKING SPACES	NO. TELLER'S STATIONS

TYPE OF CONSTRUCTION OF BUILDING

DETAILS OF BUILDING INTERIOR (Mention all employee facilities and size of lobby area)

3. PREMISES LEASED

NAME OF OWNER	INSURANCE TO BE CARRIED
COST AND DESCRIPTION OF LEASEHOLD IMPROVEMENTS	ANNUAL RENTAL
	ANN. AMORTIZATION
TERMS OF LEASE	

RENEWAL OPTIONS

4. PREMISES OWNED

EXISTING STRUCTURE

NAME OF SELLER	DATE CONSTRUCTED	EST. USEFUL LIFE	COST TO BANK
COST AND DESCRIPTION OF NECESSARY REPAIRS AND ALTERATIONS			

ASSESSED VALUATION	INSURANCE TO BE CARRIED	ESTIMATED ANNUAL DEPRECIATION

PROPOSED STRUCTURE

NAME OF SELLER OF LOT	COST OF LOT TO BANK	CONSTRUCTION COST
ESTIMATED ASSESSED VALUATION	INSURANCE TO BE CARRIED	ESTIMATED ANNUAL DEPRECIATION

5. TEMPORARY QUARTERS

NAME OF OWNER	COST OR MONTHLY RENTAL

LOCATION (Include distance and direction from permanent quarters)

DESCRIPTION

I. FINANCIAL HISTORY AND CONDITION (Continued)

E. ORGANIZATION EXPENSES

INSTRUCTIONS: List all expenses related to the organization of the bank. Include all expenses paid, additional costs anticipated prior to the opening date, and include any expenses for work performed during the organization phase for which disbursement has been deferred beyond the opening date.

IMPORTANT: A detailed accounting of legal work performed will be required prior to final consideration of this application.

NAME OF RECIPIENT	ASSOCIATION WITH BANK (Mark appropriate col.)			TYPE OF RELATIONSHIP (Specify Director, Officer, 5% stockholder, or their relatives. Designate any business interests of the aforementioned.)	AMOUNT
	Direct	Indirect	None		
Attorney Fees:					
1. TOTAL ATTORNEY FEES					
Consultant Fees:					
2. TOTAL CONSULTANT FEES					
3. TOTAL PRE-OPENING SALARIES					
4. TOTAL PRE-OPENING TRAVEL AND ENTERTAINMENT					
5. TOTAL APPLICATION AND INVESTIGATION FEES					
Other Expenses: (Describe in detail any item in excess of \$1,000)					
6. TOTAL OTHER EXPENSES					
Total Organization Expenses (Sum of lines 1 thru 6 above.)					
Pre-opening Income					
NET TOTAL					

DESCRIBE SOURCE OF PRE-OPENING INCOME

DESCRIBE HOW ORGANIZATION EXPENSES WILL BE PAID

F. PREDECESSOR INSTITUTION

INSTRUCTIONS: Set forth below a brief history of the operations of any banking institution the assets and liabilities of which are to be assumed in whole or in part by the Proposed Bank, such banking institution herein referred to as the Predecessor Institution. This history should include the date of organization and full information on any mergers, consolidations, conversions, reorganizations, recapitalization programs, guaranties or guaranty bonds executed, capital contributions, liability or deposit assumptions, deposit waivers, deposit deferment or restriction agreements, subordinations of claims or deposits, and so forth, which have occurred during the past ten years.

II. ADEQUACY OF THE CAPITAL STRUCTURE

A. PROPOSED PAID-IN CAPITAL STRUCTURE

IMPORTANT: Upon organization, the proposed bank will not refinance, directly or indirectly, any loan, advance, or credit extension originally made by any existing financial institution, or others, to any subscriber of shareholder for the purpose of obtaining funds to purchase stock in the proposed bank.

DESCRIPTION	AMOUNT
Common capital (_____ no. of shares @ \$ _____ par value)	
Surplus	
Other capital segregations	
TOTAL	

NOTE: Attach a copy of the stock subscription form and prospectus, if any, which will be used in connection with the issuance of capital stock. A substantially complete list of stock subscribers will have to be submitted before the application can be processed.

LIST AMOUNTS AND RECIPIENTS OF ANY FEES OR COMMISSIONS PAID IN CONNECTION WITH THE SALE OF STOCK	SALE PRICE PER SHARE

B. MINIMUM CAPITAL REQUIREMENTS OF STATE LAW RELATIVE TO ORGANIZATION OF A BANK IN THIS SIZE COMMUNITY AND WITH POWERS AS PROPOSED

DESCRIPTION	AMOUNT
Common capital	
Surplus	
Other capital segregations	
TOTAL	

C. ESTIMATED DEPOSITS

TYPE OF DEPOSIT	ESTIMATED VOLUME AT END OF		
	First Year	Second Year	Third Year
INDIVIDUALS, PARTNERSHIPS, AND CORPORATIONS:			
Demand Deposits			
Savings Deposits			
Time Deposits			
PUBLIC FUNDS:			
Demand Deposits			
Time Deposits			
DEPOSITS OF BANKS AND OTHER FINANCIAL INSTITUTIONS:			
Demand Deposits			
Time Deposits			
TOTAL DEMAND DEPOSITS			
TOTAL TIME AND SAVINGS DEPOSITS			
TOTAL DEPOSITS			

THE ABOVE ESTIMATES ARE BASED ON THE FOLLOWING DATA AND ASSUMPTIONS:

IMPORTANT: The bank will at all times maintain adequate capital accounts in relation to the true value of its total assets.

III. FUTURE EARNINGS PROSPECTS

THE AFORESIGNED ARE OF THE OPINION THAT, within a reasonable period after commencement of business as a bank, the earnings of the Proposed Bank will be sufficient to cover all operating expenses, losses, and charge-offs and to provide a reasonable return to shareholders.

A. ESTIMATED AVERAGE DEPOSITS AND ASSETS

INSTRUCTIONS: Average deposits for the second and third years are computed by adding figures at the end of the preceding year to the totals at the end of the subject year and dividing by two. (Refer to II C.)

DESCRIPTION	AVERAGE DURING		
	First Year	Second Year	Third Year
AVERAGE DEPOSIT VOLUME:			
A. Demand deposits			
B. Time and Savings deposits			
Total estimated average deposit volume			
Capital paid in (Should agree with II A.)			
Total estimated average assets			

B. ESTIMATED INCOME AND EXPENSES

INSTRUCTIONS: Gross income is calculated by multiplying the estimated return on assets by the total estimated average assets above.

DESCRIPTION	ESTIMATED AMOUNT		
	First Year	Second Year	Third Year
Gross income (@ %)			
EXPENSES:			
1. Salaries and benefits			
2. Interest on time and savings deposits			
3. Net occupancy expense (details below)			
4. Furniture and equipment (depreciation, rental, maintenance, etc.)			
5. Other operating expenses:			
Advertising			
Telephone			
Legal			
Postage			
Computer services			
Miscellaneous			
6. Net organization expenses (1st year only. Should agree with IE.)			
Total estimated expenses			
ESTIMATED NET PROFIT OR (LOSS)			
OCCUPANCY EXPENSES:			
Rent			
Depreciation			
Repairs			
Maintenance (including building staff salaries)			
Insurance			
Taxes on real estate			
Utilities (heat, light, power, etc.)			
Other occupancy costs			
Total Occupancy Expenses			
Less: Rental Income			
Net occupancy cost (should agree with line 3 above)			

COMMENTS

IV. GENERAL CHARACTER OF THE MANAGEMENT

A. DIRECTORS, OFFICERS, AND SHAREHOLDERS

INSTRUCTIONS: List alphabetically, by group, all *Directors, Non-Director Officers, and any others owning or subscribing to 5% or more of the proposed capital.* Indicate the status of each individual listed by checking the appropriate box at left. *D - Director; O - Officer; and S - Shareholder.* If disclosure of any of the proposed officers of the proposed bank would jeopardize current employment, include the information in the Confidential Section.

STATUS (Check)	NAME AND ADDRESS (Include ZIP Code)	OCCUPATION	TITLE
D			
O			
S			
D			
O			
S			
D			
O			
S			
D			
O			
S			
D			
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IV. GENERAL CHARACTER OF THE MANAGEMENT (Continued)

CHANGES CONTEMPLATED IN THE PROPOSED DIRECTORATE OR ACTIVE MANAGEMENT DURING THE FIRST YEAR (If none, so state)

IMPORTANT: Prompt written notification must be given to the Office of Financial Institutions if changes in the directorate, active management, or in the ownership of stock of 5% or more of the total are made prior to opening.

B. COMMITTEES

LOAN	
NAMES OF MEMBERS	DUTIES

INVESTMENT	
NAMES OF MEMBERS	DUTIES

AUDIT	
NAMES OF MEMBERS	DUTIES

C. FIDELITY COVERAGE

The applicant bank will at all times maintain sufficient surety bond coverage on its active officers and employees to conform with generally accepted banking practices and will at all times maintain an excess employee dishonesty bond in the amount of \$1,000,000 or more.

D. REPRESENTATIONS

1. Are the prospective incorporators acting as representative of or on behalf of any other person, partnership, association, or corporation? (If "Yes," explain in "Comments" below.) Yes No
2. Are the prospective incorporators, directly or indirectly, party to any written or oral agreement or understanding providing for the sale of the assets of the proposed bank to, or merging or consolidating the proposed bank with, any other financial institution? (If "Yes," explain in "Comments" below.) Yes No

COMMENTS

V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED

INSTRUCTIONS: The applicants are responsible for developing the legal factor Convenience and Needs of the Community in a way which clearly shows the economic support and justification for the proposed bank. *Include a map of the trade area pinpointing the location of offices of the nearest bank and/or competing bank(s).* Submit such data relating to the trade area which you feel is relevant to the proposal. If an economic survey or feasibility study has been prepared it may provide most of the information requested. Such information submitted in support of your application will be included in the public file.

THE AFORESIGNED ARE OF THE OPINION THAT the interests of the residents of the proposed trade area would be served by the establishment of the proposed bank. Data to support this opinion is presented below and in other information submitted with this application.

A. DESCRIPTION OF THE AREA TO BE SERVED

DESCRIBE THE TRADE TERRITORY WHICH THE PROPOSED BANK WILL SERVE *(Include the geographic boundaries within which all or most of the proposed bank's potential customers reside.)*

B. ECONOMIC AND DEMOGRAPHIC DATA

DESCRIBE THE ECONOMIC CHARACTERISTICS OF THE TRADE TERRITORY SPECIFIED ABOVE. *(Include manufacturing, agricultural, and other industrial data. Also include information covering, but not limited to: population, income, construction activity, and retail and wholesale sales. This information, as a minimum, should cover the most recent 5-year period.)*

ITEM	PAST 5 YEARS <i>(Indicate year)</i>				
	19	19	19	19	19
Population					
No. of housing starts					
Industrial and commercial building permits issued					
Retail sales	\$	\$	\$	\$	\$
Wholesale sales	\$	\$	\$	\$	\$

1. PRINCIPAL BUSINESSES AND INDUSTRIES OF THE AREA

NAME OF COMPANY	TYPE OF BUSINESS	NUMBER OF EMPLOYEES	APPROXIMATE ANNUAL PAYROLL	ANNUAL SALES

V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED (Continued)

B. ECONOMIC AND DEMOGRAPHIC DATA (Continued)

2. COMPETITION

INSTRUCTIONS: List all banks and branches now serving the trade territory to be served by the proposed bank. If none, list the nearest bank in each direction within a radius of 25 miles of the proposed site.

NAME OF BANK	LOCATION (City and State)	DEPOSITS (000's omitted)	DATE OF LATEST STATEMENT	DISTANCE (Road miles)	DIRECTION

LIST FINANCIAL INSTITUTIONS, OTHER THAN BANKS, NOW SERVING THE TRADE AREA TO BE SERVED. (Include Savings and Loan Associations, Credit Unions, and Finance Companies.)

COMMENTS

VI. CONSISTENCY OF CORPORATE POWERS

THE PROPOSED BANK HAS ONLY SUCH CORPORATE POWERS AS ARE GRANTED TO A STATE BANKING CORPORATION UNDER THE FOLLOWING PROVISIONS OF THE STATE LAW:

NOTE: If available, attach hereto a copy of the proposed articles of incorporation or association.

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APPLICATION FOR

OFFICE OF FINANCIAL INSTITUTIONS

PROPOSED NEW BANK

INFORMATION FOR THE APPLICANT—CONFIDENTIAL SECTION

In preparing your application, keep in mind that the Office of Financial Institutions deems that public policy warrants making all information submitted in connection with your application available for public review unless it is confidential in nature and it qualifies for exemption under the provisions of the Public Records Act. The Office has determined that application information is likely to be of such confidential nature, when meeting any of the three following exempt categories:

1. Trade secrets and commercial or financial information obtained from a person and privileged or confidential.
2. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
3. Information contained in the application form which is in the nature of examination report information.

However, the determination of the question of confidentiality and the discretion to release information which is exempt resides with the Office and the specific information you include in this section may be made available for public review in the sole discretion of the Office.

I. FINANCIAL HISTORY AND CONDITION

OUTLINE BELOW INFORMATION WITH REGARD TO FIXED ASSETS WHICH YOU BELIEVE, IF DISCLOSED TO THE PUBLIC, WOULD ADVERSELY AFFECT ONGOING NEGOTIATIONS.

OUTLINE BELOW, IN DETAIL, THE BASIS FOR COST ESTIMATES FOR BANK PREMISES SHOWN IN THE PUBLIC SECTION. *(Include Architect's fees, if any.)*

SPECIFY THE TIME REQUIRED TO PREPARE THE BANK PREMISES FOR OCCUPANCY. IF TEMPORARY QUARTERS ARE ANTICIPATED, ESTIMATE THE PROBABLE TERM OF OCCUPANCY AND DESCRIBE THE DISPOSITION OF SUCH QUARTERS.

OUTLINE SPECIFIC PROGRAMS AND PROTECTIVE DEVICES WHICH ARE TO BE FOLLOWED AND USED IN COMPLIANCE WITH PART 326 OF THE RULES AND REGULATIONS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

II. ADEQUACY OF CAPITAL STRUCTURE

STATE THE CASH DIVIDEND POLICIES TO BE FOLLOWED DURING THE FIRST THREE YEARS OF OPERATION

INSTRUCTIONS: List all known subscribers to the capital stock of the Proposed Bank.
IMPORTANT: A substantially complete list of stock subscribers will be required prior to final consideration of this application.

NAME	PLACE OF RESIDENCE	NO. OF SHARES SUBSCRIBED

III. FUTURE EARNINGS PROSPECTS

ESTIMATE OF SALARIES AND WAGES			
POSITION	FIRST YEAR	SECOND YEAR	THIRD YEAR
Chairman of the Board			
President			
Executive Vice President			
Vice President(s)			
Cashier			
Assistant Cashier(s)			
Auditor			
Tellers			
Bookkeepers			
Secretaries			
Clerks			
Janitor			
All Others			
TOTAL			

ESTIMATED LOAN DIVERSIFICATION						
TYPE OF LOAN	FIRST YEAR		SECOND YEAR		THIRD YEAR	
	ESTIMATED AVERAGE VOLUME	AVERAGE PERCENT RETURN	ESTIMATED AVERAGE VOLUME	AVERAGE PERCENT RETURN	ESTIMATED AVERAGE VOLUME	AVERAGE PERCENT RETURN
Commercial		%		%		%
Instalment		%		%		%
Real Estate		%		%		%
Term		%		%		%
Purchased Participations		%		%		%
TOTAL		/		/		/
INTEREST RATE TO BE PAID ON TIME DEPOSITS			INTEREST RATE TO BE PAID ON SAVINGS DEPOSITS			
%			%			

EXCHANGE AND SERVICE CHARGE POLICIES TO BE FOLLOWED

COMMENTS (Include other information supporting income and expense estimates reported in the Public Section of this application.)

IV. GENERAL CHARACTER OF THE MANAGEMENT

NOTE: Attach a financial and personal history statement for each Director, each Officer, and each person owning or subscribing to 5% or more of the total capital.

PROPOSED OFFICERS				
NAME	ADDRESS	AGE	OCCUPATION	TITLE

	CHECK	
	YES	NO
1. Has any proposed director, officer, or employee been convicted of any criminal offense involving dishonesty or a breach of trust? (If "Yes," explain below.)		
2. Do stock option plans exist? (If "Yes," explain in "Comments" below.)		
3. If stock option plans exist, has full disclosure been made, in writing, to all shareholders? NOTE: Include a copy of the disclosure statement with your application.		
4. Have correspondent bank relationships been established? (If "Yes," list below) LIST NAMES AND ADDRESSES OF ALL CORRESPONDENT BANKS		
5. Are there any agreements with correspondent banks, written or oral, establishing balances required to be maintained by the Proposed Bank in connection with loans to any Director, Officer, Employee, or 5% stockholder for the purpose of financing the purchase of stock in the Proposed Bank? (If "Yes," explain in "Comments" below.)		

COMMENTS (Furnish any necessary details to the above questions. Refer by Item No. whenever possible.)



NAME OF BANK	
LOCATION	
CITY	STATE

INFORMATION FOR THE APPLICANT – PUBLIC SECTION

1. Schedules or inserts may be attached to this Application whenever the space provided is insufficient. Such attached schedules or inserts are a part of this Application. All schedules or inserts should be on paper the same size as this page. Applications are to be securely bound.
2. Two copies of the completed Application are to be forwarded to the Office of Financial Institutions. A complete copy should be retained by the Bank.
3. Requests for clarification as to what information is necessary to complete this Application should be directed to the Office of Financial Institutions.
4. You may provide any information in addition to that requested by the Office which, in your opinion, might aid in the disposition of your application. However, any such unsolicited information will be accepted for consideration with the understanding that it may be made public.

OFFICE OF FINANCIAL INSTITUTIONS		DATE _____
APPLICATION TO ESTABLISH A BRANCH		
NAME OF BANK _____		
COMPLETE ADDRESS (MAIN OFFICE)		
STREET AND NUMBER _____		CITY _____
PARISH _____	STATE _____	ZIP CODE _____
EXACT LEGAL TITLE OF PROPOSED BRANCH _____		
COMPLETE ADDRESS (PROPOSED BRANCH)		DISTANCE AND DIRECTION
STREET AND NUMBER _____		CITY _____
PARISH _____	STATE _____	ZIP CODE _____
		FROM MAIN OFFICE _____
		FROM NEAREST OFFICE _____

TYPE OF BUSINESS (Check all which apply)
 COMMERCIAL BANKING SAVINGS BANKING INDUSTRIAL BANKING TRUST BUSINESS CASH DEPOSITORY
 OTHER (Specify) _____

It is understood that the Office of Financial Institutions in applying the factors set out in this Application, will consider it only with respect to the general character or type of business above stated and that the bank will not engage in any other business without the prior written consent of the Office.

In support of this Application, the following statements, representations, and information upon the several factors enumerated are submitted for the purpose of inducing the Commissioner of Financial Institutions to grant its prior written consent to the establishment of the Proposed Branch:

RESOLUTION OF BOARD OF DIRECTORS (TRUSTEES) OF APPLICANT BANK

The Board of Directors (Trustees) of the Applicant Bank at a meeting duly called and held on _____ Date _____ adopted the following Resolution:

"WHEREAS, it is the sense of this meeting that application should be made on behalf of this Bank to the Office of Financial Institutions for written consent to establish a branch at _____ (Street Address) _____ (City or Town) _____ (State) in accordance with provisions of the State laws;

NOW, THEREFORE, IT IS RESOLVED, That the President or Vice-President and the Cashier or Secretary of this Bank are hereby authorized and directed to make application on behalf of this Bank to the Office of Financial Institutions to establish a branch at _____ (Street Address) _____ (City or Town) _____ (State)

and to submit to the Office of Financial Institutions in connection therewith information on the several factors enumerated and to provide such assurances as may be required by the Office of Financial Institutions for the purpose of inducing the Commissioner of Financial Institutions to grant his written consent to the establishment of a branch as indicated in this Resolution."

The above Resolution has not been rescinded or modified and has been duly entered on the minute book of the Applicant Bank. It is requested that an Examiner of the Office of Financial Institutions be assigned to conduct the necessary investigation or examination.

Date _____ (Name and Location of Applicant Bank) _____

(SEAL) _____ BY: _____ (President or Vice-President)

Attest: _____

 (Cashier or Secretary)

I. FINANCIAL HISTORY AND CONDITION

A. STATEMENT OF CONDITION (Date of application)		DATE OF STATEMENT	
ASSETS		LIABILITIES AND CAPITAL	
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Cash and due from banks		Demand deposits	
Securities		Savings deposits	
Loans		Time deposits	
Bank premises		Total Deposits	
Furniture, fixtures, and equipment		Borrowed money	
Other real estate		Other liabilities	
Other assets:		Total Liabilities	
		Reserves for loans	
		Reserves for securities	
		Total Capital Accounts (Same as IIA.)	
TOTAL ASSETS		TOTAL LIABILITIES, RESERVES, AND CAPITAL	

B. MAIN OFFICE AND EXISTING BRANCHES

INSTRUCTIONS: List below the name and address of the main office and each existing branch. Include and designate with an asterisk any branches which are approved but not yet in operation.

NAME	ADDRESS

C. PREMISES TO BE OCCUPIED BY BRANCH

INSTRUCTIONS: Complete all appropriate sections below. Where not applicable insert N. A. or None. When the disclosure of any information may adversely affect *ongoing negotiations*, include such information in the **Confidential Section** of this application. Copies of any completed or tentative contracts and leases should also be submitted for the confidential use of the Office of Financial Institutions.

1. TYPE OF OCCUPANCY (Check all which apply to indicate both type of quarters at opening and contemplated permanent quarters)
 Permanent quarters leased (Complete 2 and 3 below)
 Permanent quarters owned (Complete 2 and 4 below)
 Temporary quarters (Complete 5 below)

2. DESCRIPTION OF PREMISES

DIMENSIONS OF BUILDING	DIMENSIONS OF LOT	NO. OF STORIES	NO. PARKING SPACES	NO. TELLER'S STATIONS

TYPE OF CONSTRUCTION OF BUILDING

DETAILS OF BUILDING INTERIOR (Mention all employee facilities and size of lobby area)

3. PREMISES LEASED

NAME OF OWNER	INSURANCE TO BE CARRIED
COST AND DESCRIPTION OF LEASEHOLD IMPROVEMENTS	ANNUAL RENTAL
	ANNUAL AMORTIZATION
TERMS OF LEASE	
RENEWAL OPTIONS	

I. FINANCIAL HISTORY AND CONDITION (Continued)**C. PREMISES TO BE OCCUPIED BY BRANCH (Continued)****4. PREMISES OWNED**

EXISTING STRUCTURE			
NAME OF SELLER	DATE CONSTRUCTED	EST. USEFUL LIFE	COST TO BANK
COST AND DESCRIPTION OF NECESSARY REPAIRS AND ALTERATIONS			

ASSESSED VALUATION	INSURANCE TO BE CARRIED	ESTIMATED ANNUAL DEPRECIATION
PROPOSED STRUCTURE		

NAME OF SELLER OF LOT	COST OF LOT TO BANK	COST OF CONSTRUCTION
ESTIMATED ASSESSED VALUATION	INSURANCE TO BE CARRIED	ESTIMATED ANNUAL DEPRECIATION
5. TEMPORARY QUARTERS		

NAME OF OWNER	COST OR MONTHLY RENTAL
LOCATION (Include distance and direction from permanent quarters)	

DESCRIPTION

D. PROPOSED INVESTMENT IN AND RENTAL OF FURNITURE, FIXTURES, AND EQUIPMENT

INSTRUCTIONS: Complete all applicable items in the following table in as much detail as possible. Precede all estimates with an asterisk. Copies of any completed or tentative contracts and leases should be available for review by the investigating examiner.

ITEM	TOTAL NO. OF UNITS	TOTAL COST (If owned)	ANNUAL RENTAL (If leased)
Vault Door			
Vault Ventilator			
Safe			
Grill Work, Teller's Chests, etc.			
Safe Deposit Boxes			
Drive-In Teller's Windows			
Night Depository			
Counter and Gate Fixtures			
Posting Machines			
Teller's Machines			
Proof Machines			
Adding Machines			
Typewriters			
Microfilmer			
Checkwriter			
Cancelling Machine			
*Electronic Data Processing or Automatic Data Processing Equipment			
Desks			
Tables			
Chairs			
Filing Cabinets			
Ledger Stands			
Carpeting			
Draperies			
Heating System			
Air Conditioning System			
Other (Specify):			
TOTALS			
TOTAL INSURANCE TO BE CARRIED		TOTAL ANNUAL DEPRECIATION	

*LIST ALL ITEMS COMPRISING THIS EDP OR ADP INVENTORY.

I. FINANCIAL HISTORY AND CONDITION (Continued)**E. RELATIONSHIPS AND ASSOCIATIONS WITH BANK**

ARE ANY OF THE SELLERS OR LESSORS OF LAND, BUILDINGS, OR EQUIPMENT LISTED ABOVE OTHERWISE DIRECTLY OR INDIRECTLY ASSOCIATED WITH THIS APPLICATION? (If "Yes," complete the following table.) YES NO

NAME OF SELLER OR LESSOR	ITEM SOLD OR LEASED (Mark appropriate column)			RELATIONSHIP OR ASSOCIATION WITH BANK (Specify Director, Officer, 5% stockholder, or their relatives. Designate any business interests of the aforementioned.)
	Land	Building	Equipment	

F. LEGAL FEES

IMPORTANT: Attorney fees will require a detailed account of actual legal work performed.

NAME OF RECIPIENT	ASSOCIATION WITH BANK (Mark appropriate column)			TYPE OF RELATIONSHIP (Specify Director, Officer, 5% stockholder, or their relatives. Designate any business interests of the aforementioned.)	AMOUNT
	Direct	Indirect	None		
TOTAL LEGAL FEES					

II. ADEQUACY OF THE CAPITAL STRUCTURE**A. CAPITAL STRUCTURE**

DESCRIPTION	NO. OF SHARES	PAR VALUE PER SHARE	INTEREST RATE	DATE DUE	TOTAL AMOUNT
Capital notes or debentures					
Preferred capital					
Common capital					
Surplus					
Undivided profits					
Other segregations					
TOTAL CAPITAL ACCOUNTS (Should agree with I.A.)					

THE CAPITAL STRUCTURE OF THE APPLICANT BANK WILL BE INCREASED PRIOR TO THE ESTABLISHMENT OF THE PROPOSED BRANCH IN THE FOLLOWING MANNER:

B. MINIMUM STATE LAW CAPITAL REQUIREMENTS

LIST BELOW THE MINIMUM CAPITAL REQUIREMENTS OF STATE LAW RELATIVE TO THE OPERATION OF THE APPLICANT BANK, THE PROPOSED BRANCH, AND OTHER EXISTING BRANCHES.

C. ESTIMATED DEPOSITS FOR THE PROPOSED BRANCH (Exclude deposits to be transferred)

TYPE OF DEPOSIT	ESTIMATED VOLUME AT END OF		
	First Year	Second Year	Third Year
Total Demand Deposits			
Time Deposits			
Savings Deposits			
Total Time and Savings Deposits			
TOTAL DEPOSITS			

THE ABOVE ESTIMATES ARE BASED ON THE FOLLOWING DATA AND ASSUMPTIONS:

IMPORTANT: The Bank will at all times maintain adequate total capital accounts in relation to the true value of its total assets.

III. FUTURE EARNINGS PROSPECTS

A. ESTIMATED AVERAGE DEPOSITS FOR THE PROPOSED BRANCH

INSTRUCTIONS: Average deposits for the second and third years are computed by adding figures at the end of the preceding year to the totals at the end of the subject year and dividing by two. (Refer to IIC.)

DESCRIPTION	AVERAGE DURING		
	First Year	Second Year	Third Year
AVERAGE DEPOSIT VOLUME:			
A. Demand deposits			
B. Time and Savings deposits			
1. Total estimated average deposit volume			

B. ESTIMATED INCOME AND EXPENSES OF AND FOR THE PROPOSED BRANCH

INSTRUCTIONS: Gross income is calculated by multiplying the estimated average deposit volume above by the bank-wide rate of gross earnings to average assets for the latest available year.

DESCRIPTION	ESTIMATED AMOUNT		
	First Year	Second Year	Third Year
2. Gross income (@ %)			
EXPENSES:			
Salaries and benefits			
Interest on time and savings deposits (@ %)			
Net occupancy expense (details below)			
Furniture and equipment (depreciation, rental, maintenance, etc.)			
Other operating expenses:			
Advertising			
Stationery and supplies			
Telephone			
Legal			
Postage and express			
Computer services			
Miscellaneous			
3. Total estimated expenses			
ESTIMATED NET PROFIT OR (LOSS) (Line 2 less line 3)			
NET OCCUPANCY EXPENSE:			
Rent			
Depreciation			
Heat, light, and power			
Maintenance (Including janitor's salary)			
Insurance			
Taxes on real estate			
Other occupancy costs			
Total Occupancy Expenses			
Less: Rental income anticipated			
Net Occupancy Cost			

THE AFORESIGNED IS OF THE OPINION THAT *the anticipated results noted above justify the operation of the proposed branch.*

IV. GENERAL CHARACTER OF THE MANAGEMENT

A. PROPOSED MEMBERS OF LOCAL ADVISORY BOARD (If one is planned)

NAME	ADDRESS	OCCUPATION	TITLE

B. PROPOSED OFFICERS OF PROPOSED BRANCH (Indicate manager with an asterisk (*))

INSTRUCTIONS: If disclosure of any of the proposed officers of the proposed branch would jeopardize current employment, include the information in the Confidential Section.

NAME	ADDRESS	TITLE

V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED

INSTRUCTIONS: The applicant is responsible for developing the legal factor **Convenience and Needs of the Community** in a way which clearly shows the economic support and justification for the proposed branch. *Include a map of the trade area pinpointing the location of offices of the nearest bank and/or competing bank(s).* Submit such data relating to the trade area which you feel is relevant to the proposal. **If an economic survey or feasibility study has been prepared it may provide most of the information requested. Such information submitted in support of your application will be included in the public file.**

THE AFORESIGNED IS OF THE OPINION THAT the interests of the residents of the proposed trade area would be served by the establishment of the proposed branch. Data to support this opinion is presented below and in other information submitted with this application.

A. DESCRIPTION OF THE AREA TO BE SERVED

DESCRIBE THE TRADE TERRITORY WHICH THE PROPOSED BRANCH WILL SERVE *(Include the geographic boundaries within which all or most of the proposed branch's potential customers reside.)*

B. ECONOMIC AND DEMOGRAPHIC DATA

DESCRIBE THE ECONOMIC CHARACTERISTICS OF THE TRADE TERRITORY SPECIFIED ABOVE. *(Include manufacturing, agricultural, and other industrial data. Also include information covering, but not limited to: population, income, construction activity, and retail and wholesale sales. This information, as a minimum, should cover the most recent 5-year period.)*

ITEM	PAST 5 YEARS (Indicate year)				
	19	19	19	19	19
Population					
No. of housing starts					
Industrial and commercial building permits issued					
Retail sales	\$	\$	\$	\$	\$
Wholesale sales	\$	\$	\$	\$	\$

1. PRINCIPAL BUSINESSES AND INDUSTRIES OF THE AREA

NAME OF COMPANY	TYPE OF BUSINESS	NUMBER OF EMPLOYEES	APPROXIMATE ANNUAL PAYROLL	ANNUAL SALES

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V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED (Continued)

B. ECONOMIC AND DEMOGRAPHIC DATA (Continued)

2. COMPETITION

INSTRUCTIONS: List all banks and branches now serving the trade territory to be served by the proposed branch. If none, list the nearest bank in each direction within a radius of 25 miles of the proposed site.

NAME OF BANK	LOCATION (City and State)	DEPOSITS (000's omitted)	DATE OF LATEST STATEMENT	DISTANCE (Road miles)	DIRECTION

LIST FINANCIAL INSTITUTIONS, OTHER THAN BANKS, NOW SERVING THE TRADE AREA TO BE SERVED. (Include Savings and Loan Associations, Credit Unions, and Finance Companies.)

COMMENTS

VI. CONSISTENCY OF CORPORATE POWERS

THE BANK HAS ONLY SUCH CORPORATE POWERS AS ARE GRANTED TO A STATE BANKING CORPORATION UNDER THE FOLLOWING PROVISIONS OF THE STATE LAW:



INFORMATION FOR THE APPLICANT – CONFIDENTIAL SECTION

In preparing your application, keep in mind that the Office of Financial Institutions deems that public policy warrants making all information submitted in connection with your application available for public review unless it is confidential in nature and it qualifies for exemption under the provisions of the Public Records Act. The Office has determined that application information is likely to be of such confidential nature, meeting any of the three following exempt categories:

1. Trade secrets and commercial or financial information obtained from a person and privileged or confidential.
2. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
3. Information contained in the application form which is in the nature of examination report information.

However, the determination of the question of confidentiality and the discretion to release information which is exempt resides with the Office and the specific information you include in this section may be made available for public review after consideration.

I. FINANCIAL HISTORY AND CONDITION

OUTLINE BELOW INFORMATION WITH REGARD TO FIXED ASSETS WHICH YOU BELIEVE, IF DISCLOSED TO THE PUBLIC, WOULD ADVERSELY AFFECT ONGOING NEGOTIATIONS.

OUTLINE BELOW, IN DETAIL, THE BASIS FOR COST ESTIMATES FOR BRANCH PREMISES SHOWN IN THE PUBLIC SECTION. *(Include Architect's fees, if any.)*

SPECIFY THE TIME REQUIRED TO PREPARE THE BRANCH PREMISES FOR OCCUPANCY. IF TEMPORARY QUARTERS ARE ANTICIPATED, ESTIMATE THE PROBABLE TERM OF OCCUPANCY AND DESCRIBE THE DISPOSITION OF SUCH QUARTERS.

LIST IN DETAIL ANY PLANS OF THE BANK TO FINANCE THE CONSTRUCTION OF THE BRANCH BUILDING OR OTHER FIXED ASSETS IN CONNECTION WITH THE SUBJECT PROPOSAL. *(If none, so state.)*

OUTLINE SPECIFIC PROGRAMS AND PROTECTIVE DEVICES WHICH ARE TO BE FOLLOWED AND USED IN COMPLIANCE WITH PART 326 OF THE RULES AND REGULATIONS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

A. DEPOSIT FIGURES FOR MAIN OFFICE AND ALL EXISTING BRANCHES

NAME AND ADDRESS	DEMAND DEPOSITS	TIME AND SAVINGS DEPOSITS

II. ADEQUACY OF THE CAPITAL STRUCTURE

INSTRUCTIONS: Complete only if new capital stock is being issued in connection with the subject proposal.

A. DOES THE BANK PROPOSE TO FINANCE THE PURCHASE OF CAPITAL STOCK BY ANY DIRECTOR, OFFICER, OR 5% STOCKHOLDER?
(If "Yes," give details in "Comments" below.) YES NO

B. IS EACH STOCKHOLDER BEING OFFERED NEW CAPITAL STOCK ON A PRO RATA BASIS WITH HIS CURRENT HOLDINGS? (If "No," fully describe the manner in which the new stock will be issued.) YES NO

COMMENTS

III. FUTURE EARNINGS PROSPECTS

ESTIMATED SALARIES, WAGES, AND BENEFITS

TITLE OF POSITION	NO. OF PERSONNEL	ANNUAL AMOUNT		
		First Year	Second Year	Third Year
Branch Manager	1			
Tellers				
Other Branch Personnel				
TOTAL				

LIST OTHER SUPPORTING INFORMATION FOR THE INCOME AND EXPENSE PROJECTIONS MADE IN THE PUBLIC SECTION OF THIS APPLICATION.

IV. GENERAL CHARACTER OF THE MANAGEMENT

PROPOSED OFFICERS OF THE PROPOSED BRANCH

NAME AND ADDRESS	AGE	OCCUPATION	TITLE	ANNUAL SALARY

OFFICERS OF THE PROPOSED BRANCH WILL HAVE THE FOLLOWING AUTHORITY IN CONNECTION WITH THE GRANTING OF LOANS AND DISCOUNTS AND EXTENDING CREDIT:

GIVE A BRIEF SUMMARY OF THE SUPERVISION AND CONTROL WHICH WILL BE EXERCISED BY THE OFFICIALS OF THE APPLICANT BANK OVER THE ACTIVITIES OF THE PROPOSED BRANCH.

V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED

PRESENT VOLUME OF BUSINESS DERIVED FROM PROPOSED TRADE AREA (As described in VA. of the Public Section)

NO. OF DEPOSIT CUSTOMERS	TOTAL AMOUNT OF DEPOSITS	NO. OF LOAN CUSTOMERS	TOTAL AMOUNT OF LOANS

LA-2 (PAGE TWELVE)

APPLICATION TO MOVE

OFFICE OF FINANCIAL INSTITUTIONS

MAIN OFFICE OR BRANCH

NAME OF BANK	
LOCATION	
CITY	STATE

INFORMATION FOR THE APPLICANT – PUBLIC SECTION

1. Schedules or inserts may be attached to this Application whenever the space provided is insufficient. Such attached schedules or inserts are a part of this Application. All schedules or inserts should be on paper the same size as this page. Applications are to be securely bound.
2. Two copies of the completed Application are to be forwarded to the Office of Financial Institutions. A complete copy should be retained by the Bank.
3. Requests for clarification as to what information is necessary to complete this Application should be directed to the Office of Financial Institutions.
4. You may provide any information in addition to that requested by the Office which, in your opinion, might aid in the disposition of your application. However, any such unsolicited information will be accepted for consideration with the understanding that it may be made public.

OFFICE OF FINANCIAL INSTITUTIONS			
APPLICATION TO MOVE MAIN OFFICE OR BRANCH			
TYPE OF RELOCATION CONTEMPLATED (Check one)			
<input type="checkbox"/> MOVE MAIN OFFICE (Complete 1, 2, and 5 below)		<input type="checkbox"/> MOVE BRANCH OFFICE (Complete 1, 3, 4, and 5 below)	
1. PRESENT MAIN OFFICE		3. PRESENT BRANCH OFFICE	
NAME		NAME	
STREET AND NO.		STREET AND NO.	
CITY	PARISH	CITY	PARISH
STATE		STATE	ZIP CODE
2. PROPOSED MAIN OFFICE		4. PROPOSED BRANCH OFFICE	
NEW NAME (If contemplated)		NEW NAME (If contemplated)	
STREET AND NO.		STREET AND NO.	
CITY	PARISH	CITY	PARISH
STATE	ZIP CODE	STATE	ZIP CODE
DISTANCE AND DIRECTION FROM PRESENT LOCATION		DISTANCE AND DIRECTION FROM MAIN OFFICE	DISTANCE AND DIRECTION FROM PRESENT LOCATION
5. TYPE OF BUSINESS TO BE CONDUCTED (Check One)			
<input type="checkbox"/> WITH NEITHER TRUST NOR INSURANCE POWERS		<input type="checkbox"/> WITH INSURANCE BUT WITHOUT TRUST POWERS	
<input type="checkbox"/> WITH TRUST BUT WITHOUT INSURANCE POWERS		<input type="checkbox"/> WITH BOTH TRUST AND INSURANCE POWERS	

It is understood that the Office of Financial Institutions in applying the factors set out in this Application, will consider it only with respect to the general character or type of business above stated and that the bank will not engage in any other business without the prior written consent of the Office.

In support of this Application, the following statements, representations, and information upon the several factors enumerated are submitted for the purpose of inducing the Commissioner of Financial Institutions to grant his prior written consent to the moving of the Subject Branch or of the main office:

RESOLUTION OF BOARD OF DIRECTORS (TRUSTEES) OF APPLICANT BANK

The Board of Directors (Trustees) of the Applicant Bank at a meeting duly called and held on _____ (Date) adopted the following Resolution:

"WHEREAS, it is the sense of this meeting that application should be made on behalf of this bank to the Office of Financial Institutions for written consent to move its branch or main office now being operated at

_____ (Street Address) _____ (City or Town) _____ (State)
 to _____ (Street Address) _____ (City or Town) _____ (State)

in accordance with the provisions of the State laws;

"NOW, THEREFORE, IT IS RESOLVED, That the President or Vice President and the Cashier or Secretary of this Bank are hereby authorized and directed to make application on behalf of this Bank to the Office of Financial Institutions to move its branch or main office now being operated at

_____ (Street Address) _____ (City or Town) _____ (State)
 to _____ (Street Address) _____ (City or Town) _____ (State)

and to submit to the Office of Financial Institutions in connection therewith information on the several factors to be considered for the purpose of inducing the Commissioner of Financial Institutions to grant his written consent to moving the branch or the main office as indicated in this Resolution."

The above Resolution has not been rescinded or modified and has been duly entered on the minute book of the Applicant Bank.

It is requested that an Examiner of the Office of Financial Institutions be assigned to conduct the necessary investigation or examination.

Date: _____ (Name and Location of Applicant Bank)

(SEAL) BY: _____ (President or Vice President)

Attest: _____ (Cashier or Secretary)

I. FINANCIAL HISTORY AND CONDITION

A. STATEMENT OF CONDITION (Within 30 days prior to date of application)		DATE OF STATEMENT	
ASSETS		LIABILITIES AND SURPLUS	
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Cash and due from banks		Savings deposits	
Securities (excluding corporate stocks)		Time deposits	
Corporate stocks		Demand deposits	
Real estate loans		Total Deposits	
Other loans		Borrowed money	
Bank premises		Other liabilities	
Furniture, fixtures, and equipment		Total Liabilities	
Other real estate		Total Surplus and Reserves (Same as IIA.)	
Other assets			
TOTAL ASSETS		TOTAL LIABILITIES AND SURPLUS	

B. MAIN OFFICE AND EXISTING BRANCHES

INSTRUCTIONS: List below the name and address of the main office and each existing branch. Include and designate with an asterisk any branches which are approved but not yet in operation.

NAME	ADDRESS

C. PREMISES TO BE OCCUPIED AT NEW QUARTERS

INSTRUCTIONS: Complete all appropriate sections below. Where not applicable insert N.A. or None. When the disclosure of any information may adversely affect *ongoing negotiations*, include such information in the **Confidential Section** of this application. Copies of any completed or tentative contracts and leases should also be submitted for the confidential use of the Office of Financial Institutions.

1. TYPE OF OCCUPANCY (Check all which apply to indicate both type of quarters at opening and contemplated permanent quarters.)

Permanent quarters leased (Complete 2 and 3 below) Permanent quarters owned (Complete 2 and 4 below) Temporary quarters (Complete 5 below)

2. DESCRIPTION OF PREMISES

DIMENSIONS OF BUILDING	DIMENSIONS OF LOT	NO. OF STORIES	NO. PARKING SPACES	NO. TELLER'S STATIONS

TYPE OF CONSTRUCTION OF BUILDING

DETAILS OF BUILDING INTERIOR (Mention all employee facilities and size of lobby area)

3. PREMISES LEASED

NAME OF OWNER	INSURANCE TO BE CARRIED
COST AND DESCRIPTION OF LEASEHOLD IMPROVEMENTS	ANNUAL RENTAL
	ANNUAL AMORTIZATION
TERMS OF LEASE	
RENEWAL OPTIONS	

I. FINANCIAL HISTORY AND CONDITION (Continued)**C. PREMISES TO BE OCCUPIED AT NEW LOCATION (Continued)****4. PREMISES OWNED****EXISTING STRUCTURE**

NAME OF SELLER	DATE CONSTRUCTED	EST. USEFUL LIFE	COST TO BANK
COST AND DESCRIPTION OF NECESSARY REPAIRS AND ALTERATIONS			

ASSESSED VALUATION	INSURANCE TO BE CARRIED	ESTIMATED ANNUAL DEPRECIATION
--------------------	-------------------------	-------------------------------

PROPOSED STRUCTURE

NAME OF SELLER OF LOT	COST OF LOT TO BANK	COST OF CONSTR.
ESTIMATED ASSESSED VALUATION	INSURANCE TO BE CARRIED	ESTIMATED ANNUAL DEPRECIATION

5. TEMPORARY QUARTERS

NAME OF OWNER	COST OR MONTHLY RENTAL
LOCATION (Include distance and direction from permanent quarters)	

DESCRIPTION

D. PROPOSED INVESTMENT IN AND RENTAL OF FURNITURE, FIXTURES, AND EQUIPMENT

INSTRUCTIONS: Complete all applicable items in the following table in as much detail as possible. Precede all estimates with an asterisk. Copies of any completed or tentative contracts and leases should be available for review by the investigating examiner.

ITEM	TOTAL NO. OF UNITS	TOTAL COST (If owned)	ANNUAL RENTAL (If leased)
Vault Door			
Vault Ventilator			
Safe			
Grill Work, Teller's Chests, etc.			
Safe Deposit Boxes			
Drive-In Teller's Windows			
Night Depository			
Counter and Gate Fixtures			
Posting Machines			
Teller's Machines			
Proof Machines			
Adding Machines			
Typewriters			
Microfilmer			
Checkwriter			
Cancelling Machine			
*Electronic Data Processing or Automatic Data Processing Equipment			
Desks			
Tables			
Chairs			
Filing Cabinets			
Ledger Stands			
Carpeting			
Draperies			
Heating System			
Air Conditioning System			
Other (Specify):			
TOTALS			
TOTAL INSURANCE TO BE CARRIED	TOTAL ANNUAL DEPRECIATION		

*LIST ALL ITEMS COMPRISING THIS EDP OR ADP INVENTORY

I. FINANCIAL HISTORY AND CONDITION (Continued)**E. RELATIONSHIPS AND ASSOCIATIONS WITH BANK**

ARE ANY OF THE SELLERS OR LESSORS OF LAND, BUILDINGS, OR EQUIPMENT LISTED ABOVE OTHERWISE DIRECTLY OR INDIRECTLY ASSOCIATED WITH THIS APPLICATION? (If "Yes," complete the following table.) YES NO

NAME OF SELLER OR LESSOR	ITEM SOLD OR LEASED (Mark appropriate column)			RELATIONSHIP OR ASSOCIATION WITH BANK (Specify Director, Officer, 5% stockholder, or their relatives. Designate any business interests of the aforementioned.)
	Land	Building	Equipment	

II. ADEQUACY OF THE CAPITAL STRUCTURE**A. CAPITAL STRUCTURE**

DESCRIPTION	NO. OF SHARES	PAR VALUE PER SHARE	INTEREST RATE	DATE DUE	TOTAL AMOUNT
Capital notes or debentures	/	/	/	/	/
Preferred capital	/	/	/	/	/
Common capital	/	/	/	/	/
Surplus	/	/	/	/	/
Undivided profits	/	/	/	/	/
Other segregations	/	/	/	/	/
TOTAL CAPITAL ACCOUNTS (Should agree with I.A.)					

THE CAPITAL STRUCTURE OF THE APPLICANT BANK WILL BE INCREASED PRIOR TO THE ESTABLISHMENT OF THE PROPOSED RELOCATION IN THE FOLLOWING MANNER:

B. MINIMUM STATE LAW CAPITAL REQUIREMENTS

LIST BELOW THE MINIMUM CAPITAL REQUIREMENTS OF STATE LAW RELATIVE TO THE OPERATION OF THE APPLICANT BANK AND SUBJECT OFFICE.

C. ESTIMATED DEPOSIT GROWTH FOR THE SUBJECT OFFICE

TYPE OF DEPOSIT	ESTIMATED VOLUME AT END OF		
	First Year	Second Year	Third Year
Demand Deposits			
Time and Savings Deposits			
TOTAL DEPOSITS			

THE ABOVE ESTIMATES ARE BASED ON THE FOLLOWING DATA AND ASSUMPTIONS:

IMPORTANT: The Bank will at all times maintain adequate total capital accounts in relation to the true value of its total assets.

III. FUTURE EARNINGS PROSPECTS**A. ESTIMATED CHANGES IN OCCUPANCY EXPENSES RESULTING FROM THE PROPOSED MOVE**

INSTRUCTIONS: Include only those changes which are applicable to the subject relocation.

TYPE OF OCCUPANCY EXPENSE	PRESENT COST	PROPOSED COST
Rent		
Depreciation		
Heat, light, and power		
Maintenance (Including janitor's salary)		
Insurance		
Taxes on real estate		
Other occupancy costs		
Total Occupancy Expenses		
Less: Rental income anticipated		
NET OCCUPANCY EXPENSE		

THE AFORESIGNED IS OF THE OPINION THAT the operation of the subject Main Office or Branch at the proposed location will not adversely affect the Bank's earnings position.

IV. GENERAL CHARACTER OF THE MANAGEMENT

C. DIRECTORS AND NON-DIRECTOR SENIOR OFFICERS (List alphabetically)

NAME	ADDRESS	OCCUPATION	TITLE

IMPORTANT: *The applicant bank will at all times maintain sufficient surety bond coverage on its active officers and employees to conform with generally accepted banking practice and will at all times maintain excess employee dishonesty coverage in the amount of \$1,000,000 or more.*

V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED

INSTRUCTIONS: This information must be completed in detail only if the distance to be moved is in excess of 500 yards from the present location. However, general information should be supplied under V.A., *Description of the Area to be Served*, and V.B.2., *Competition*. Include a map of the area pinpointing the present location, proposed site and the location of offices of the competing banks.

THE AFORESIGNED IS OF THE OPINION THAT the interests of the residents of the trade area of the Main Office or Branch would be served by the proposed relocation. Data to support this opinion is presented below and in other information submitted with this application.

A. DESCRIPTION OF THE AREA TO BE SERVED

DESCRIBE THE TRADE AREA WHICH IS SERVED FROM THE PRESENT LOCATION (Include the geographic boundaries within which all or most of the bank's customers reside. Also describe in detail any changes in the trade area to be served as a result of the proposed relocation.)

B. ECONOMIC AND DEMOGRAPHIC DATA

DESCRIBE THE ECONOMIC CHARACTERISTICS OF THE TRADE TERRITORY SPECIFIED ABOVE. (Include manufacturing, agricultural, and other industrial data. Also include information covering, but not limited to: population, income, construction activity, and retail and wholesale sales. This information, as a minimum, should cover the most recent 5-year period.)

ITEM	PAST 5 YEARS (Indicate year)				
	19	19	19	19	19
Population					
No. of housing starts					
Industrial and commercial building permits issued					
Retail sales	\$	\$	\$	\$	\$
Wholesale sales	\$	\$	\$	\$	\$

1. PRINCIPAL BUSINESSES AND INDUSTRIES OF THE AREA

NAME OF COMPANY	TYPE OF BUSINESS	NUMBER OF EMPLOYEES	APPROXIMATE ANNUAL PAYROLL	ANNUAL SALES

V. CONVENIENCE AND NEEDS OF THE COMMUNITY TO BE SERVED (Continued)

B. ECONOMIC AND DEMOGRAPHIC DATA (Continued)

2. COMPETITION

INSTRUCTIONS: List all banks and branches now serving the trade territory defined in V.A. If none, list the nearest bank in each direction within a radius of 25 miles of the proposed site.

NAME OF BANK	LOCATION (City and State)	DEPOSITS (000's omitted)	DATE OF LATEST STATEMENT	DISTANCE (Road miles)	DIRECTION

LIST FINANCIAL INSTITUTIONS, OTHER THAN BANKS, NOW SERVING THE TRADE AREA TO BE SERVED. (Include Savings and Loan Associations, Credit Unions, and Finance Companies.)

COMMENTS

VI. CONSISTENCY OF CORPORATE POWERS

THE BANK HAS ONLY SUCH CORPORATE POWERS AS ARE GRANTED TO A STATE BANKING CORPORATION UNDER THE FOLLOWING PROVISIONS OF THE STATE LAW:

APPLICATION TO MOVE

OFFICE OF FINANCIAL INSTITUTIONS

MAIN OFFICE OR BRANCH

INFORMATION FOR THE APPLICANT—CONFIDENTIAL SECTION

In preparing your application, keep in mind that the Office of Financial Institutions deems that public policy warrants making all information submitted in connection with your application available for public review unless it is confidential in nature and it qualifies for exemption under the provisions of the Public Records Act. The Office has determined that the following application information is likely to be of such confidential nature, meeting any of the three following exempt categories:

1. Trade secrets and commercial or financial information obtained from a person and privileged or confidential.
2. Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
3. Information contained in the application form which is in the nature of examination report information.

However, the determination of the question of confidentiality and the discretion to release information which is exempt resides with the Office and the specific information you include in this section may be made available for public review in the sole discretion of the Office.

I. FINANCIAL HISTORY AND CONDITION

OUTLINE BELOW INFORMATION WITH REGARD TO FIXED ASSETS WHICH YOU BELIEVE, IF DISCLOSED TO THE PUBLIC, WOULD ADVERSELY AFFECT ONGOING NEGOTIATIONS.

OUTLINE BELOW, IN DETAIL, THE BASIS FOR COST ESTIMATES FOR PREMISES SHOWN IN THE PUBLIC SECTION. *(Include Architect's fees, if any.)*

SPECIFY THE TIME REQUIRED TO PREPARE THE PREMISES FOR OCCUPANCY. IF TEMPORARY QUARTERS ARE ANTICIPATED, ESTIMATE THE PROBABLE TERM OF OCCUPANCY AND DESCRIBE THE DISPOSITION OF SUCH QUARTERS.

LIST IN DETAIL ANY PLANS OF THE BANK TO FINANCE THE CONSTRUCTION OF THE BUILDING TO BE OCCUPIED OR OTHER FIXED ASSETS IN CONNECTION WITH THE SUBJECT PROPOSAL. *(If none, so state.)*

DISPOSITION OF QUARTERS TO BE VACATED

IF OWNED, INDICATE NAME(S) OF PROSPECTIVE BUYER(S) AND ESTIMATED SALES PRICE.

IF LEASED, INDICATE DETAILS REGARDING THE TERMINATION OF SUCH LEASE AND ANY ABANDONMENT COSTS WHICH WILL HAVE TO BE ABSORBED ON ANY LEASEHOLD IMPROVEMENTS.

OUTLINE SPECIFIC PROGRAMS AND PROTECTIVE DEVICES WHICH ARE TO BE FOLLOWED AND USED IN COMPLIANCE WITH PART 326 OF THE RULES AND REGULATIONS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

A. DEPOSIT FIGURES FOR MAIN OFFICE AND ALL EXISTING BRANCHES

NAME AND ADDRESS	DEMAND DEPOSITS	TIME AND SAVINGS DEPOSITS

STATE BANKING DEPARTMENT

REMOTE SERVICE FACILITY

NAME OF BANK	
MAIN OFFICE LOCATION	
CITY	STATE

GENERAL INFORMATION

1. Completed copies of this form are to be forwarded to the Commissioner of Financial Institutions, State Banking Department, Baton Rouge, Louisiana. A complete copy should be retained by the Bank.
2. Requests for clarification as to what information is necessary to complete this form should be directed to the State Banking Department.
3. The Bank may provide any information in addition to that requested by the Department which, in its opinion, might aid in the evaluation of the proposed facility. However, any such information can be accepted for consideration only with the understanding that it may be made public.

STATE BANKING DEPARTMENT REMOTE SERVICE FACILITY	DATE
--	------

NAME OF BANK _____

COMPLETE ADDRESS (Main Office)

STREET AND NUMBER	CITY
-------------------	------

PARISH	STATE	ZIP CODE
--------	-------	----------

Note: For the purposes of this form, the facility or facilities will be referred to in the singular. The term "remote service facility" shall not include a facility on or attached to the premises of the Bank.

TYPE OF FACILITY (Check one)

CASH DISPENSING MACHINE AUTOMATED TELLER POINT OF SALE TERMINAL (Including Check authorization and guarantee)

OTHER (Describe) _____

COMPLETE ADDRESS (Proposed Facility) (If more than one location, attach a complete list of addresses and indicate distances from main office and nearest office).	DISTANCE AND DIRECTION
--	------------------------

STREET AND NUMBER	CITY	FROM MAIN OFFICE
-------------------	------	------------------

PARISH	STATE	ZIP CODE	FROM NEAREST OFFICE
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NOTE: The term "office" for the purpose of this form refers to any place where a deposit or loan business is transacted in the name of the Bank, its parent company or affiliates.

This facility (if approved) must be considered as a "branch" within the meaning of Section L.R.S. 6:328.

RESOLUTION OF BOARD OF DIRECTORS (TRUSTEES) OF THE BANK

The Board of Directors (Trustees) of the Bank at a meeting duly called and held on _____ (Date) adopted the following Resolution:

"WHEREAS, it is the sense of this meeting that the attached form relating to a proposed remote service facility should be submitted on behalf of this Bank to the Commissioner of Financial Institutions to cover the establishment of such facility at the following address

_____ (Street Address)	_____ (City or Town)	_____ (State)
------------------------	----------------------	---------------

or, in the case of a multiple proposal, as enumerated on the attached list.

NOW, THEREFORE, IT IS RESOLVED, That the President or Vice President and the Cashier or Secretary of this Bank are hereby authorized and directed to file this form as notice of its intention to establish such a facility on behalf of this Bank with the State Banking Department and to submit to the State Banking Department in connection herewith such additional information as may be required or requested by the State Banking Department."

The above Resolution has not been rescinded or modified and has been duly entered on the minute book of the Bank.

Date: _____ (Name and Location of Bank)

(SEAL)

BY: _____ (President or Vice-President)

Attest:

(Cashier or Secretary)

SUGGESTED FORM

UNITED STATES OF AMERICA

STATE OF LOUISIANA

PARISH OF _____

ARTICLES OF INCORPORATION

OF

BE IT KNOWN AND REMEMBERED that on this _____ day of _____, before me, a Notary Public, duly qualified and commissioned in and for the Parish of _____, Louisiana, and in the presence of the undersigned competent witnesses personally came and appeared the several persons whose names and post-office addresses are hereinafter subscribed, who declared to me, Notary, in the presence of the undersigned witnesses, of lawful age and residents of the Parish and State aforesaid, that availing themselves of the benefits and provisions of the Constitution and of the laws of the State of Louisiana, relative to banks, banking, savings banks, safe deposit and trust company business, and more especially The Revised Statutes of Louisiana of 1950, Title 6, Section 1, et seq., and all amendatory acts thereto, that they have this day and date, and do hereby covenant, agree and bind themselves, as well as all other persons who may hereafter become associated with them, into a Banking and Trust Company and body politic in law, for the objects and purposes and under the following Articles of Incorporation, which they do hereby adopt as their Charter, to-wit:

ARTICLE I. NAME AND DURATION

This corporation shall be known as and its title is declared to be:

_____ and under said name, style and title it shall have and enjoy corporate succession for a period of ninety-nine (99) years from the date hereof, unless sooner dissolved according to law.

ARTICLE II. DOMICILE

The domicile of this corporation and the place where its principal banking

house shall be located and its general business conducted, shall be in the City of _____, Parish of _____, State of Louisiana.

ARTICLE III. OBJECTS AND PURPOSES

The objects and purposes of the corporation are to carry on and conduct a general banking, savings bank, safe deposit and trust business and branches thereof, as is now or may hereafter be authorized by law, and in furtherance thereof, but not in limitation, said corporation shall have the power and authority:

1. To sue and be sued; to plead and be impleaded; to appear, answer and prosecute in any and all courts of justice in this state or elsewhere and before any Boards or Commissions, by and in its corporate name.

2. To hold, receive, purchase and convey, by and in its corporate name, such property, real and personal, as may be needed, useful or indispensable to the objects and purposes of this corporation and as is provided by law.

3. To make, use, alter and change a corporate seal, which shall be in the shape and form as may be decided by the Board of Directors.

4. To name and appoint such directors, officers, managers, clerks, attorneys, agents, and other employees to carry on and administer its affairs, as may be deemed necessary and proper.

5. To make, adopt, alter and amend, such rules, regulations and by-laws for the proper management of the affairs of the corporation as may be necessary and proper and in conformity with the provisions of law and these articles of incorporation, including the power to repeal, amend and alter the name at pleasure.

6. To conduct a general banking, savings bank, safe deposit and trust company business; to receive deposits; to borrow and lend money; to accept for payment at a future date drafts drawn upon it by its customers; to issue letters of credit authorizing the holders thereof to draw drafts upon it or its correspondents at sight or on time; to pledge, pawn, hypothecate, discount, endorse, buy and sell promissory notes, bills of exchange and other evidences of indebtedness and generally to do anything and everything needed, necessary, proper or convenient to the objects and purposes of this corporation not prohibited by law.

7. To accept and execute trusts and agencies of any and every description which may be committed or transferred with its consent to it by any person or persons, corporations, board or body, public or private, who and whomsoever, or by any Court of the State of Louisiana, or of the several states, or of the United States; to be appointed by any person or any Court, executor, administrator, syndic, receiver, curator, tutor, trustee or assignee, in the same manner and to the same extent and under the same conditions as a natural person may be so appointed and not prohibited by law.

8. Generally to do and perform any and all acts and to exercise and enjoy any and all of the rights, powers and privileges, granted to banking associations, and trust companies, by existing laws of the State of Louisiana, or by-laws which may hereafter be enacted, as well as such other and further rights, powers and privileges as may be granted to such corporations, including the organization and operation of one or more branches of this corporation.

ARTICLE IV. CAPITAL

The Capital Stock of this Corporation is hereby fixed in the sum of _____ Dollars, divided into and represented by _____ Shares of Common Stock of a par value of _____ Dollars each and which shall be paid for in cash the sum of _____ Dollars per share, of which _____ Dollars shall be common stock and the balance of _____ Dollars shall be prorated as follows: _____ Dollars to Paid-In Surplus, and the balance of _____ Dollars to Paid-In Undivided Profits making a total Capital Account of _____ Dollars.

The Capital Stock of this Corporation shall be fully paid and non-assessable when issued and it shall be represented by certificates, signed by the President or a Vice President, and the Cashier, and sealed with the seal of the corporation.

The transfer of stock of this corporation shall be made only on the books of the corporation by the stockholders in person or by proxy, and under such rules and regulations as the Board of Directors may prescribe.

ARTICLE V. INCREASE OR DECREASE OF CAPITAL

The capital stock and the number of shares of this corporation may be increased or decreased upon subsequent compliance with the provisions of the law relative to increasing the capital stock, or decreasing the same, of such associations and trust companies.

ARTICLE VI. BOARD OF DIRECTORS

The business and the affairs of this corporation and all of the corporate powers thereof are hereby vested in and shall be exercised by a Board of Directors, composed of not less than five (5) and not more than thirty (30) stockholders, and a majority of the members of the Board of Directors shall constitute a quorum for the transaction of any and all business. Each Director shall own in his own right at least _____ shares of the common stock of this Corporation and any Director who after his election as such shall cease to be the owner in his own right and unpledged, of the amount of stock as herein aforesaid fixed, shall ipso facto cease to be a Director. The first Board of Directors shall consist of the following persons:

Said Board shall serve until the first annual meeting of the stockholders, which shall be fixed as hereinafter provided, or until their successors are elected and qualified.

ARTICLE VII. MEETING OF STOCKHOLDERS

The annual meeting of the stockholders of this corporation shall be held on the _____ of each year during the existence of this corporation, beginning on the _____, said meeting to be held at the banking house of the corporation in the City of _____, Louisiana, for the purpose of electing directors for the ensuing year and for the transaction of any and all other business that may properly come before the meeting. Notice of said meeting shall be

given to all stockholders by written notice, properly addressed and mailed to his last known address and at least fifteen days prior to the date of such meeting.

ARTICLE VIII. ELECTIONS

Every stockholder at every stockholders' meeting is entitled to one vote, in person, or by written proxy, for every share of capital stock held by him.

1. All elections of Directors shall be by written ballot. The stockholders receiving the majority of votes cast at such election shall be declared elected and shall serve for the ensuing year or until their successors shall be elected and duly qualified.

2. Any vacancy that may exist or occur among the Directors, either by death, resignation or otherwise, shall be filled by election by the remaining directors, and any director or directors so elected to fill any vacancy, shall hold office until the next regular election or until their successor or successors shall be elected and qualified.

3. Special meetings of the stockholders may be called in the manner provided for by the by-laws of the institution and such business may be brought before such special meeting as said by-laws may permit.

ARTICLE IX. OFFICERS

The directors of this corporation shall elect a President and a Cashier, and said directors may elect one or more Vice Presidents and one or more Assistant Cashiers; they may appoint an attorney or attorneys, other agents and employees as may be necessary to carry on the business of this corporation, upon such terms and conditions as may be agreed upon and who shall be removed at the pleasure of the directors.

ARTICLE X. BY-LAWS

The Board of Directors shall have the power to adopt, amend and alter by-laws for the government of the corporation not inconsistent with the provisions of this charter or of the law and may name and appoint such committees as it may deem necessary and proper and may vest in said committees such power and authority as the Board of Directors may deem necessary and proper.

ARTICLE XI. POWERS OF PRESIDENT

The President, or the managing officer of this corporation, shall have the

power, in his name and on behalf of this corporation, to authorize the institution or defense of any suit or other legal proceedings and to execute all bonds and affidavits in connection therewith, and no exception or want of authority shall lie on the part of any defendant.

ARTICLE XII. SERVICE OF LEGAL PROCESS

Service of legal process shall be made upon the President, or, in his absence, on the Vice President or on the Cashier.

ARTICLE XIII. INCREASE OF CAPITAL

This Act of Incorporation and Charter may be modified, altered, amended and changed, the capital stock increased or decreased, or the corporation may be dissolved, or other amendments made to this Charter by a two-thirds vote of all outstanding stock represented, present and voted at a general meeting of the stockholders called and held for such purpose after thirty (30) days' notice duly mailed in writing to every stockholder of record at his last known address and by thirty (30) days' like notice published in a newspaper in the Parish of _____, State of Louisiana. Such meeting or meetings may be called by the Board of Directors upon the written request of the stockholders holding a majority of the entire capital stock of the corporation.

ARTICLE XIV. DISSOLUTION

Upon dissolution of this corporation by its stockholders, or by expiration of this charter, its affairs shall be liquidated by three (3) persons, elected by the holders of a majority of the stock present or represented and voted at the general meeting at which dissolution is authorized. The said liquidators elected at such meeting shall remain in office until the affairs of this corporation shall have become completely liquidated. In case of death or resignation of one or more of said liquidators, the vacancy shall be filled by the survivor or surviving liquidators, from among the stockholders. The manner of liquidation shall be determined and fixed by the majority of the stock present and represented at the meeting for that purpose as provided herein.

ARTICLE XV. LIABILITY

No stockholders shall ever be held liable for the contracts of this corpora-

tion, nor shall any informality or defect in organization of this corporation have the effect of rendering this charter null or of making the stockholders personally liable for any of the acts of this corporation.

IN TESTIMONY WHEREOF, The parties have hereto signed with me, Notary, in the presence of the undersigned competent witnesses, in the Parish of _____, State of Louisiana, on the day, month, and year first above written.

WITNESSES:

Notary Public, _____
Parish, Louisiana



STATE OF LOUISIANA
OFFICE OF FINANCIAL INSTITUTIONS

P. O. BOX 44895—CAPITOL STATION

BATON ROUGE, LOUISIANA 70804

Financial Statement



I. _____
Name Address

submit herewith the following information and a correct and complete statement of my financial condition as of _____ Date
to the Office of Financial Institutions for its confidential use as a part of the Application of the _____

Name and address of Applicant Bank

for the organization of a State chartered Bank in accordance with the provisions of Louisiana Laws relating to Banks and Banking:

<i>Assets</i>	<i>Liabilities</i>
(a) Cash on hand and in banks	(a) Accounts payable
(b) Notes and accounts receivable—considered good and collectible	(b) Notes payable to banks and others, including relatives (Schedule below)
(c) Notes and accounts receivable—considered doubtful and included at estimated value	(c) Chattel mortgages payable
(d) Merchandise and inventory owned and on hand—at lower of cost or market value	(d) Real estate mortgages payable
(e) Live stock—at current market value	(e) Interest and taxes due and unpaid
(f) Grain and farm products owned and on hand—at current market value	(f) Loans payable on life insurance
(g) Bonds, stocks, and other securities owned—at current market or estimated actual value (Schedule below)	(g) Judgments outstanding against me
(h) Mortgages owned—considered good and collectible	(h) Other debts and liabilities (Itemize)
(i) Mortgages owned—considered doubtful and included at estimated value	
(j) Life insurance (Face amount \$ _____) Cash surrender value	
(k) Real estate owned—at fair market value (Schedule below)	
(l) Farm machinery and equipment—at estimated value	
(m) Business or industrial machinery and equipment—at cost, less depreciation	(i) Total Liabilities
(n) Other assets (Itemize)	(j) Net Worth
(o) Total Assets	(k) Total Liabilities and Net Worth

(In the event the signer has a substantial interest in one or more partnerships, corporations, or other business organizations, he may as a matter of convenience include only his equities in same in above statement the value of such equities to be supported by attaching hereto separate signed statements for each such partnership, corporation, or other business organization.)

In addition to the debts and liabilities listed above, I have endorsed, guaranteed, or am otherwise indirectly or contingently liable for the debts of others amounting to \$ _____ and am bondsman for others to the amount of \$ _____. Of the foregoing endorsements and other contingent liabilities, it is probable that I will be called upon for payment and will eventually become directly responsible for \$ _____.

Bonds, Stocks, and Other Securities Owned

Name and location of corporation and nature of business	Description of security	Par value or number of shares	Market or estimated value
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Real Estate Owned

Brief description of nature and location of property and improvements, including number of acres, if farm land	Assessed value	Fair market value	Mortgages and liens	Equity
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The title to all real estate listed above is recorded solely in my name, except as follows: _____

To whom payable	<i>Notes Payable</i>	Amount	Date due
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Pledged Assets

Assets included in the above financial statement which I have pledged or hypothecated and the specific notes, mortgages, or other debts which these assets secure are as follows:

Description of assets pledged	Value	Description of liability secured and to whom payable	Amount
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(If spaces provided are insufficient, please attach signed supporting schedules.)

Age _____; Place of birth _____ (City or Town) _____ (State) _____; Citizenship _____
 Residence _____ (City or Town) _____ (State) _____; Number of years in the community _____
 Education _____
 Par value of stock of applicant bank owned or subscribed for \$ _____

Record of Employment and Business or Farming Operations (Including Directorships)
 (Include present and past employment)

<i>Date From</i>	<i>Date To</i>	<i>Name of Business</i>	<i>Location</i>	<i>Type of Business</i>	<i>Position Held and Nature of Duties</i>
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Business Affiliations

(List firms, companies, corporations, or other business organizations of which
 you are at present director, officer, employee, partner, or owner.)

<i>Name and Location</i>	<i>Nature of Business</i>	<i>Position Held</i>
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List civic or other organizations in which you have membership _____

Have you ever been adjudged a bankrupt or compromised with creditors? _____ . If so, give details

Have you ever been convicted of, or charged with, any criminal offense involving dishonesty or a breach of trust?

Comment upon your experience in banking, credits, finance, farming, real estate, or any other activities having a bearing on
 your qualifications as an officer or director of the applicant bank _____

CERTIFICATE

I hereby certify that the foregoing information and statement of financial condition is true and correct to the best of my knowledge and belief
 and that said information and statement of financial condition are submitted voluntarily by me to the Office of Financial Institutions as
 essential data to be considered by them in connection with the Application of the _____

Name and address of Applicant Bank

to become an insured bank under the provisions of the Federal Deposit Insurance Act.

Date _____

Signature in full _____

INFORMATION FOR SIGNER

1. This form is for the use of Directors and Officers of bank making application for a State charter. Each individual Director and Officer is to submit a Financial Statement on this form in connection with said application, and is solely responsible for its contents.
2. Directors and Officers of Applicant Bank are asked to prepare Financial Statements on this form for the benefit of the Office of Financial Institutions in determining with respect to the applicant bank, the "general character of its management" in accordance with the provisions of the State Banking Laws.

RULE

Board of Elementary and Secondary Education

Rule 6.03.46

The Board adopted a policy allowing employees of a vocational-technical school to reside on the premises of the vocational-technical school in order to provide security services to the school.

Rule 3.01.70v(31)

The Board adopted a Professional Plan of Development for Awarding Assessment Teachers Certificates to be effective until September 1, 1982 as follows.

1. Two years teaching experience and one year of diagnostic or consultant service will be allowable.

2. Certification in at least one area of special education and six semester hours in another area of special education. (Six semester hours in an additional area of special education will not result in certification in the second area.)

3. A minimum of the graduate level courses specified in the certification or successful completion of State Department of Education in-service training during the next two years covering the following areas.

a. Applied learning theory.

b. Behavioral intervention strategies including systematic behavioral assessment. (This course must include twenty-five child contact hours.)

c. Consulting teacher strategies.

d. Precision assessment and diagnostic/prescriptive strategies.

4. Supervised internship in the parish where employed with joint State and local supervision will fulfill the requirement for six semester hours in educational diagnosis and supervised internship.

Rule 3.03.05

The Board adopted the following procedure for administering vocational-technical programs in the correctional facilities.

1. After hearing the recommendation of the Department of Education, the Department of Corrections, and all other interested parties, the Board of Elementary and Secondary Education shall determine which area vocational-technical school will administer the vocational programs at the individual correctional facilities.

2. Each area vocational-technical school will provide certified and qualified instructional personnel, curriculum materials and supervision for the entire vocational program within the confines of the prison facilities.

3. In the initiation of a new vocational program in a prison facility, all equipment for the new program will be purchased by the Department of Corrections after consultation with the Trade and Industrial Section of the State Department of Education.

4. Department of Corrections will provide students (inmates), classroom, utilities, maintenance and repair of building which will include janitorial services, maintenance of roads and security.

5. It will be the responsibility of the administration of the correctional facility to maintain security in and around the vocational school.

Additional needs to insure success of a program at a particular facility can be added to this agreement with an addendum approved by both the Department of Corrections and the Department of Education. With the approval of this agreement, all prior agreements become void.

Rule 3.01.51x

The Board adopted a policy allowing university laboratory schools to change schedule of attendance to coincide with university schedules.

Rule 4.00.73a

The Board adopted Bulletin 1475, *Louisiana School Bus Driver Operational and Vehicle Maintenance Procedures*.

Rule 4.02.06

The Board adopted Special Education Transportation Guidelines as follows.

Responsibility of the Louisiana Legislature: Appropriate funds for the full implementation of all mandated transportation programs. **Responsibility of the State Department of Education:**

A. Seek funding from the Louisiana Legislature to provide additional compensation to the local educational agency for specially equipped school buses.

B. Seek the necessary funds from the Louisiana Legislature to fully fund all transportation for special education students.

C. Seek funds from the Louisiana Legislature to employ the necessary personnel to develop and provide preservice and inservice training programs for special education bus operators and attendants.

Responsibility of Local Board or Agency:

A. Assure that the students being transported only spend a reasonable amount of time on the bus. The locations of the domicile and school facility will be determinant factors in length of travel time.

B. Assure that supervision of students at transfer points will be in compliance with local educational agency policy.

C. Employ adult attendant(s) as needed on all school buses transporting severely handicapped and pre-school handicapped students.

D. Assure that all school buses used to transport special education students comply with current Louisiana State Department of Education Bulletin 1213, *Minimum Standards for School Buses in Louisiana*.

E. Assure that appropriate safety measures are used in the transportation of special education students. Such safety measures shall include the designation of roads, bus areas and any special bus stop location(s).

F. Assure that specialized equipment used to transport students to educational sites comply with all Federal Motor Vehicle Safety Standards where such standards are applicable.

G. Develop, implement and post evacuation procedures for each school bus in accordance with the guidelines set forth in Louisiana State Department of Education Bulletin 1191, *School Transportation Handbook*.

H. Suspend or terminate student transportation services upon the submission of appropriate documentation for the following reasons with parents having the right to initiate due process proceedings.

1. When parent(s) or appointed designee does not assume responsibilities as outlined in Responsibility of Parents Section.

2. If the child's unacceptable behavior is related to the handicapping condition a mutually agreed upon alternative method of transportation will be implemented.

3. If the child's unacceptable behavior is not related to the handicapping condition the local disciplinary policies and procedures shall prevail.

1. The local school superintendent or his designee shall make a reasonable and timely effort to provide notification when it is known that there will be an interruption in bus service or a change in the bus schedule.

Responsibility of Bus Operator and attendant:

A. The bus operator shall assure that special education students aboard the bus are supervised at all times.

B. The attendant shall insure that the protective safety devices are in use and fastened properly. (In instances where an attendant is not available, this shall be the responsibility of the bus operator.)

C. The attendant and/or bus operator shall assist such students on and off the bus at the designated bus stop and when it is necessary for their safe entrance and exit from the bus.

D. Bus operators and attendants shall attend inservice training programs. This training shall include completion of the Red Cross First Aid Course and a Special Education Unit to be developed by the Bureau of School Transportation.

E. The bus operator shall secure for his/her vehicle confidential emergency data including 1) student's name and address, 2)

nature of student's handicap, 3) emergency health care information, 4) name and telephone number of student's physician, parents, guardians and/or custodians who can be contacted in case of an emergency, 5) provisions for the student's welfare when and if the student is unable to be met at the designated bus stop, 6) any other information deemed necessary by the local educational agency.

F. The bus operator shall deliver the students to the same bus stop from which they were picked up. Special circumstances may allow a change in this procedure, but it must be approved by the local superintendent or his designee.

G. The attendant must be on the school bus at all times during the bus route, exceptions to be made only by the local superintendent or his designee.

H. The bus operator will be responsible for providing the parents with appropriate emergency phone numbers.

Responsibility of the Parents or Appointed Designee:

A. Provide the local educational agency with pertinent written information required on State Transportation Form and with pertinent information regarding any special care the student may need while on the bus.

B. Have the child at the designated bus stop at the regularly scheduled time and provide the necessary supervision until the bus arrives.

C. Secure the child into any specialized carrying equipment prior to the child boarding the bus.

D. Meet the bus upon its return to the designated bus stop at the scheduled time.

E. Shall be responsible for the child's return home in the afternoon if parent takes or sends his/her child to school unless otherwise provided for by local school board policy.

F. Make a reasonable and timely effort to notify the bus operator prior to the beginning of the morning run if the child is unable to attend school.

G. Keep area to and from the bus loading area clear of obstacles and all other unnecessary debris.

H. Any parent of a special education student who believes that the transportation services provided for that student are not in compliance with these regulations may utilize the due process procedures as established in the Special Education regulations in accordance with Act 754 of the Louisiana Legislature.

James V. Soileau
Executive Director

RULE

Office of the Governor Office of Elderly Affairs

Pursuant to Act 456 of the 1964 Legislative Session, the Office of Elderly Affairs as legal successor to the Louisiana Commission on the Aging and the Department of Health and Human Resources, as per Title 46 of Revised Statutes 46:1601, et seq., and Revised Statutes 46:931 et. seq., herewith establishes that in the event that all members of the Board of Directors of a Voluntary Parish Council on Aging, resign leaving a charter in force, the Office of Elderly Affairs shall, after consulting with members of the Parish Police Jury, appoint an interim Board of Directors with full authority to manage the affairs of the Council and to establish all necessary procedures to call for an election to fill all vacancies on the Board as soon as possible, but no later than one calendar year from the date of their appointment.

This policy is in force as of August 20, 1980.

Priscilla R. Engolia, BCSW, ACSW
Executive Director

RULE

Board of Examiners of Psychologists

The Board adopted Rules on Renewal of Lapsed Licenses as follows.

1. If the license is not renewed by the end of July, due notice having been given, the license shall be regarded as lapsed for the year beginning with that July. Such lapsed license shall not be listed in the directory.

2. Within two years of the lapsing of such license, the license may be restored to active status and renewed upon payment of all renewal or other fees in arrears.

3. After two years of the lapsing of such license, the license may be restored to active status by the payment of a twenty-five dollar renewal fee, plus the renewal fee for the then current year, provided that the person is in compliance with Revised Statute 37:2357.A. (2), (3), and (4), and the Rules and Regulations of the Board.

4. The person shall not practice psychology in Louisiana while the license is lapsed.

The Board also adopted Rules on Training and Credentials and Summary of Comments.

Rules on Training and Credentials

1. A "school" or "college" approved by the Board is a university or other institution of higher learning which at the time of the granting of the doctorate has met 1 A, 1 B, and 1 C of this section.

A. Is accredited by one of the six regional bodies recognized by the Council on Postsecondary Accreditation. A school or college which has been admitted to candidacy status by a regional accrediting body shall be accepted as having met this requirement if it has maintained candidacy status for a minimum of three years.

B. Has achieved the highest level of accreditation or approval awarded by statutory authorities of the state in which the school or college is located.

C. Offers a full-time graduate course of study in psychology as defined in the regulations.

II. A "full-time graduate course of study in psychology" means a doctoral program of psychology which at the time of the granting of the doctorate, meets either criterion A or B of this section.

A. Doctoral programs that are accredited by the American Psychological Association or by the National Council of Accreditation of Teacher Education according to the standards of the National Association of School Psychologists are recognized as meeting the definition of a psychology program.

B. Psychology programs which do not meet criterion 11A must meet the following standards.

1. The program shall be clearly identified and labeled as a psychology program. Such a program shall specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

2. The psychology program shall stand as a recognizable, coherent organizational entity within the institution wherever it may be administratively housed.

3. There shall be a clear authority and primary responsibility for training in the core and specialty areas of psychology whether or not the program cuts across administrative lines.

4. The program shall be an organized sequence of study planned by those responsible for the training program to provide an integrated educational experience.

5. There must be an identifiable psychology faculty and a licensed or qualified psychologist responsible for the program.

6. The program shall have an identifiable body of students who are matriculated in that program for a degree.

7. The program shall include appropriate practicum, internship, field, or laboratory training.

8. The curriculum of the program shall encompass a minimum of three academic years of full-time graduate study.

9. The doctoral program shall involve at least one continuous

academic year of full-time residency on the campus of the Institution at which the degree is granted.

10. The doctoral program shall include examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the student.

C. Programs of institutions outside of the United States must meet criteria specified in 11A or 11B.

III. A "major in psychology" is one offered by an approved doctoral program as specified in II and which meets the following standards.

A. The major in psychology shall require each student to demonstrate knowledge in the areas of scientific and professional ethics and standards, history and systems, research design and methodology, statistics and psychometrics.

B. The major in psychology shall require each student to demonstrate competence in each of the following substantive content areas.

1. Biological Bases of Behavior, e.g., physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

2. Cognitive-Affective Bases of Behavior, e.g., learning, thinking, motivation, emotion.

3. Social Bases of Behavior, e.g., social psychology, group processes, organizational and systems theory.

4. Individual Differences, e.g., personality theory, human development, abnormal psychology.

Competence may be demonstrated by passing comprehensive examinations in each of the areas or by successful completion of at least twenty-four or more graduate semester hours (or equivalent quarter hours) with at least three semester hours in each of the four areas, or by other means acceptable by the Board.

C. If the emphasis of the major in psychology is in an applied area such as clinical psychology, counseling psychology, school psychology, or industrial-organizational psychology, the training normally shall include a set of coordinated practicum and internship training experiences.

1. In applied areas such as counseling, clinical, and school psychology preparation normally shall involve early and continuing involvement of students in applied settings. Such experience should occur at two levels, practicum and internship.

a. The practicum level is an earlier, pre-requisite phase of involvement, usually for academic credit, often on campus, with a typical time commitment of eight to sixteen hours per week. Practicum settings should provide supervised training in interviewing, appraisal, modes of intervention, and research skills or other skills appropriate to the student's level of experience and area of specialization. A minimum of three hundred hours of practicum experience should precede the internship. This should include at least one hundred hours of direct client contact and at least fifty hours of scheduled individual supervision.

b. The typical minimal internship experience is a program of one continuous year or its equivalent, such as a one half-time program of two years duration. The internship setting should provide the trainee with the opportunity to take substantial responsibility for carrying out major professional functions in the context of appropriate supervision which is conducted in accordance with the Rules of the Board for supervision of unlicensed psychologists.

2. In applied areas such as industrial-organization, engineering, and environmental psychology, internship training may take the form of post-doctoral supervised experience as defined in the regulations of the Board.

IV. In the event that an applicant presents doctoral credentials that the Board judges not to meet the criteria described in Rules II and III, above, the applicant may be regarded as meeting such requirements when the following steps are completed.

A. The applicant shall submit to the Board for approval a program of supplementary graduate education which meets Rule III, designed by the chairman of a doctoral department of psychol-

ogy which meets Rule 11A; and which shall result in the total training being the doctoral degree with a major in psychology in that department.

B. The Board shall judge the program against Rule III and shall approve or disapprove the plan.

C. The applicant shall pursue the approved program in the institution in which the program was designed.

D. Upon the applicant's completion of the approved program of supplementary graduate education, the chairman of the graduate department of psychology, the psychology graduate faculty and the appropriate Dean from the institution shall certify to the Board that the program outlined according to IVA, and IVB above has been completed.

Summary of Comments — All persons commenting supported the Board's efforts to establish rules and regulations in this area and expressed general support for the rules as proposed.

1. A "school" or "college" approved by the Board is a university or other "institution of higher learning" which is: a) regionally accredited; and b) accredited by the appropriate authorities in the state in which it is located; and c) offers full-time graduate course of study in psychology as defined in the regulations.

One suggestion was made to substitute "or" for the "and" between each part.

Since some states have only a "registration" criterion and since a school may offer a course of study in psychology and meet no other criteria, the "and" between each criterion is retained.

1.A Regionally accredited — Several comments were received expressing concern about programs which were not fully credentialed by such authorities but which have met the first set of standards for such accreditation. Also, the proposed statement did not specify which regional commissions would be recognized. The rule is amended to read ". . . which A) is accredited by one of the six regional accrediting bodies recognized by the Council on Post-secondary Accreditation. A school or college which has been admitted to candidacy by a regional accrediting body shall be accepted as having met this requirement, if it has maintained candidacy status for a minimum of three years."

One comment suggested that the Board issue a temporary license to graduates of programs which have been accepted as candidates for regional accreditation. It is the judgment of the Board that it does not have the statutory authority to issue temporary licenses.

1.B. One comment indicated that this wording seemed vague. The statement was amended to read: B. Has achieved the highest level of accreditation or approval awarded by statutory authorities of the state in which the school or college is located.

11.A. One comment indicated that other national standards are also acceptable. The Board has reviewed other national standards and has added the NASP doctoral standards. The Board may consider other national standards.

11.B.5. One comment suggested that "qualified psychologist" should be defined that it should not be the same as having met all requirements for licensure.

It is the judgment of the Board that any program of psychology should have a highly qualified psychologist responsible for the program. If the only area of training in psychology is a practice area (as opposed to academic or experimental) then that psychologist should certainly be licensed or license eligible. No changes are made in the rule.

11.B.7 Two persons suggested that the addition of the words "appropriate to the practice of psychology."

The license in psychology is a generic license and is issued to any psychologist who offers services to the public. As such an experimental psychologist who consults concerning experimental design with an organization is practicing psychology and must be licensed in Louisiana. To require that such a psychologist's program includes practica, etc. which would prepare that experimental psychologist for the practice of psychology would be unreason-

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Department of Health and Human Resources Office of Family Security

able. If the major is an applied area of psychology, Rule III.C applies and covers the concern. No changes are made in Rule IIB7.

II.B.8 One comment recommended allowing a person to shorten the three years of training.

The standard requires the program curriculum to cover three years, but it does not require that the individual student take that long to complete the program. No change is made in this rule.

II.B.9. The greatest number of comments received by the Board concerned the requirement for one year of residency on the campus of the university at which the degree is granted. The comments ranged from urging that the requirement be deleted to suggesting that it be extended to two years. A number of the comments implied that if the program met all other standards, the standard was unnecessary.

It is the judgment of the Board that, while some academic work done off of the main campus of the degree granting institution may be appropriate at the undergraduate level, and perhaps even at the graduate level, it is not appropriate for an entire program of academic training at the graduate level in preparation for professional practice. It is further recognized that an important part of education is the continuing interaction and study with faculty and other students. Some classwork and/or practicum supervision should be provided by persons who are primarily engaged in training and/or research at the institution granting the doctorate. Whereas, it is recognized that many excellent psychologists may be involved in non-resident training, the Board requires assurance that the candidate has been observed, educated, and trained by persons whose expertise and livelihood is in teaching, and that the candidate has been known well and closely over a period of time by the faculty of the institution granting the doctorate. That faculty must have close involvement and investment in that program, as opposed to a relatively small investment in the program. It is thus judged that an absolute minimum of one year of residency must be at the campus that is accredited and where the licensed or qualified psychologist responsible for the program is primarily housed.

III.B. Comments indicated that the last statement concerning how the requirement should be demonstrated was vague and suggestions ranged from be more flexible to be more affirmative.

The following amendment was passed, "Competence may be demonstrated by passing comprehensive examinations in each of the areas or by successful completion of at least twenty-four or more graduate semester hours (or equivalent quarter hours) with at least three semester hours in each of the four areas, or by other means acceptable to the Board."

III.C. One comment suggested striking "normally" in the wording. The Board feels that the absolute requirement is premature and would result in the denial of licensure to individuals when programs in industrial psychology do not require an internship.

IV. Comments pro, con, and mixed were received concerning the appropriateness of this section. The majority suggested ways to strengthen the section, and then recommended maintaining it. In keeping with the comments, the section is amended to read as follows.

"In the event that an applicant presents doctoral credentials that the Board judges not to meet the criteria described in Rules II and III above, the applicant may be regarded as meeting such requirements when the following steps are completed:

A. The applicant shall submit to the Board for approval a program of supplementary graduate education which meets Rule III, designed by the chairman of a doctoral department of psychology which meets criterion IIA; and which shall result in the total training being the same as the doctoral degree with a major in psychology in that department.

B. The Board shall judge the program against Rule III and shall approve or disapprove the plan."

Wayne A. Greenleaf, Ph.D.
Chairman

The Department of Health and Human Resources, Office of Family Security, has revised and expanded policy regarding Out-of-State Medical Care in the Medical Assistance Program. Effective August 20, 1980, the policy is revised as follows.

Out-of-State Medical Care

General — The Medical Assistance Program provides medical assistance to eligible individuals who are residents of the state but absent therefrom to the same extent that assistance is furnished to such eligible individuals in the state.

The Louisiana Medical Assistance Program will only honor out-of-state medical claims for services rendered to eligibles under one of the following circumstances.

1. Where an emergency arises from an accident or illness.
2. Where the health of the individual would be endangered if he undertook travel to return to the State of Louisiana.
3. Where the health of the individual would be endangered if the care and services are postponed until he returns to the State.
4. When it is general practice for residents of a particular locality to use medical resources in the medical marketing areas outside the State.
5. When the medical care and services or needed supplementary resources are not available within the State. Prior approval of the Louisiana Medical Director is required.

This limitation does not apply to out-of-state Independent Laboratories when these services are ordered by a physician residing in the State of Louisiana.

Physician Services — When an out-of-state physician's bill is received in the local office, it shall be forwarded to State Office, Attention: Medical Assistance Program, Provider Enrollment Section. The Provider Enrollment Section shall clear with the physician's state of residence and/or practice to ascertain whether or not the physician is duly licensed. If the physician is licensed he/she shall be assigned a Louisiana Vendor Number. The provider enrollment form (OFS PE-50) must be completed to finalize enrollment of the out-of-state physician as a provider. The fiscal intermediary shall forward the physician a provider manual and appropriate claim forms. Enrollment is limited to a thirteen month time span.

For persons who are Medicare eligible, the physician shall be instructed to bill through his state's intermediary. Upon receipt of their clearance, the physician shall then forward his explanation of benefits from Medicare with his bill to the fiscal intermediary, E.D.S. Federal, Box 14800, Baton Rouge, Louisiana 70898, for payment of the Medicaid portion of the bill. In situations where the recipient is not Medicare eligible, the provider shall bill the fiscal intermediary as instructed in the provider manual.

Medications — Any drug bills received by the local office should be forwarded to State Office, Attention: Medical Assistance Program, Provider Enrollment Section. The Provider Enrollment Section shall clear with the state in which the pharmacy is located to ascertain whether or not the pharmacy has a permit. If the pharmacy has a permit, a Louisiana Vendor Number shall be assigned. The provider enrollment form (OFS PE-50) must be completed to finalize enrollment of the out-of-state pharmacies as providers. The fiscal intermediary shall forward the pharmacy a provider manual and appropriate claim forms. Enrollment is limited to a thirteen month time span.

OFS pays for the same drugs out-of-state as are paid in-state and the reimbursement rate is the same.

Clinic Services — When a bill for clinic services rendered by an out-of-state free standing hemodialysis facility is received in the local office, it shall be forwarded to State Office, Attention: Medical Assistance Program, Provider Enrollment Section. The Medical Assistance Program shall clear with the state in which the facility is

located to ascertain whether or not the hemodialysis facility is recognized as a Medicare Certified Hemodialysis Center. Upon verification of certification, the facility is assigned a Louisiana Vendor Number. The provider enrollment form (OFS PE-50) must be completed to finalize enrollment. The fiscal intermediary shall forward the provider instructions and appropriate claim forms. Enrollment is limited to a thirteen month time span.

Where the recipient is Medicare eligible, the hemodialysis facility is instructed to bill the Medicare intermediary in their state and then forward a copy of the explanation of benefits from Medicare with their bill to Louisiana's fiscal intermediary, E.D.S. Federal, Box 14800, Baton Rouge, Louisiana 70888.

In situations where the recipient is not Medicare eligible, the facility shall bill Louisiana's fiscal intermediary as directed in the instructions forwarded with the claim forms at the time of enrollment.

The Medical Assistance Program reimburses the out-of-state facility on the same basis as is paid for in-state services.

Hospital Services — When the out-of-state hospital's bill is received in the local office, it shall be forwarded to State Office, Attention: Medical Assistance Program, Provider Enrollment Section. The Provider Enrollment Section shall clear with the state in which the hospital is located to ascertain whether or not the hospital is duly licensed and accredited. Upon receipt of this verification, the hospital is assigned a Louisiana Vendor Number. The provider enrollment form (OFS PE-50) must be completed to finalize enrollment of the out-of-state facility as a provider. The fiscal intermediary shall forward a provider manual and appropriate claim forms. Enrollment is limited to a thirteen month time span.

In situations where the recipient is Medicare eligible, the hospital is instructed to bill the Medicare intermediary in their state and then forward a copy of the explanation of benefits from Medicare with their bill to the fiscal intermediary, E.D.S. Federal, Box 14800, Baton Rouge, Louisiana 70898. In situations where the recipient is not Medicare eligible, the provider shall bill Louisiana's fiscal intermediary as instructed in the provider manual.

For inpatient hospital services, out-of-state hospitals are paid the amount charged for a private or semi-private room depending on the rate of reimbursement set by the Medicaid policy for payment in that state. For out-patient hospital services, the out-of-state facility is reimbursed for eighty five percent of the billed charges or on the basis of cost whichever is less.

Skilled Nursing Home Care — Bills or inquiries received in the parish office shall be forwarded to state office.

When a bill or inquiry is received in connection with out-of-state Skilled Nursing Care Facility Services, State Office, Medical Assistance Program, Long Term Care Unit, determines the status of categorical and medical eligibility, the Title XIX certification of the facility, and per diem rate of the facility as established by the Medicaid Agency in the state where the facility is located. An eligible out-of-state skilled nursing facility is enrolled as a provider using the OFS Form PE-50. Enrollment is limited to a thirteen month time span.

Payment is at a monthly rate by the fiscal intermediary. The monthly rate for the skilled nursing facility is determined by multiplying 365 times the per diem and dividing by twelve.

Payment of behalf of a Louisiana recipient in an out-of-state skilled nursing facility will continue until the case is closed by the local office or until the recipient is determined categorically eligible in the new state of residence, i.e., the "intent to remain" out-of-state is declared.

Intermediate Care Facility Services — In general, if a person is placed in an intermediate care facility, it is considered that his place of residence has changed and it is expected that the state of residence will be responsible for the payment. Payment is made by Louisiana until such time as the recipient's place of residence is clarified. In rare instances, a person is placed in an out-of-state

intermediate care facility during a month in which he has categorical eligibility in Louisiana. In such cases, the procedure for payment and enrollment is the same as described for skilled nursing home care.

Medical Appliances — Requests for medical appliances to be purchased out-of-state are handled in accordance with Part XVI of the Medical Assistance Manual, Chapter 19, Medical Appliances. **Rehabilitation Center Services** — Rehabilitation center services are provided in accordance with Part XVII, Rehabilitation Center Services. The out-of-state rehabilitation center must be enrolled as a provider using the OFS Form PE-50. Enrollment is limited to a thirteen month time span.

Other Medical Services — All other services, including psychiatric hospital services for persons 65 or over and under 21, TB hospital services for persons 65 or over, EPSDT Diagnostic and Treatment services, home health services, chiropractic services, and Medical Transportation services are provided and reimbursed in accordance with the manual sections in which they are described.

When an out-of-state bill for any of these services is received in the local office, it shall be forwarded to State Office, Attention: Medical Assistance Program, Provider Enrollment Section. The Medical Assistance Program shall clear with the state where the provider is located to ascertain whether or not the provider is licensed. (To be recognized as a Louisiana Medical Assistance Program provider the designated provider type must also meet the following requirements: Home Health Service - Medicare Certification, Independent Laboratory - Current Interstate License.

If the provider is licensed, a Louisiana Vendor Number is assigned and the provider enrollment form (OFS PE-50) must be completed to finalize enrollment. The fiscal intermediary shall forward the clinic a provider manual and appropriate claim form. Enrollment is limited to a thirteen month time span.

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Health Services and Environmental Quality

Department of Health and Human Resources, Office of Health Services and Environmental Quality, has adopted the following regulations pursuant to R. S. 40:33 and pertaining to a legitimation in accordance with Article 198 of the Louisiana Civil Code and to an act of legitimation in accordance with Article 200 of the Louisiana Civil Code, and to an act of legitimation appearing in R. S. 9:391 as amended and reenacted by Act. No. 607 of 1979, and R. S. 40:46(A) as amended and reenacted by Act No. 776 of 1979:

A) Except as hereinafter provided in these rules and regulations, a legitimation of an illegitimate child pursuant to Article 198 of the Louisiana Civil Code may result in the sealing of the registrant's original certificate of birth and the issuance of a new certificate of birth in the new name of the registrant wherein the registrant's surname shall be that of his father, only if the provisions of R. S. 40:46 have been met, along with payment of the required fee(s) as set forth in R. S. 40:40.

i) As provided in R. S. 40:46A, a new certificate may be issued only if both parents had been free of any impediments and could have married each other at the time of the child's conception, in accordance with the laws of Louisiana in existence at the time of the child's conception.

ii) In circumstances wherein both parents had been free to marry each other and who later do marry but without a formal act of legitimation, and due to the death of one or both parents only informal acknowledgment material is available, a court order will be required before a new certificate may be issued, since neither the State Registrar nor the personnel under his supervision in the Division of Vital Records are empowered to adjudicate such a status determination when only informal means of acknowledgment are available.

iii) In circumstances where the parents were not free to marry each other at the time of the subject child's conception, and where the parents have later married, if a new certificate is desired, an adoption procedure is recommended. In the alternative, a mandamus proceeding may be brought against the State Registrar at the domicile of the Division of Vital Records in an effort to compel the issuance of a new certificate.

B) In circumstances involving an Act of Legitimation pursuant to Article 200 of the Louisiana Civil Code wherein the parents had no impediments to their marriage to each other and where neither parent had any legitimate descendants at the time of the conception and/or legitimation of the subject child by an Act of Legitimation (i. e., the said parents do not later marry), and where the child's original certificate of birth has been registered in accordance with R. S. 40:34 (1) (a) in the surname the same as the mother's maiden surname, and no name of the father appears on the certificate, the said original certificate of birth may be altered in the manner and respects as follows:

i) If only the child's mother "legitimizes" the child in accordance with Article 200 of the Louisiana Civil Code, the original certificate will be stamped altered with the date of the alteration, along with an inscription of the words "Act of Legitimation by Mother" together with its date on the face of the original certificate. In such case no further alteration may be made. The Division of Vital Records, however, will retain a certified copy of the "Act of Legitimation" in its archives.

ii) In circumstances wherein the father alone has executed an "Act of Legitimation," the word altered and the date of the same will be stamped and inscribed on the face of the original certificate, along with the words "Act of Legitimation by Father" and the date of same. The original certificate will be further amended by inserting the father's name, place of birth, his race, and his age at the time of the subject child's birth, in the standard spaces provided for this information on the original certificate. The child's surname will be "lined out" and the father's surname inscribed above it.

iii) In circumstances where both parents jointly execute an "Act of Legitimation," the word altered will be stamped along with the date of the alteration, and the words "Act of Legitimation by Father and Mother" will be inscribed on the face of the original certificate. In addition, the father's name, etc., will be added and the child's surname changed to that of the father, in similar fashion as above described.

iv) In each of the above mentioned circumstances pertaining to an "Act of Legitimation," the provisions of R. S. 9:391 applies, i. e., there must have been no legal impediments to the marriage of the father and mother in existence at the time of the conception of the child.

C) In circumstances where a subject child's original certificate of birth on its face reflects that the child has a legitimate status, i. e., in instances where the child's birth was registered in the surname of the legal husband of the child's mother at the time of conception, and where the legal husband's name appears on the said original certificate as legal father of the child, a court order will be required to determine the child's status before any alteration will be made. Since the child in such an instance appears to have a legitimate status, it follows that Article 198 of the Louisiana Civil Code does not apply, since it applies only to illegitimate children. Likewise, Article 200 of the Louisiana Civil Code would not apply, since there was an impediment to the marriage between the alleged biological father and the child's mother at the time of the child's conception. Thus where the biological parents have later married each other, it is again recommended that the subject child be adopted, especially if a new certificate is desired.

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

Department of Health and Human Resources Office of Mental Retardation

In accordance with R. S. 28:382 the Office of Mental Retardation policy on Treatment of Resident Income in State Intermediate Care Facilities for the Mentally Retarded (*Louisiana Register*, Vol. 3, No. 6) is amended by adding the following:
C.4. Interest Income

Interest earned from funds on deposit shall be applied against the cost of care.

George A. Fischer, Secretary
Department of Health and Human Resources

RULE

Department of Natural Resources Coastal Management Section

A. Introduction — The problems and issues identified in the previous chapter (Note that this and the following guidelines, rules and regulations are excerpts from the Louisiana Coastal Resources Program, Final Environmental Impact Statement.) have long been recognized by the Louisiana Legislature through the enactment of several coastal management laws, culminating in Act 361, the Louisiana State and Local Coastal Resources Management Act of 1978. With the passage of Act 361, the State of Louisiana initiated a major effort to develop a coastal management program at both the state and local levels that would be approvable under Section 306 of the CZMA. In Act 361, Section 213.2, the Legislature declared the following to be public policy of the state:

1. "To protect, develop, and where feasible, restore or enhance the resources of the state's coastal zone.

2. (a) To assure that, to the maximum extent feasible, constitutional and statutory authorities affecting uses of the coastal zone should be included within the Louisiana Coastal Resources Program and that guidelines and regulations adopted pursuant thereto shall not be interpreted to allow expansion of governmental authority beyond those laws.

(b) To express certain regulatory and non-regulatory policies for the coastal zone management program. Regulatory policies are to form a basis for administrative decisions to approve or disapprove activities only to the extent that such policies are contained in the statutes of this state or regulations duly adopted and promulgated pursuant thereto. They are to be applicable to each governmental body only to the extent each governmental body has jurisdiction and authority to enforce such policies. Other policies are non-regulatory. They are included in the Coastal Zone Management Plan to help set out priorities in administrative decisions and to inform the public and decision makers of a coherent state framework, but such policies are not binding on private parties.

3. To support and encourage multiple use of coastal resources consistent with the maintenance and enhancement of renewable resource management and productivity, the need to provide for adequate economic growth and development and the minimization of adverse effects of one resource use upon another, without imposing any undue restriction on any user.

4. To employ procedures and practices that resolve conflicts among competing uses within the coastal zone in accordance with the purpose of this Part and simplify administrative procedures.

5. To develop and implement a coastal resources management program which is based on consideration of our resources, the environment, the needs of the people of the state, the nation, and of state and local government.

6. To enhance opportunities for the use and enjoyment of the recreational values of the coastal zone.

7. To develop and implement a reasonable and equitable coastal resources management program with sufficient expertise, tech-

nical proficiency, and legal authority to enable Louisiana to determine the future course of development and conservation of the coastal zone and to ensure that state and local governments have the primary authority for managing coastal resources.”

In order to achieve the state policy in Act 361, the Legislature instructed the Secretary of the Department of Transportation and Development (DOTD) to develop an overall state coastal management program composed as follows:

“The Secretary shall develop the overall state coastal management program consisting of all applicable constitutional provisions, laws, and regulations of this state which affect the coastal zone in accordance with the provisions of this Part and shall include within the program such other applicable constitutional or statutory provisions or other regulatory or management programs or activities as may be necessary to achieve the purposes of this Part or necessary to implement the guidelines hereinafter set forth. (Section 213.8(A), Act 361).”

The remainder of this chapter sets forth the policies for the Louisiana Coastal Resources Program (LCRP), including the coastal use guidelines and the selected constitutional and statutory provisions that serve as the basis of decisions under the LCRP.

B. Coastal Use Guidelines — The Legislature recognized when it enacted Act 361 that existing constitutional and statutory provisions were insufficient to provide the policies and criteria necessary to guide management decisions in the coastal zone. The Legislature, therefore, provided for the promulgation of coastal use guidelines in Section 213.8 of Act 361. The means by which the state will implement the guidelines is explained fully in Chapter IV; it is worth noting at this point, however, that the guidelines will serve primarily as the substantive standards and criteria for the following purposes:

1. Department of Natural Resources (DNR) issuance of coastal use permits for activities subject to the state coastal use permit system.

2. Office of Conservation (OC)/DNR issuance of in-lieu permits.

3. DNR review and approval of local coastal programs.

4. Local government issuance of coastal use permits subject to a coastal use permit system administered pursuant to an approved local plan.

5. DNR and in certain instances gubernatorial review of the activities of state agencies, local governments and deep water ports for consistency with the LCRP.

6. DNR gubernatorial review of the consistency of the actions of federal agencies with the LCRP pursuant to CZMA Section 307, in addition to other state policies incorporated into the LCRP.

Goals for Development of the Guidelines — In order to provide additional guidance for the development of the coastal use guidelines, the Legislature established the following goals in Section 213.8 (C) of Act 361:

- “1. To encourage full use of coastal resources while recognizing it is in the public interest of the people of Louisiana to establish a proper balance between development and conservation.

2. Recognize that some areas of the coastal zone are more suited for development than other areas and hence use guidelines which may differ for the same uses in different areas.

3. Require careful consideration of the impacts of uses on water flow, circulation, quantity, and quality and require that the discharge or release of any pollutant or toxic material into the water or air of the coastal zone be within all applicable limits established by law, or by federal, state, or local regulatory authority.

4. Recognize the value of special features of the coastal zone such as barrier islands, fishery nursery grounds, recreation areas, ports and other areas where developments and facilities are dependent upon the utilization of or access to coastal waters, and areas particularly suited for industrial, commercial, or residential development and manage those areas so as to enhance their value to the people of Louisiana.

5. Minimize, whenever feasible and practical, detrimental im-

pacts on natural areas and wildlife habitat and fisheries by such means as encouraging minimum change of natural systems and by multiple use of existing canals, directional drilling, and other practical techniques.

6. Provide for adequate corridors within the coastal zone for transportation, industrialization, or urbanization and encouraging the location of such corridors in already developed or disturbed areas when feasible or practicable.

7. Reduce governmental red tape and costly delays and ensure more predictable decisions on permit applications.

8. Encourage such multiple uses of the coastal zone as are consistent with the purposes of this Part.

9. Minimize detrimental effects of foreseeable cumulative impacts on coastal resources from proposed or authorized uses.

10. Provide ways to enhance opportunities for the use and enjoyment of the recreational values of the coastal zone.

11. Require the consideration of available scientific understanding of natural systems, available engineering technology and economics in the development of management programs.

12. Establish procedures and criteria to ensure that appropriate consideration is given to uses of regional, state, or national importance, energy facility siting and the national interests in coastal resources.”

The Guideline Development Process — The process for adoption of the Coastal Use Guidelines is established by Section 213.8(B) of Act 361. Pursuant to this section, the guidelines are initially developed by the Secretary of DOTD in consultation with the Secretaries of Department of Natural Resources and Department of Wildlife and Fisheries (DWF). After public hearings on the guidelines and consideration of the comments received, the guidelines are submitted to the Louisiana Coastal Commission. The Commission may approve or disapprove individual guidelines giving the reasons in writing for each guideline disapproved. The Commission has sixty days to act, and lack of official action constitutes approval. Any guidelines disapproved are returned to the Secretaries of the Departments of Transportation and Development, Natural Resources, and Wildlife and Fisheries, acting jointly, for further consideration. The Secretaries may submit revised guidelines to the Commission within thirty days. The Commission then has thirty days to act on the guidelines as revised. Subsequent to action by the Commission the guidelines are to be submitted to the House Committee on Natural Resources and Senate Committee on Natural Resources and, if rejected by the Committees, to the Governor for final determination. The Secretary shall adopt those guidelines approved by the Commission upon review by the Committees or Governor.

Draft guidelines developed by the Secretary of DOTD in conjunction with Secretaries of the DNR and DWF were made available in the March 1979 Hearing Draft document of the LCRP. Following two public hearings on the guidelines and the Hearing Draft of the LCRP in April, 1979, revised guidelines were submitted to the Louisiana Coastal Commission on May 30, 1979.

The Coastal Commission met six times to review and vote on each individual guideline, completing its review on August 14, 1979. The guidelines and program were then issued as a Draft Environmental Impact Statement (DEIS) by OCZM in September, 1979. Following the completion of the review process for the DEIS and consideration of the comments received, the guidelines and the rules and regulations contained in Appendix c were submitted to the House and Senate Natural Resources Committees on July 7, 1980. The House and Senate met on the guidelines, rules and regulations in separate hearings. The House met on July 9, 1980, and took no action which constituted approval on July 27, 1980. The Senate Natural Resources Committee met on July 11, 1980, and approved the guidelines, rules and regulations with only minor modifications to several definitions and asked that work begin on a variance procedure as provided for by Section 213.11E of Act 361 within thirty days of final OCZM approval.

The guidelines, rules and regulations were submitted to the Governor on July 14, 1980 and approved by the Governor on July 24, 1980. After approval by the Governor, the guidelines, rules and regulations were placed in the *Louisiana Register* for adoption on August 20, 1980, and will take effect on September 20, 1980.

How to Use the Coastal Use Guidelines — The guidelines have been written in order to implement the policies (Section 213.2) and goals (Section 213.8(C)) of Act 361. The legislative guidance contained in Act 361 requires decision-making criteria that will protect, develop, and where feasible, restore the natural resources of the state while providing for adequate economic growth and development. In order to accomplish these sometimes conflicting goals, the guidelines are organized as a set of performance standards for evaluating projects or proposals on their individual merits for compliance with the guidelines. This “performance standards” approach deals primarily with the impacts of a proposed action on coastal resources. Under this approach, policies need not be developed for all aspects of a use but only for those which would have direct and significant impacts on coastal waters.

The alternative approach of designating which uses are permissible in different geographic areas of the coast is seen by LCRP as an option that may be utilized by local governments (Section 213.9, Act 361). This type of approach by local governments is fully encouraged and supported. However, in terms of the details involved in its implementation, this approach would be inappropriate for state management of the coastal zone as a whole. Such a state level program would not allow sufficient flexibility for future decision-making at the state level, as changing technology and advances in development alternatives which may offer ways to mitigate or even ameliorate environmental or other impacts. Therefore, the performance standard approach seems best suited to the needs for management of coastal Louisiana.

The Coastal use guidelines will be implemented through the coastal use permit and in-lieu permit system and review and certification of the activities of other state and federal agencies (discussed in detail in Chapters IV and VII). The guidelines must be read in their entirety and a number of guidelines will apply to a single proposed use. In making a decision as to whether or not a particular use complies with the guidelines, all applicable guidelines must be considered and complied with.

In the general guidelines, Guideline 1.2 requires that a proposed use conform with all applicable laws, standards and regulations which have been incorporated by reference in Appendix 1 into the Coastal Resources Program. This includes those standards related to water and air quality.

Guideline 1.6 is an informational guideline; it provides a list of those factors which will be considered in evaluating applications for permits. The list is designed to show applicants the range of relevant information considered and provides guidance for local decision makers who may not be fully familiar with the requirements of the Louisiana Coastal Resources Program. Guideline 1.6 assures that in every decision full consideration will be given to all relevant factors. Under 1.6, primary responsibility is on the decision maker to request or generate necessary information regarding the impacts of a use and the existing environmental conditions under which the proposed project would be located and carried out. The responsibility, however, is on the applicant to provide sufficient information on the proposed use itself, the applicant's needs and financial ability, and alternatives available to the applicant which would permit the use to be carried out successfully.

Guideline 1.7 provides a general listing of impacts which the LCRP has identified as being appropriate to avoid or minimize if uses are to be carried out in the coastal zone. These impacts can serve as the basis for conditions or denial of permits.

In some forty-four of the ninety-four guidelines, the term “maximum extent practicable” is used. An understanding of this term and how it is to be utilized is an essential element of the coastal use

permit decision making process. The term is an integral part of the process set forth in guideline 1.8. The purpose of Guideline 1.8 is to delineate the manner in which the benefits and impacts of a proposed use, as well as available alternatives, are systematically reviewed and balanced. The process establishes the basis upon which discretion can be exercised to resolve apparent conflicts or inconsistencies among the other guidelines. Such discretion is necessary if an appropriate balancing between the need for conservation of Louisiana's important coastal natural resources and the need for continued economic growth and development is to be realized. This process assures that uses which must be carried out in wetland areas are carried out in an environmentally sound manner and that the degradation of Louisiana's coastal resources by new activities is reduced to a minimum.

As pointed out in the first sentence of Guideline 1.8, the guideline is only applicable when triggered by other guidelines in which the term “maximum extent practicable” appears. It is not applicable to any other guidelines and does not stand as a general process to be used in every case. For example, assume that a permit application is being reviewed for compliance with the guidelines. Several guidelines do not contain the term “maximum extent practicable”. If after review, the decision maker determines that the proposed use is in compliance with all of those guidelines which do not contain the term “maximum extent practicable”, the review then turns to those guidelines in which the term appears. When compared to some of the guidelines in which the term appears, the proposed use meets the substantive standard and is in compliance with the guideline. But, in other cases it may not meet the standard; it is these remaining cases to which the three-part test provided for in Guideline 1.8 is applied.

The use will be in compliance with the guidelines and may be permitted if, “after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in Guideline 1.6, and a balancing of their relative significance”, the decision maker finds that the proposed use meets all of the three following tests:

1. “The benefits resulting from the use would clearly outweigh the adverse impacts that would result from noncompliance with the modified standard”.
2. “There are no feasible and practical alternative locations, methods, or practices for the use that are in compliance with the modified standard”.
3. The use meets one of the following three criteria:
 - (a) “Significant public benefits will result from the use”,
 - (b) “The use would serve important regional, state or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program”,
 - (c) or “the use is coastal water dependent”.

If, and only if, the use meets all three of the above criteria, may it be permitted. If the decision maker determines that the use should be permitted, permit conditions must then be developed such that adverse impacts resulting from the proposed use are minimized. These conditions must “assure that the use is carried out utilizing those locations, methods and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially and legally feasible and practical and minimize or offset those adverse impacts listed in Guideline 1.7 and in the guideline at issue”. Thus, if a proposed use meets the three criteria for determining as to whether the use may be allowed to proceed, notwithstanding noncompliance with the substantive standard of the triggering guideline, it must also comply with conditions which assure that resulting adverse impacts are as minimal as is feasible and practicable.

The three tests provided for in Guideline 1.8 are to be carried out as follows:

The first test, which requires that the benefits resulting from the use must clearly outweigh the adverse impacts that would result

from noncompliance with the triggering guideline, resembles a cost/benefit analysis. The test requires that the resulting benefits, whether public or private, are of sufficient magnitude to make the loss of coastal resources acceptable. However, this is not a straight cost/benefit ratio with monetary allocations to benefits and damages. As environmental harm frequently is not capable of being measured in monetary values and research to provide proper allocation is, at best, tenuous, monetary allocations are unacceptable. The process is more in the nature of a subjective test which places heavy emphasis on the value of the natural resources and the value to the public from the proposed use.

The second test assures that if another location or design for a use is available which would allow the use to be successfully carried out in compliance with the triggering guideline it must be utilized. In carrying out this test, full consideration must be given to all feasible and practical alternatives including alternative locations for the use and alternative methodologies and practices for the use at the best location. This consideration of alternatives should be similar to the process provided for under Section 102 of the National Environmental Policy Act. In considering what alternatives are feasible and practical, the decision maker must consider the alternatives legally and economically available to the particular person applying for the permit. However, the decision maker is not held to the options economically available to the applicant. The test is what alternatives would be available to a reasonable person in a normal situation. An undercapitalized applicant should not be permitted to damage or destroy important public resources when a well financed one is prevented from doing so.

The third test is made up of three criteria, one of which must be met. The first one of the criteria which can be met is whether significant public benefits will accrue from the proposed use. These public benefits must go to the public as a whole, not just to a few individuals in the locality, and must be measurably substantial.

The second criterion is whether the use will serve important interests of greater than local concern. Such uses are those which would serve the national interest in the siting of facilities and resources which have been specifically identified in Tables 7 and 8 in Chapter VI of this document. This assures that those projects which are important to the region, to the state or to the nation, are assured full consideration.

The third criterion available is whether the use is coastal water dependent. Coastal water dependent uses are defined as "those which must be carried out on, in or adjacent to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water in the manufacturing or transportation of goods. Examples of uses meeting the terms of this definition include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fishery processing plants". This provides the special status appropriate for coastal water dependent uses for which there are sometimes only a limited range of locational alternatives.

If the three tests are met, permit conditions are developed to assure that the use results in minimal adverse impacts. The language of the guideline, while not requiring mitigation, clearly permits it and, when read in conjunction with certain other guidelines, as for example Guideline 4.2, makes it clear that any activity reasonably available to the permittee to reduce or offset adverse impacts should be utilized if it is practical to do so the conditions placed on permits must, however, be feasible and practical in that they must be limited to these locations, methods and/or practices which are of established usefulness and efficiency which allow the use to be carried out successfully. The decision maker must give full consideration to technical, economic, environmental, social, and legal limitations, in determining the feasibility and practicality of permit conditions which must be applied. Such consideration ensures that conditions are arrived at in a balanced fashion, consis-

tent with both the CZMA and Act 361.

Amendments to the Guidelines — Pursuant to Section 213.8(B), the coastal use guidelines are to be followed in the development of the state coastal program and local coastal programs. The Secretary of DNR, jointly with the Secretaries of DOTD and DWF, are to review the guidelines at least once each year to consider amendments to the guidelines based on experience gained in issuing coastal use permits and the results of research and planning activities. Any additions, deletions, or modifications will be subject to the same adoption process required for the initial proposed guidelines.

The following are the final coastal use guidelines adopted pursuant to the process described above. Following the guidelines is a description of the other policies incorporated into the LCRP from existing provisions of law.

Coastal Use Guidelines

As Approved By The House Natural Resources Committee on July 9, 1980, The Senate Natural Resources Committee on July 11, 1980 And The Governor on July 24, 1980

Louisiana Department of Natural Resources
Louisiana Coastal Resources Program

Guidelines Applicable to All Uses

Guideline 1.1 — The guidelines must be read in their entirety. Any proposed use may be subject to the requirements of more than one guideline or section of guidelines and all applicable guidelines must be complied with.

Guideline 1.2 — Conformance with applicable water and air quality laws, standards and regulations, and with those other laws, standards and regulations which have been incorporated into the coastal resources program shall be deemed in conformance with the program except to the extent that these guidelines would impose additional requirements.

Guideline 1.3 — The guidelines include both general provisions applicable to all uses and specific provisions applicable only to certain types of uses. The general guidelines apply in all situations. The specific guidelines apply only to the situations they address. Specific and general guidelines should be interpreted to be consistent with each other. In the event there is an inconsistency, the specific should prevail.

Guideline 1.4 — These guidelines are not intended to nor shall they be interpreted so as to result in an involuntary acquisition or taking of property.

Guideline 1.5 — No use or activity shall be carried out or conducted in such a manner as to constitute a violation of the terms of a grant or donation of any lands or waterbottoms to the State or any subdivision thereof. Revocations of such grants and donations shall be avoided.

Guideline 1.6 — Information regarding the following general factors shall be utilized by the permitting authority in evaluating whether the proposed use is in compliance with the guidelines.

- a) Type, nature and location of use.
- b) Elevation, soil and water conditions and flood and storm hazard characteristics of site.
- c) Techniques and materials used in construction, operation and maintenance of use.
- d) Existing drainage patterns and water regimes of surrounding area including flow, circulation, quality, quantity and salinity, and impacts on them.
- e) Availability of feasible alternative sites or methods for implementing the use.
- f) Designation of the area for certain uses as part of a local program.
- g) Economic need for use and extent of impacts of use on economy of locality.

- h) Extent of resulting public and private benefits.
- i) Extent of coastal water dependency of the use.
- j) Existence of necessary infrastructure to support the use and public costs resulting from use.
- k) Extent of impacts on existing and traditional uses of the area and on future uses for which the area is suited.
- l) Proximity to and extent of impacts on important natural features such as beaches, barrier islands, tidal passes, wildlife and aquatic habitats, and forest lands.
- m) The extent to which regional, state and national interests are served including the national interest in resources and the siting of facilities in the coastal zones as identified in the coastal resources program.
- n) Proximity to, and extent of impacts on, special areas, particular areas, or other areas of particular concern of the state program or local programs.
- o) Likelihood of, and extent of impacts of, resulting secondary impacts and cumulative impacts.
- p) Proximity to and extent of impacts on public lands or works, or historic, recreational or cultural resources.
- q) Extent of impacts on navigation, fishing, public access, and recreational opportunities.
- r) Extent of compatibility with natural and cultural setting.
- s) Extent of long term benefits or adverse impacts.

Guideline 1.7 — It is the policy of the coastal resources program to avoid the following adverse impacts. To this end, all uses and activities shall be planned, sited, designed, constructed, operated and maintained to avoid to the maximum extent practicable significant.

- a) Reductions in the natural supply of sediment and nutrients to the coastal system by alterations of freshwater flow.
- b) Adverse economic impacts on the locality of the use and affected governmental bodies.
- c) Detrimental discharges of inorganic nutrient compounds into coastal waters.
- d) Alterations in the natural concentration of oxygen in coastal waters.
- e) Destruction or adverse alterations of streams, wetland, tidal passes, inshore waters and waterbottoms, beaches, dunes, barrier islands, and other natural biologically valuable areas or protective coastal features.
- f) Adverse disruption of existing social patterns.
- g) Alterations of the natural temperature regime of coastal waters.
- h) Detrimental changes in existing salinity regimes.
- i) Detrimental changes in littoral and sediment transport processes.
- j) Adverse effects of cumulative impacts.
- k) Detrimental discharges of suspended solids into coastal waters, including turbidity resulting from dredging.
- l) Reductions or blockage of water flow or natural circulation patterns within or into an estuarine system or a wetland forest.
- m) Discharges of pathogens or toxic substances into coastal waters.
- n) Adverse alteration or destruction of archaeological, historical or other cultural resources.
- o) Fostering of detrimental secondary impacts in undisturbed or biologically highly productive wetland areas.
- p) Adverse alteration or destruction of unique or valuable habitats, critical habitat for endangered species, important wildlife or fishery breeding or nursery areas, designated wildlife management or sanctuary areas, or forestlands.
- q) Adverse alteration or destruction of public parks, shoreline access points, public works, designated recreation areas, scenic rivers, or other areas of public use and concern.
- r) Adverse disruptions of coastal wildlife and fishery migratory patterns.
- s) Land loss, erosion and subsidence.

t) Increases in the potential for flood, hurricane or other storm damage, or increases in the likelihood that damage will occur from such hazards.

u) Reductions in the long term biological productivity of the coastal ecosystem.

Guideline 1.8 — In those guidelines in which the modifier “maximum extent practicable” is used, the proposed use is in compliance with the guideline if the standard modified by the term is complied with. If the modified standard is not complied with, the use will be in compliance with the guideline if the permitting authority finds, after a systematic consideration of all pertinent information regarding the use, the site and the impacts of the use as set forth in Guideline 1.6, and a balancing of their relative significance, that the benefits resulting from the proposed use would clearly outweigh the adverse impacts resulting from non-compliance with the modified standard and there are no feasible and practical alternative locations, methods and practices for the use that are in compliance with the modified standard and:

- a) Significant public benefits will result from the use.
- b) The use would serve important regional, state or national interests, including the national interest in resources and the siting of facilities in the coastal zone identified in the coastal resources program.
- c) The use is coastal water dependent.

The systematic consideration process shall also result in a determination of those conditions necessary for the use to be in compliance with the guideline. Those conditions shall assure that the use is carried out utilizing those locations, methods and practices which maximize conformance to the modified standard; are technically, economically, environmentally, socially and legally feasible and practical; and minimize or offset those adverse impacts listed in Guideline 1.7 and in the guideline at issue.

Guideline 1.9 — Uses shall to the maximum extent practicable be designed and carried out to permit multiple concurrent uses which are appropriate for the location and to avoid unnecessary conflicts with other uses of the vicinity.

Guideline 1.10 — These guidelines are not intended to be, nor shall they be, interpreted to allow expansion of governmental authority beyond that established by La. R.S. 49:213.1 through 213.21, as amended; nor shall these guidelines be interpreted so as to require permits for specific uses legally commenced or established prior to the effective date of the coastal use permit program nor to normal maintenance or repair of such uses.

Guidelines for Levees

Guideline 2.1 — The leveeing of unmodified or biologically productive wetlands shall be avoided to the maximum extent practicable.

Guideline 2.2 — Levees shall be planned and sited to avoid segmentation of wetland areas and systems to the maximum extent practicable.

Guideline 2.3 — Levees constructed for the purpose of developing or otherwise changing the use of a wetland area shall be avoided to the maximum extent practicable.

Guideline 2.4 — Hurricane and flood protection levees shall be located at the non-wetland/wetland interface or landward to the maximum extent practicable.

Guideline 2.5 — Impoundment levees shall only be constructed in wetland areas as part of approved water or marsh management projects or to prevent release of pollutants.

Guideline 2.6 — Hurricane or flood protection levee systems shall be designed, built and thereafter operated and maintained utilizing best practical techniques to minimize disruptions of existing hydrologic patterns, and the interchange of water, beneficial nutrients and aquatic organisms between enclosed wetlands and those outside the levee system.

Guidelines for Linear Facilities

Guideline 3.1 — Linear use alignments shall be planned to

avoid adverse impacts on areas of high biological productivity or irreplaceable resource areas.

Guideline 3.2 — Linear facilities involving the use of dredging or filling shall be avoided in wetland and estuarine areas to the maximum extent practicable.

Guideline 3.3 — Linear facilities involving dredging shall be of the minimum practical size and length.

Guideline 3.4 — To the maximum extent practicable, pipelines shall be installed through the “push ditch” method and the ditch backfilled.

Guideline 3.5 — Existing corridors, rights-of-way, canals, and streams shall be utilized to the maximum extent practicable for linear facilities.

Guideline 3.6 — Linear facilities and alignments shall be, to the maximum extent practicable, designed and constructed to permit multiple uses consistent with the nature of the facility.

Guideline 3.7 — Linear facilities involving dredging shall not traverse or adversely affect any barrier island.

Guideline 3.8 — Linear facilities involving dredging shall not traverse beaches, tidal passes, protective reefs or other natural gulf shoreline unless no other alternative exists. If a beach, tidal pass, reef or other natural gulf shoreline must be traversed for a non-navigation canal, they shall be restored at least to their natural condition immediately upon completion of construction. Tidal passes shall not be permanently widened or deepened except when necessary to conduct the use. The best available restoration techniques which improve the traversed area’s ability to serve as a shoreline shall be used.

Guideline 3.9 — Linear facilities shall be planned, designed, located and built using the best practical techniques to minimize disruption of natural hydrologic and sediment transport patterns, sheet flow, and water quality, and to minimize adverse impacts on wetlands.

Guideline 3.10 — Linear facilities shall be planned, designed, and built using the best practical techniques to prevent bank slumping and erosion, saltwater intrusion, and to minimize the potential for inland movement of storm-generated surges. Consideration shall be given to the use of locks in navigation canals and channels which connect more saline areas with fresher areas.

Guideline 3.11 — All non-navigation canals, channels and ditches which connect more saline areas with fresher areas shall be plugged at all waterway crossings and at intervals between crossings in order to compartmentalize them. The plugs shall be properly maintained.

Guideline 3.12 — The multiple use of existing canals, directional drilling and other practical techniques shall be utilized to the maximum extent practicable to minimize the number and size of access canals, to minimize changes of natural systems and to minimize adverse impacts on natural areas and wildlife and fisheries habitat.

Guideline 3.13 — All pipelines shall be constructed in accordance with Parts 191, 192, and 195 of Title 49 of the Code of Federal Regulations, as amended, and in conformance with the Commissioner of Conservation’s Pipeline Safety Rules and Regulations and those safety requirements established by R. S. 45:408, whichever would require higher standards.

Guideline 3.14 — Areas dredged for linear facilities shall be backfilled or otherwise restored to the pre-existing conditions upon cessation of use for navigation purposes to the maximum extent practicable.

Guideline 3.15 — The best practical techniques for site restoration and revegetation shall be utilized for all linear facilities.

Guideline 3.16 — Confined and dead end canals shall be avoided to the maximum extent practicable. Approved canals must be designed and constructed using the best practical techniques to avoid water stagnation and eutrophication.

Guidelines for Dredged Spoil Deposition

Guideline 4.1 — Spoil shall be deposited utilizing the best practical techniques to avoid disruption of water movement, flow,

circulation and quality.

Guideline 4.2 — Spoil shall be used beneficially to the maximum extent practicable to improve productivity or create new habitat, reduce or compensate for environmental damage done by dredging activities, or prevent environmental damage. Otherwise, existing spoil disposal areas or upland disposal shall be utilized to the maximum extent practicable rather than creating new disposal areas.

Guideline 4.3 — Spoil shall not be disposed of in a manner which could result in the impounding or draining of wetlands or the creation of development sites unless the spoil deposition is part of an approved levee or land surface alteration project.

Guideline 4.4 — Spoil shall not be disposed of on marsh, known oyster or clam reefs or in areas of submersed vegetation to the maximum extent practicable.

Guideline 4.5 — Spoil shall not be disposed of in such a manner as to create a hindrance to navigation or fishing, or hinder timber growth.

Guideline 4.6 — Spoil disposal areas shall be designed and constructed and maintained using the best practical techniques to retain the spoil at the site, reduce turbidity, and reduce shoreline erosion when appropriate.

Guideline 4.7 — The alienation of state-owned property shall not result from spoil deposition activities without the consent of the Department of Natural Resources.

Guidelines for Shoreline Modification

Guideline 5.1 — Non-structural methods of shoreline protection shall be utilized to the maximum extent practicable.

Guideline 5.2 — Shoreline modification structures shall be designed and built using best practical techniques to minimize adverse environmental impacts.

Guideline 5.3 — Shoreline modification structures shall be lighted or marked in accordance with U.S. Coast Guard regulations, not interfere with navigation, and should foster fishing, other recreational opportunities, and public access.

Guideline 5.4 — Shoreline modification structures shall be built using best practical materials and techniques to avoid the introduction of pollutants and toxic substances into coastal waters.

Guideline 5.5 — Piers and docks and other harbor structures shall be designed and built using best practical techniques to avoid obstruction of water circulation.

Guideline 5.6 — Marinas, and similar commercial and recreational developments shall to the maximum extent practicable not be located so as to result in adverse impacts on open productive oyster beds, or submersed grass beds.

Guideline 5.7 — Neglected or abandoned shoreline modification structures, piers, docks, mooring and other harbor structures shall be removed at the owner’s expense, when appropriate.

Guideline 5.8 — Shoreline stabilization structures shall not be built for the purpose of creating fill areas for development unless part of an approved surface alteration use.

Guideline 5.9 — Jetties, groins, breakwaters and similar structures shall be planned, designed and constructed so as to avoid to the maximum extent practicable downstream land loss and erosion.

Guidelines for Surface Alterations

Guideline 6.1 — Industrial, commercial, urban, residential, and recreational uses are necessary to provide adequate economic growth and development. To this end, such uses will be encouraged in those areas of the coastal zone that are suitable for development. Those uses shall be consistent with the other guidelines and shall, to the maximum extent practicable, take place only

a) On lands five feet or more above sea level or within fast lands.

b) On lands which have foundation conditions sufficiently stable to support the use, and where flood and storm hazards are minimal or where protection from these hazards can be reasonably well achieved, and where the public safety would not be unreason-

ably endangered, and

- 1) The land is already in high intensity of development use.
- 2) There is adequate supporting infrastructure.
- 3) Or, the vicinity has a tradition of use for similar habitation or development.

Guideline 6.2 — Public and private works projects such as levees, drainage improvements, roads, airports, ports, and public utilities are necessary to protect and support needed development and shall be encouraged. Such projects shall, to the maximum extent practicable, take place only when

- a) They protect or serve those areas suitable for development pursuant to Guideline 6.1.
- b) They are consistent with the other guidelines.
- c) They are consistent with all relevant adopted state, local and regional plans.

Guideline 6.3 — Blank (deleted)

Guideline 6.4 — To the maximum extent practicable wetland areas shall not be drained or filled. Any approved drain or fill project shall be designed and constructed using best practical techniques to minimize present and future property damage and adverse environmental impacts.

Guideline 6.5 — Coastal water dependent uses shall be given special consideration in permitting because of their reduced choice of alternatives.

Guideline 6.6 — Areas modified by surface alteration activities shall, to the maximum extent practicable, be revegetated, refilled, cleaned and restored to their predevelopment condition upon termination of the use.

Guideline 6.7 — Site clearing shall to the maximum extent practicable be limited to those areas immediately required for physical development.

Guideline 6.8 — Surface alterations shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Alterations in wildlife preserves and management areas shall be conducted in strict accord with the requirements of the wildlife management body.

Guideline 6.9 — Surface alterations which have high adverse impacts on natural functions shall not occur, to the maximum extent practicable, on barrier islands and beaches, isolated cheniers, isolated natural ridges or levees, or in wildlife and aquatic species breeding or spawning areas, or in important migratory routes.

Guideline 6.10 — The creation of low dissolved oxygen conditions in the water or traps for heavy metals shall be avoided to the maximum extent practicable.

Guideline 6.11 — Surface mining and shell dredging shall be carried out utilizing the best practical techniques to minimize adverse environmental impacts.

Guideline 6.12 — The creation of underwater obstructions which adversely affect fishing or navigation shall be avoided to the maximum extent possible.

Guideline 6.13 — Surface alteration sites and facilities shall be designed, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment and minimize other adverse impacts.

Guideline 6.14 — To the maximum extent practicable only material that is free of contaminants and compatible with the environmental setting shall be used as fill.

Guidelines for Hydrologic and Sediment Transport Modifications

Guideline 7.1 — The controlled diversion of sediment-laden waters to initiate new cycles of marsh building and sediment nourishment shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall area. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Guideline 7.2 — Sediment deposition systems may be used to

offset land loss, to create or restore wetland areas or enhance building characteristics of a development site. Such systems shall only be utilized as part of an approved plan. Sediment from these systems shall only be discharged in the area that the proposed use is to be accomplished.

Guideline 7.3 — Undesirable deposition of sediments in sensitive habitat or navigation areas shall be avoided through the use of the best preventive techniques.

Guideline 7.4 — The diversion of freshwater through siphons and controlled conduits and channels, and overland flow to offset saltwater intrusion and to introduce nutrients into wetlands shall be encouraged and utilized whenever such diversion will enhance the viability and productivity of the outfall areas. Such diversions shall incorporate a plan for monitoring and reduction and/or amelioration of the effects of pollutants present in the freshwater source.

Guideline 7.5 — Water or marsh management plans shall result in an overall benefit to the productivity of the area.

Guideline 7.6 — Water control structures shall be assessed separately based on their individual merits and impacts and in relation to their overall water or marsh management plan of which they are a part.

Guideline 7.7 — Weirs and similar water control structures shall be designed and built using the best practical techniques to prevent "cut arounds," permit tidal exchange in tidal areas, and minimize obstruction of the migration of aquatic organisms.

Guideline 7.8 — Impoundments which prevent normal tidal exchange and/or the migration of aquatic organisms shall not be constructed in brackish and saline areas to the maximum extent practicable.

Guideline 7.9 — Withdrawal of surface and ground water shall not result in saltwater intrusion or land subsidence to the maximum extent practicable.

Guidelines for Disposal of Wastes

Guideline 8.1 — The location and operation of waste storage, treatment, and disposal facilities shall be avoided in wetlands to the maximum extent practicable, and best practical techniques shall be used to minimize adverse impacts which may result from such use.

Guideline 8.2 — The generation, transportation, treatment, storage and disposal of hazardous wastes shall be pursuant to the substantive requirements of the Department of Natural Resources adopted pursuant to Act 334 of 1978 and approved pursuant to the Resource Conservation and Recovery Act of 1976 P.L. 94-580, and of the Office of Conservation for injection below surface.

Guideline 8.3 — Waste facilities located in wetlands shall be designed and built to withstand all expectable adverse conditions without releasing pollutants.

Guideline 8.4 — Waste facilities shall be designed and constructed using best practical techniques to prevent leaching, control leachate production, and prevent the movement of leachate away from the facility.

Guideline 8.5 — The use of overland flow systems for non-toxic, biodegradable wastes, and the use of sump lagoons and reservoirs utilizing aquatic vegetation to remove pollutants and nutrients shall be encouraged.

Guideline 8.6 — All waste disposal sites shall be marked and, to the maximum extent practicable, all components of waste shall be identified.

Guideline 8.7 — Waste facilities in wetlands with identifiable pollution problems that are not feasible and practical to correct shall be closed and either removed or sealed, and shall be properly revegetated using the best practical techniques.

Guideline 8.8 — Waste shall be disposed of only at approved disposal sites.

Guideline 8.9 — Radioactive wastes shall not be temporarily or permanently disposed of in the coastal zone.

Guidelines for Uses that Result in the Alteration of Waters Draining into Coastal Waters

Guideline 9.1 — Upland and upstream water management programs which affect coastal waters and wetlands shall be designed and constructed to preserve or enhance existing water quality, volume, and rate of flow to the maximum extent practicable.

Guideline 9.2 — Runoff from developed areas shall to the maximum extent practicable be managed to simulate natural water patterns, quantity, quality and rate of flow.

Guideline 9.3 — Runoff and erosion from agricultural lands shall be minimized through the best practical techniques.

Guidelines for Oil, Gas and Other Mineral Activities

Guideline 10.1 — Geophysical surveying shall utilize the best practical techniques to minimize disturbance or damage to wetlands, fish and wildlife and other coastal resources.

Guideline 10.2 — To the maximum extent practicable, the number of mineral exploration and production sites in wetland areas requiring flotation access shall be held to the minimum number, consistent with good recovery and conservation practices and the need for energy development, by directional drilling, multiple use of existing access canals and other practical techniques.

Guideline 10.3 — Exploration, production and refining activities shall, to the maximum extent practicable, be located away from critical wildlife areas and vegetation areas. Mineral operations in wildlife preserves and management areas shall be conducted in strict accordance with the requirements of the wildlife management body.

Guideline 10.4 — Mineral exploration and production facilities shall be to the maximum extent practicable designed, constructed and maintained in such a manner to maintain natural water flow regimes, avoid blocking surface drainage, and avoid erosion.

Guideline 10.5 — Access routes to mineral exploration, production and refining sites shall be designed and aligned so as to avoid adverse impacts on critical wildlife and vegetation areas to the maximum extent practicable.

Guideline 10.6 — Drilling and production sites shall be prepared, constructed, and operated using the best practical techniques to prevent the release of pollutants or toxic substances into the environment.

Guideline 10.7 — All drilling activities, supplies, and equipment shall be kept on barges, on drilling rigs, within ring levees, or on the well site.

Guideline 10.8 — Drilling ring levees shall to the maximum extent practicable be replaced with smaller production levees or removed entirely.

Guideline 10.9 — All drilling and production equipment, structures, and storage facilities shall be designed and constructed utilizing best practical techniques to withstand all expectable adverse conditions without releasing pollutants.

Guideline 10.10 — Mineral exploration, production and refining facilities shall be designed and constructed using best practical techniques to minimize adverse environmental impacts.

Guideline 10.11 — Effective environmental protection and emergency or contingency plans shall be developed and complied with for all mineral operations.

Guideline 10.12 — The use of dispersants, emulsifiers and other similar chemical agents on oil spills is prohibited without the prior approval of the Coast Guard or Environmental Protection Agency on-Scene Coordinator, in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan.

Guideline 10.13 — Mineral exploration and production sites shall be cleared, revegetated, detoxified and otherwise restored as near as practicable to their original condition upon termination of operations to the maximum extent practicable.

Guideline 10.14 — The creation of underwater obstructions which adversely affect fishing or navigation shall be avoided to the maximum extent practicable.

Guideline Definitions

Levees — any use or activity which creates an embankment to control or prevent water movement, to retain water or other material, or to raise a road or other lineal use above normal or flood water levels. Examples include levees, dikes and embankments of any sort.

Linear Facilities — those uses and activities which result in creation of structures or works which are primarily linear in nature. Examples include pipelines, roads, canals, channels, and powerlines.

Shoreline Modifications — those uses and activities planned or constructed with the intention of directly or indirectly changing or preventing change of a shoreline. Examples include bulkheading, piers, docks, wharves, slips and short canals, and jetties.

Spoil Deposition — the deposition of any excavated or dredged material.

Surface Alterations — those uses and activities which change the surface or usability of a land area or water bottom. Examples include fill deposition, land reclamation, beach nourishment, dredging (primarily areal), clearing, draining, surface mining, construction, and operation of transportation, mineral, energy and industrial facilities, and industrial, commercial and urban developments.

Hydrologic and Sediment Transport Modifications — those uses and activities intended to change water circulation, direction of flow, velocity, level, or quality or quantity of transported sediment. Examples include locks, water gates, impoundments, jetties, groins, fixed and variable weirs, dams, diversion pipes, siphons, canals, and surface and groundwater withdrawals.

Waste Disposal — those uses and activities which involve the collections, storage and discarding or disposing of any solid or liquid material. Examples include littering, landfill, open dumping, incineration, industrial waste treatment facilities, sewerage treatment, storage in pits, ponds or lagoons, ocean dumping and subsurface disposal.

Alterations of Waters Draining in Coastal Waters — those uses or activities that would alter, change, or introduce polluting substances into runoff and thereby modify the quality of coastal waters. Examples include water control impoundments, upland and water management programs, and drainage projects from urban, agricultural and industrial developments.

Oil, Gas and Other Mineral Activities — those uses and activities which are directly involved in the exploration, production, and refining of oil, gas and other minerals. Examples include geophysical surveying, establishment of drill sites and access to them, drilling, on site storage of supplies, products and waste materials, production, refining, and spill cleanup.

Coastal Water Dependent Uses — those which must be carried out on, in or adjacent to coastal water areas or wetlands because the use requires access to the water body or wetland or requires the consumption, harvesting or other direct use of coastal resources, or requires the use of coastal water in the manufacturing or transportation of goods. Examples include surface and subsurface mineral extraction, fishing, ports and necessary supporting commercial and industrial facilities, facilities for the construction, repair and maintenance of vessels, navigation projects, and fisher processing plants.

Best Practical Techniques — those methods or techniques which would result in the greatest possible minimization of the adverse impacts listed in Guideline 1.7 and in specific guidelines applicable to the proposed use. Those methods or techniques shall be the best methods or techniques which are in use in the industry or trade or among practitioners of the use, and which are feasible and practical for utilization.

Water or Marsh Management Plan — a systematic development and control plan to improve and increase biological productivity, or to minimize land loss, saltwater intrusion, erosion or other such environmental problems, or to enhance recreation.

Impoundment Levees — those levees and associated water control structures whose primary purpose is to contain water within the levee system either for the prevention of the release of pollutants, to create fresh water reservoirs, or for management of fish or wildlife resources.

Hurricane or Flood Protection Levees — those levees and associated water control structures whose primary purpose is to prevent occasional surges of flood or storm generated high water. Such levee systems do not include those built to permit drainage or development of enclosed wetland areas.

Development Levees — those levees and associated water control structures whose purpose is to allow control of water levels within the area enclosed by the levees to facilitate drainage or development within the leveed areas. Such levee systems also commonly serve for hurricane or flood protection, but are not so defined for purposes of these guidelines.

Feasible and Practical — those locations, methods and/or practices which are of established usefulness and efficiency and allow the use or activity to be carried out successfully.

Minerals — oil, gas, sulfur, geothermal, geopressured, salt, or other naturally occurring energy or chemical resources which are produced from below the surface in the coastal zone. Not included are such surface resources as clam or oyster shells, dirt, sand, or gravel.

Sediment Deposition Systems — controlled diversions of sediment-laden water in order to initiate land building or sediment nourishment or to minimize undesirable deposition of sediment in navigation channels or habitat areas. Typical activities include diversion channels, jetties, groins or sediment pumps.

Radioactive Wastes — Wastes containing source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

C. Other State Policies Incorporated into the Program — Section 213.8A of Act 361 directs the Secretary of DNR, in developing the LCRP, to include all applicable legal and management provisions that affect the coastal zone or are necessary to achieve the purposes of Act 361 or to implement the guidelines effectively. It states that "The Secretary shall develop the overall state coastal management program consisting of all applicable constitutional provisions, laws and regulations of this state which affect the coastal zone in accordance with the provisions of this Part and shall include within the program such other applicable constitutional or statutory provisions, or other regulatory or management programs or activities as may be necessary to achieve the purposes of this Part or necessary to implement the guidelines hereinafter set forth."

The constitutional provisions and other statutory provisions, regulations, and management and regulatory programs incorporated into the LCRP are identified and described in Appendix 1. A description of how these other authorities are integrated into the LCRP and coordinated during program implementation is presented in Chapter IV. Since all of these policies are incorporated into the LCRP, federal agencies must ensure that their proposed actions are consistent with these policies as well as the coastal use guidelines. (CZMA, Section 307.)

Appendix C1

Rules and Procedures for Coastal Use Permits

PART I — General.

A. Coastal Use Permits — This regulation provides the requirements and procedures for the issuance, denial, renewal, modification, suspension, and revocation of coastal use permits and general coastal use permits.

B. Permit Requirement.

1. No use of state or local concern shall be commenced or carried out in coastal zone without a valid coastal use permit or in-lieu permit unless the activity is exempted from permitting by the Act or by Part II of these regulations.

2. The following shall be considered as uses of state or local concern subject to the requirement of subsection 1 above.

(a) Dredging or filling and discharges of dredged or fill material.

(b) Levee siting, construction, operation and maintenance.

(c) Hurricane and flood protection facilities, including the siting, construction, operation and maintenance of such facilities.

(d) Urban developments, including the siting, construction or operation of residential, commercial, industrial, and governmental structures and transportation facilities.

(e) Energy development activities, including any siting, construction, or operation of generating, processing and transmission facilities, pipeline facilities, and exploration for and production of oil, natural gas and geothermal energy.

(f) Mining activities, including surface, subsurface, and underground mining, sand or gravel mining and shell dredging.

(g) Wastewater discharge, including point and non-point sources.

(h) Surface water control or consumption, including marsh management projects.

(i) Shoreline modification projects and harbor structures.

(j) Waste disposal activities.

(k) Recreational developments, including siting, construction and operation of public and private recreational facilities and marinas.

(l) Industrial development, including siting, construction, or operation of such facilities.

(m) Any other activities or projects that would require a permit or other form of consent or authorization from the U.S. Army Corps of Engineers, the Environmental Protection Agency and the Louisiana Department of Natural Resources.

(n) Activities which impact barrier islands, salt domes, cheniers and beaches.

(o) Drainage projects.

C. In-Lieu Permits — Coastal Use Permits shall not be required for the location, drilling, exploration and production of oil, gas, sulphur and other minerals subject to regulation by the Office of Conservation of the Department of Natural Resources as of January 1, 1979. The parameters and procedures of the in-lieu permit process are as provided for under existing Memorandum of Understanding between the Coastal Management Section and the Office of Conservation and the rules and procedures of the Office of Conservation.

PART II — Activities Not Requiring Permits.

A. General.

1. The following activities normally do not have direct and significant impacts on coastal waters; hence, a coastal use permit is not required, except as set forth in the following subsections.

(a) Agricultural, forestry, and aquaculture activities on lands consistently used in the past for such activities.

(b) Hunting, fishing, trapping, and the preservation of scenic, historic, and scientific areas and wildlife preserves.

(c) Normal maintenance or repair of existing structures including emergency repairs of damage caused by accident, fire, or the elements.

(d) Construction of a residence or camp.

(e) Construction and modification of navigational aids such as channel markers and anchor buoys.

(f) Activities which do not have a direct and significant impact on coastal waters.

(2). Uses and activities within the special area established by §213.10(C) which have been permitted by the Offshore Terminal Authority in keeping with its environmental protection plan shall not require a coastal use permit.

B. Activities on Lands Five Feet or more above Sea Level or Within Fastlands.

1. Activities occurring wholly on lands five feet or more above sea level or within fast lands do not normally have direct and significant impacts on coastal waters. Consequently, a coastal use

permit for such uses generally need not be applied for.

2. However, if a proposed activity exempted from permitting in Subsection B1, above, will result in discharges into coastal waters, or significantly change existing water flow into coastal waters, then the person proposing the activity shall notify the Secretary and provide such information regarding the proposed activity as may be required by the Secretary in deciding whether the activity is a use subject to a coastal permit.

3. Should it be found that a particular activity exempted by Subsection B1 above may have a direct and significant impact on coastal waters, the Department may conduct such investigation as may be appropriate to ascertain the facts and may require the persons conducting such activity to provide appropriate factual information regarding the activity so that a determination may be made as to whether the activity is a use subject to a permit.

4. The Secretary shall determine whether a coastal use permit is required for a particular activity. A coastal use permit will be required only for those elements of the activity which have direct and significant impacts on coastal waters.

5. The Secretary's decision whether an activity subject to this section requires a coastal use permit shall be appealable to the Coastal Commission pursuant to the provisions of §213.11(D) of the Act and the regulations adopted pursuant thereto. Provided, however, that in the event of an appeal to the Commission by the person conducting or proposing to conduct the activity, the burden of proof shall be on the Secretary. In the event of an appeal by any other person, the burden of proof shall be on the appellant.

6. The exemption described in this section shall not refer to activities occurring on cheniers, salt domes, barrier islands, beaches and similar isolated, raised land forms in the coastal zone. It does refer to natural ridges and levees.

C. Emergency Uses.

1. Coastal use permits are not required in advance for conducting uses necessary to correct emergency situations.

(a) Emergency situations are those brought about by natural or man-made causes, such as storms, floods, fires, wrecks, explosions, spills, which would result in hazard to life, loss of property, or damage to the environment if immediate corrective action were not taken.

(b) This exemption applies only to those corrective actions which are immediately required for the protection of lives, property or the environment necessitated by the emergency situation.

2. Prior to undertaking such emergency uses, or as soon as possible thereafter, the person carrying out the use shall notify the Administrator and the local government, if the use is conducted in a parish with an approved local program, and give a brief description of the emergency use and the necessity for carrying it out without a coastal use permit.

3. As soon as possible after the emergency situation arises, any person who has conducted an emergency use shall report on the emergency use to the approved local program or to the Administrator. A determination shall be made as to whether the emergency use will continue to have direct and significant impacts on coastal waters. If so, the user shall apply for an after-the-fact permit. The removal of any structure or works occasioned by the emergency and the restoration of the condition existing prior to the emergency use may be ordered if the permit is denied in whole or in part.

D. Normal Maintenance and Repair.

1. Normal repairs and rehabilitation, replacement or maintenance of existing structures shall not require a coastal use permit provided that

(a) The structure of work was lawfully in existence, currently serviceable, and in active use during the year preceding the repair, replacement or maintenance.

(b) The repair or maintenance does not result in an encroachment into a wetland area greater than that of the previous structure or work.

(c) The repair or maintenance does not involve dredge or fill

activities.

(d) The repair or maintenance does not result in a structure or facility that is significantly different in magnitude or function from the original.

2. This exemption shall not apply to the repair or maintenance of any structure or facility built or maintained in violation of the coastal management program.

3. Coastal use permits will normally authorize periodic maintenance including maintenance dredging. All maintenance activities authorized by coastal use permits shall be conducted pursuant to the conditions established for that permit. Where maintenance is performed which is not described in an applicable coastal use permit, it shall conform to this section.

E. Construction of a Residence or Camp.

1. The construction of a residence or a camp shall not require a coastal use permit provided that

A. The terms shall refer solely to structures used for noncommercial and non-profit purposes and which are commonly referred to as "single family" and not multiple family dwellings.

B. The terms shall refer solely to the construction of one such structure by or for the owner of the land for the owner's use and not to practices involving the building of more than one such structure as in subdividing, tract development, speculative building, or recreational community development.

2. The exemption shall apply only to the construction of the structure and appurtenances such as septic fields, out buildings, walkways, gazebos, small wharves, landings, boathouses, private driveways, and similar works, but not to any bulkheading or any dredging or filling activity except for small amounts of fill necessary for the structure itself and for the installation and maintenance of septic or sewerage facilities.

F. Navigational Aids.

1. The construction and modification of navigational aids shall not require a coastal use permit.

2. The term shall include channel markers, buoys, marker piles, dolphins, piling, pile clusters, etc., provided that the exemption does not apply to associated dredge or fill uses or the construction of mooring structures, advertising signs, platforms, or similar structures associated with such facilities. All navigational aids constructed pursuant to this section shall conform to United States Coast Guard standards and requirements.

G. Agricultural, Forestry and Aquaculture Activities.

1. Agricultural, forestry and aquacultural activities on lands consistently used in the past for such activities shall not require a coastal use permit provided that

(a) The activity is located on lands or in waters which have been used on an ongoing basis for such purposes, consistent with normal practices, prior to the effective date of the Act.

(b) The activity does not require a permit from the U.S. Army Corps of Engineers and meets federal requirements for such exempted activities.

(c) The activity is not intended to, nor will it result in, changing the agricultural, forestry, or aquacultural use to which the land has been consistently used for in the past to another use.

2. The exemption includes but is not limited to normal agricultural, forestry and aquacultural activities such as plowing, seeding, grazing, cultivating, insect control, fence building and repair, thinning, harvesting for the production of food, fiber and forest products, maintenance and drainage of existing farm, stock or fish ponds, digging of small drainage ditches, or maintenance of existing drainage ditches and farm or forest roads carried out in accordance with good management practices.

H. Blanket Exemption.

1. No use or activity shall require a coastal use permit if

(a) The use or activity was lawfully commenced or established prior to the implementation of the coastal use permit process.

(b) The administrator determines that it does not have a direct or significant impact on coastal waters.

(c) Or the administrator determines one is not required pursuant to Part VII of these rules.

Part III — Permit Application, Issuance and Denial.

A. General Requirements.

1. Any person seeking to obtain a coastal use permit is required to file a completed application. The Department will provide the application forms and instructions, including example plats and interpretive assistance, to any interested party. The staffs of the coastal management section and approved local programs shall be available for consultation prior to submission of an application and such consultation is strongly recommended. Application forms may be periodically revised to obtain all information necessary for review of the proposed project.

2. Separate applications shall be made for unrelated projects or projects involving noncontiguous parcels of property. Joint applications may be made in cases of related construction involving contiguous parcels of property.

B. Content of Application.

1. The application submitted shall contain the same information required for a permit from the U.S. Army Corps of Engineers and such additional information as the Administrator determines to be reasonably necessary for proper evaluation of an application.

C. Fee Schedule.

1. No fees will be charged for the issuance of coastal use permits by the Department. However a fee schedule may be established when joint permitting systems are established with other state agencies and the Corps of Engineers, provided that such fees shall be no more than the total of the fees established for the other permits. Local governments with approved programs may establish reasonable fee schedules for uses of local concern.

D. Processing the Application.

1. When an apparently complete application for a permit is received, the permitting body shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it.

2. Application processing will begin when an application that is apparently complete is accepted by the permitting body.

3. Within two working days of receipt of an apparently complete application by a local government with an approved program, a copy of the application and all attachments and the local government's decision as to whether the use is one of state or local concern shall be sent to the Administrator.

4. Public notice, as described in Subsection E below, will be issued within ten days of receipt of an apparently complete application by the Administrator.

5. The permitting body shall evaluate the proposed application, pursuant to Subsection F below, to determine the need for a public hearing.

6. The permitting body, pursuant to Subsection H below, shall either send a draft permit to the applicant for acceptance and signature or send notice of denial to the applicant within thirty days of the giving of public notice or within fifteen days after the closing of the record of a public hearing, if held, whichever is later.

7. Public notice of permit decisions shall be given pursuant to E(b) below.

8. The applicant, the secretary, any affected local government or affected federal, state, or local agency, any aggrieved person, or any other person adversely affected by a coastal use permit decision may appeal the coastal use permit decision to the commission. An appeal must be filed in writing within thirty days following public notice of the final decision and shall be in accordance with procedures adopted by the commission.

E. Public Notice and Consideration of Public Comment.

1. Public notice of the receipt of all apparently complete applications for coastal use permits shall be given by

(a) Mailing a brief description of the application along with a statement indicating where a copy of the application may be inspected to any person who has filed a request to be notified of

such permit applications and to all affected governmental bodies.

(b) By posting or causing to be posted a copy of the application at the location of the proposed use.

(c) By sending notice of the application to all appropriate news media in the parish or parishes in which the use would be located.

(d) By causing the publication of notice of the application once in the official journal of the state, or for uses of local concern in parishes with approved local programs, by causing the publication of notice of the application once in the official journal of the parish.

2. Notice shall be considered given upon publication in the official journal.

3. The notice shall set forth that any comments on the proposed development shall be submitted to the permitting body within twenty-five days from the date of official journal publication of the notice.

4. A copy of the application will be sent to any person requesting it upon payment of a reasonable fee to cover costs of copying, handling, and mailing, except that information of a confidential or proprietary nature shall be withheld. In the event that attachments to the application are not readily reproducible, they shall be available for inspection at the permitting office.

5. The permitting body shall consider comments received in response to the public notice in its subsequent actions on the permit application. Comments received will be made a part of the official file on the application. If comments received relate to matters within the special expertise of another governmental body, the permitting body may seek advice of that agency. If necessary, the applicant will be given the opportunity to furnish his proposed resolution or rebuttal to all objections from government agencies and other substantive adverse comments before a final decision is made on the application.

6. The Administrator shall issue monthly a list of permits issued or denied during the previous month. This list will be distributed to all persons who receive the public notices.

F. Public Hearings on Permit Applications.

1. A public hearing may be held in connection with the consideration of an application for a new permit and when it is proposed that an existing permit be modified or revoked.

2. Any person may request in writing within the comment period specified in the public notice that a public hearing be held to consider material matters at issue in a permit application. Upon receipt of any such request, the permitting body shall determine whether the issues raised are substantial and there is a valid public interest to be served by holding a public hearing.

3. Public hearing(s) are appropriate when there is significant public opposition to a proposed use, or there have been requests from legislators or from local governments or other local authorities, or in controversial cases involving significant economic, social, or environmental issues. The Administrator or local government with an approved program has the discretion to require hearings in any particular case. Failure of the Administrator or local government to hold a hearing on an application may not be appealed to the Coastal Commission.

4. If the determination is made to hold a public hearing, the permitting body shall promptly notify the applicant, set a time and place for the hearing, and give public notice.

5. If a request for a public hearing has been received, and the decision is made that no hearing will be held, public notice of the decision shall be given.

G. Additional Information.

1. If an application is found to be incomplete or inaccurate after processing has begun or if it is determined that additional information from the applicant is necessary to assess the application adequately, processing will be stopped pending receipt of the necessary changes or information from the applicant and the processing periods provided for in D4 or 6 will be interrupted. Upon receipt of the required changes or information, a new processing period will begin.

2. If the applicant fails to respond within thirty days to any request or inquiry of the permitting body, the permitting body may advise the applicant that his application will be considered as having been withdrawn unless and until the applicant responds within fifteen days of the date of the letter.

H. Decisions on Permits.

1. The permitting body will determine whether or not the permit should be issued. Permits shall be issued only for those uses which are consistent with the guidelines, the state program and affected approved local programs. Permit decisions will be made only after a full and fair consideration of all information before the permitting body, and shall represent an appropriate balancing of social, environmental and economic factors. The permitting body shall prepare a short and plain statement explaining the basis for its decision on all applications. This statement shall include the permitting body's conclusions on the conformity of the proposed use with the guidelines, the state program and approved local programs. The statement shall be dated, signed, and included in the record prior to final action on the application.

2. If the final decision is to issue the permit, the permitting body will forward two copies of the draft permit to the applicant for his signature accepting the conditions on the permit, along with its findings on the application. The applicant will return both signed copies to the permitting body for signature and dating by the issuing official. If the final decision is to deny the permit, the applicant shall be sent a copy of the statement, prepared pursuant to Subsection H1 above, setting forth the reason(s) for denial.

3. Final action on the permit application is the signature of the issuing official on the permit or the mailing of the letter notifying the applicant of the denial.

I. Conditions of Permit.

1. By accepting the permit, the applicant agrees to

(a) Carry out or perform the use in accordance with the plans and specifications approved by the permitting body.

(b) Comply with any permit conditions imposed by the permitting body.

(c) Adjust, alter, or remove any structure or other physical evidence of the permitted use if, in the opinion of the permitting body, it proves to be beyond the scope of the use as approved or is abandoned.

(d) Provide, if required by the permitting body, an acceptable surety bond in an appropriate amount to ensure adjustment, alteration, or removal should the permitting body determine it necessary.

(e) Hold and save the State of Louisiana, the local government, the Department, and their officers and employees harmless from any damage to persons or property which might result from the work, activity, or structure permitted.

(f) Certify that any permitted construction has been completed in an acceptable and satisfactory manner and in accordance with the plans and specifications approved by the permitting body. The permitting body may, when appropriate, require such certification be given by a registered professional engineer.

2. The permitting body shall place such other conditions on the permit as are appropriate to ensure compliance with the coastal management program.

PART IV. Modification, Suspension or Revocation of Permits.

A. Modifications.

1. The terms and conditions of a permit may be modified to allow changes in the permitted use, in the plans and specifications for that use, in the methods by which the use is being implemented, or to assure that the permitted use will be in conformity with the coastal management program. Changes which would significantly increase the impacts of a permitted activity shall be processed as new applications for permits pursuant to Part III, not as a modification.

2. A permit may be modified upon request of the permittee

(a) If mutual agreement can be reached on a modification,

written notice of the modification will be given to the permittee.

(b) If mutual agreement cannot be reached, a permittee's request for a modification shall be considered denied.

B. Suspensions.

1. The permitting body may suspend a permit upon a finding that

(a) The permittee has failed or refuses to comply with the terms and conditions of the permit or any modifications thereof.

(b) The permittee has submitted false or incomplete information in his application or otherwise.

(c) Or the permittee has failed or refused to comply with any lawful order or request of the permitting body or the Administrator.

2. The permitting body shall notify the permittee in writing that the permit has been suspended and the reasons therefor and order the permittee to cease immediately all previously authorized activities. The notice shall also advise the permittee that he will be given, upon request made within ten days of receipt of the notice, an opportunity to respond to the reasons given for the suspension.

3. After consideration of the permittee's response, or, if none, within thirty days after issuance of the notice, the permitting body shall take action to reinstate, modify or revoke the permit and shall notify the permittee of the action taken.

C. Revocation.

1. If, after compliance with the suspension procedures in Subsection B above, the permitting body determines that revocation or modification of the permit is warranted, written notice of the revocation or modification shall be given to the permittee.

D. Enforcement.

1. If the permittee fails to comply with a cease and desist order or the suspension or revocation of a permit, the permitting body shall seek appropriate civil and criminal relief as provided by §213.17 of the Act.

PART V — General Permits.

A. General.

1. The Administrator may, after compliance with the procedures set forth in Part III D and E, issue general permits for certain clearly described categories of uses requiring coastal use permits. After a general permit has been issued, individual uses falling within those categories will not require full individual permit processing unless the Administrator determines, on a case-by-case basis, that the public interest requires full review.

2. General permits may be issued only for those uses that are substantially similar in nature, that cause only minimal adverse impacts when performed separately, that will have only minimal adverse cumulative impacts and that otherwise do not impair the fulfillment of the objectives and policies of the coastal management program.

B. Reporting.

1. Each person desiring to commence work on a use subject to a general permit must give notice to the Administrator and receive written authorization prior to commencing work. Such authorization shall be issued within thirty days of receipt of the notice.

2. Such notice shall include

(a) The name and address of the person conducting the use.

(b) Such descriptive material, maps and plans as may be required by the Administrator for that general permit.

C. Conditions of General Permits.

1. The Administrator shall prescribe such conditions for each general permit as may be appropriate.

2. A general permit may be revoked if the Administrator determines that such revocation is in the public interest and consistent with the coastal management program.

D. Local General Permits.

1. A local government with an approved local program may issue general permits for uses of local concern under its jurisdiction pursuant to the above procedures. Such general permits shall be subject to approval by the Secretary.

E. Appeals.

1. Appeals of decisions on general permits shall be to the Louisiana Coastal Commission pursuant to Part III D8.

PART VI — Determinations As To Whether Uses Are Of State Concern Or Local Concern.

A. Filing of Applications with a Local Government with an Approved Local Coastal Program.

1. The local government shall make the initial determination as to whether the use is one of state concern or local concern on all applications filed with the local government. This determination shall be based on the criteria set forth in Subsection C below.

2. The determination and a brief explanation of the rationale behind the determination shall be forwarded to the Administrator within two working days of receipt of the apparently complete application, pursuant to Part III D4.

3. The Administrator shall review the decision and rationale and shall let it stand or reverse it. If the Administrator reverses the local decision, notice, including a brief explanation of the rationale for the reversal shall be sent to the local government within two working days of the application from the local government.

4. The appropriate permitting body for the use, as determined by the Administrator, shall thereafter be responsible for the permit review process. The Administrator's determination is binding unless and until reversed by the Coastal Commission.

B. Filing of Application with the Administrator.

1. Within two working days of the filing of an apparently complete application with the Administrator, the Administrator shall make a determination as to whether the use is one of state concern or local concern based on the criteria set forth in Subsection C below. Notice shall be given to affected local programs of the determination whether the use is a use of state or local concern. The Administrator shall give full consideration to program comments or objections to any such determination in making future determinations.

C. Criteria for Determination.

1. The following factors shall be used in making a determination as to whether a use is of state or local concern.

(a) The specific terms of the uses as classified in the Act.

(b) The relationship of a proposed use to a particular use classified in the Act.

(c) If a use is not predominately classified as either state or local by the Act or the use overlaps the two classifications, it shall be of local concern unless it

1. Is being carried out with state or federal funds.

2. Involves the use of or has significant impacts on state or federal lands, water bottoms or works.

3. Is mineral or energy development, production or transportation related.

4. Involves the use of, or has significant impacts, on barrier islands or beaches or any other shoreline which forms part of the baseline for Louisiana's offshore jurisdiction.

5. Will result in major changes in the quantity or quality of water flow and circulation or in salinity or sediment transport regimes.

6. Or has significant interparish or interstate impacts.

2. For purposes of this subsection, the term "state" shall mean the state of Louisiana, its agencies, and political subdivisions, but not local governments, their agencies and political subdivisions.

D. Appeals to the Coastal Commission.

1. A local government's appeal to the Commission of the Administrator's reversal of its initial determination must be filed within fifteen days of the notice to the local government. The appeal shall be heard with preference and priority at either the next scheduled meeting or within forty-five days of the filing of the appeals, whichever is sooner.

2. Upon the filing of such an appeal, processing of the application shall be stopped pending the Commission's decision and the processing period for issuance of the draft permit shall be interrupted. The local government shall give notice of the appeal to the applicant immediately upon filing it.

3. The Commission's determination shall be based on the criteria set forth in Subsection C. The burden of proof shall be upon the Administrator.

4. The Commission's determination shall be rendered within ten days of its hearing. This decision, if not appealed to the courts, becomes binding on that permit application.

PART VII — Determination As To Whether A Coastal Use Permit Is Required.

A. Request By Applicant.

1. Any person who proposes to conduct an activity may submit a request in writing to the Administrator for a formal finding as to whether the proposed activity is a use of state or local concern within the coastal zone subject to the coastal use permitting program. The person making the request shall submit with the request a complete application for a coastal use permit and shall provide such additional information requested by the Administrator as may be appropriate.

2. The requesting party must set forth sufficient facts to support a finding that the proposed activity either

(a) Is exempt from coastal use permitting.

(b) Does not have a direct and significant impact on coastal waters.

(c) Or is outside the coastal zone boundary.

3. Within thirty days of receipt of the request and the complete application, the requestor shall be sent notice of the decision on the request and public notice of the decision shall be given.

B. Finding Without A Request.

1. In reviewing a permit application for which no request has been submitted, the Administrator may find after full consideration of the application, likely impacts of the proposed use, comments received, and applicable rules, regulations and guidelines, that a coastal use permit is not required. If he finds that no permit is required, the Administrator shall notify the applicant and give public notice.

2. A local government with an approved program may request that the Administrator review an application for a use of local concern and make a determination as to whether a coastal use permit is required, pursuant to the procedures provided for in Subsection B1 above. The Administrator shall notify the local government of his decision.

C. Decisions.

1. Only the Administrator may determine that coastal use permit is not required. A permit shall not be required if the proposed use or activity will not occur within the boundary of the coastal zone, does not have a direct and significant impact on coastal waters, or is exempt from permitting by Part I of these rules or by Section 213.12 (B) or (C), Section 213.13 (A) or Section 213.15 of the Act.

2. The notice sent to the requestor or applicant shall include a short and plain statement of the basis for the decision. Public notice of the decision shall be given pursuant to Part III, E6 of these rules.

D. Actions After Decision.

1. If the determination is that a coastal use permit is required, processing of the application may be commenced or continued pursuant to Part III of these rules.

2. If the determination is that a coastal use permit is not required, the requestor or the applicant may proceed to carry out the activity. Provided that the Administrator shall not be estopped from subsequently requiring a permit or issuing cease and desist orders if it is found that the activity as implemented is significantly different from that shown on the request or application, does in fact have a direct or significant impact on coastal waters, or otherwise requires a coastal use permit. Other civil or criminal sanctions shall not be available in the absence of fraud, ill practices, deliberate misrepresentation or failure to comply with any cease and desist or other lawful order of the Administrator.

E. Appeal.

1. The determination shall be subject to appeal to the Coastal

Commission pursuant to Part III, D8 of these rules. The burden of proof shall be on the appellant. In the event of an appeal of a decision that a permit is required, the processing of the permit application shall be interrupted pending a final decision by the Coastal Commission. In the event of an appeal of a decision that a permit is not required, implementation of the use or activity shall be suspended pending a final decision by the Coastal Commission.

Appendix c2

Rules and Procedures for the Development, Approval, Modification, and

Periodic Review of Local Coastal Management Programs

I. Letter of Intent — Parishes intending to apply for grants to prepare a local coastal management program (LCMP) shall notify the Secretary of DNR by sending a letter of intent approved by the parish Police Jury or Council.

II. Program Development — The process for developing a local program will consist of

A. A division of the parish's coastal zone into units that have similar environmental and natural resource characteristics (environmental management units) and an identification and mapping of the features, resources and resource users of those units.

B. An analysis of the projected social and economic growth for the parish. This analysis must include projected population growth projected expansion of economic sectors, estimated demand for and use of land, and an assessment of how these projected changes will affect the natural resources of each management unit as well as the parish as a whole.

C. An identification of existing and potential resource-use conflicts including their location and severity. Identified problems should be mapped to the extent possible.

D. An identification of particular areas, if any, within the parish requiring special management as a result of their unique natural resource or development potentials.

E. The development of goals, objectives and policies for the management of the parish's coastal zone. This shall include those goals and objectives applicable to the entire parish coastal zone and specific objectives and priorities of use for each management unit and identified particular area, if any. Except as specified in Subsection IV D below, these policies, objectives and priorities of uses must be consistent with the policies and objectives of Act 361 and the state guidelines.

F. The development of procedures providing for the full participation of federal, state, local and municipal governmental bodies and the general public in the development and implementation of the parish program.

G. The development of the necessary authorities, procedures, and administrative arrangements for reviewing, issuing, and monitoring permits for uses of local concern.

H. The development of special procedures and methods for considering uses within special areas designated pursuant to §213.10 of the Act, if any, and the impacts of uses on the special areas.

I. The development of special procedures and methods for considering uses of greater than local benefit and uses affecting state or national interests.

III. Program Content — Local programs may be submitted for approval after being developed in accordance with Section II and shall consist of

A. A summary of the local program.

B. Maps and descriptions of the natural features, resources, and existing land use in each management unit. These maps shall depict the division of the coastal areas into coastal waters and wetlands, transitional areas, fastlands and lands more than five feet above mean sea level.

C. The results of the social and economic analysis carried out pursuant to Section II-B above.

D. A description of those existing and future resource-use conflicts identified pursuant to Section II-C above.

E. An identification of those particular areas, if any, requiring special management as described in Section II-D above as well as the special policies and/or procedures to be applied to these areas.

F. 1. Statement of the goals, objectives, policies and priorities of uses included in the program, as described in Section II-E.

2. A statement assuring that the policies of the local program are consistent with the policies and objectives of Act 361 and the state guidelines and that the local program shall be interpreted and administered consistently with such policies, objectives and guidelines.

G. A description of the authorities and administration arrangements regulating uses of local concern, for reviewing, issuing, and monitoring local coastal use permits, and for enforcing the local program, including:

1. A concise explanation of how the local programs coastal management process is to work.

2. A description and listing of those areas and uses that will normally require local coastal use permits.

3. An illustrative list of particular activities which occur either in fastlands or in lands more than five feet above mean sea level that have, or may have, direct and significant impacts on coastal waters.

4. An analysis of all ordinances included in the local program demonstrating that the effect of such ordinances, when applied to uses not subject to the local coastal use permit program, would result in compliance with the goals and provisions of Act 361, the objectives of the LCRP, and the policies of the coastal use guidelines.

5. A description of the administrative means by which the parish will coordinate with other governmental bodies during program implementation regarding

(a) Local program implementation, including copies of any interagency or intergovernmental agreements.

(b) Multiparish environmental considerations.

(c) Consideration by the parish of regional, state or national interests.

(d) Regional, state or national plans affecting the parish coastal zone and other projects affecting more than one parish.

6. Certified copies of all ordinances, plans, programs, and regulations proposed to be included in the program.

7. A resolution from the governing body of the parish expressing approval of the local program as submitted and its intent to implement the submitted program subsequent to state approval.

H. Documentation that the parish has provided a full opportunity for governmental and public involvement and coordination in the development of the local program. It must be shown that

1. At least one public hearing was held in the coastal zone on the total scope of the proposed program.

2. Public notice of the availability of the draft proposed program was given at least thirty days prior to the hearing. Copies of the program must have been available for distribution to relevant state, federal and local governmental agencies and the general public and were available for public inspection at reasonable hours at all libraries within the parish, the office of the police jury, and the city or town hall of all the municipalities in the coastal zone.

3. Full consideration was given to comments received during program development and the public hearings.

IV. Program Approval — Local programs may be submitted for approval after promulgation of these rules and the state guidelines. The following procedures shall apply.

A. Fifteen copies of the complete proposed local program shall be submitted to the Secretary. The local government shall have additional copies available for distribution upon request. The Secretary shall, within fifteen days of the filing of a complete program, give public notice of the submittal of the proposed local program, of the availability of copies of the program for public review, and of the

date, time and place of a public hearing on the program and request public comment. The Secretary shall give full consideration to all comments received.

B. The Secretary shall, within ninety days of the giving of public notice, either approve the local program or notify the local government of the specific changes which must be made in order for it to be approved. The Secretary's decision may be appealed to the coastal commission pursuant to Section 213.16 of the Act.

C. In order to approve the local program, the Secretary must find that

1. The program is consistent with the state guidelines and with the policies and objectives of the Act.

2. The program submitted for approval contains all the elements required by Section III above and that the materials submitted are accurate and are of sufficient specificity to provide a basis for predictable implementation of the program.

3. That the proposed program, and the policies, objectives, and priorities of use in the program, are of a sufficient comprehensiveness and specificity to address the identified resource-use conflicts and are consistent with the goals of the Act, the objectives of the LCRP, and the policies of the coastal use guidelines.

4. Full opportunity has been provided for federal, state, local and municipal governmental bodies and the general public to participate in the development of the program pursuant to Section III-H above.

5. The local government has included within the program all applicable ordinances and regulatory or management programs which affect the coastal zone; that these authorities are of sufficient scope and specificity to regulate uses of local concern; that the regulatory program meets all requirements for procedures and time frames established by the Act and regulations of the Department; that sufficient authority is provided to enforce the local program, including provisions for those penalties provided by §213.17 of the Act, and that the program has met all substantive requirements of the Act and the regulations adopted pursuant thereto.

D. In reviewing a local program for consistency with the state guidelines, the Secretary, acting jointly with the Secretaries of the Department of Natural Resources and the Department of Wildlife and Fisheries, may make reasonable interpretations of the state guidelines, insofar as they affect that particular program, which are necessary because of local environmental condition or user practices. Local programs that may be inconsistent in part with the state guidelines may be approved notwithstanding the conflicts if the Secretaries find that

(a) The local environmental conditions and/or user practices are justified in light of the goals of Act 361, the objectives of the LCRP, and the policies of the state guidelines.

(b) Approval would result in only minimal and inconsequential variance from the objectives and policies of the Act and the guidelines.

(c) The local program provides special methods to assure that the conflicts remain minimal and inconsequential.

E. The local program shall become effective when approved by the Secretary, or the Coastal Commission on appeal, and is officially adopted by the local government.

V. Modifications.

A. Any significant proposed alteration or modification to an approved local program shall be submitted to the Secretary for review and approval along with the following.

1. A detailed description of the proposed change.

2. If appropriate, maps of sufficient scale and detail depicting geographically how the program would be changed.

3. An explanation of how the proposed change would better accommodate local conditions and better serve to achieve the objectives of the state program and the local program.

4. A resolution from the local government expressing approval of the modification as submitted and its intent to implement the

change subsequent to state approval.

5. All parish ordinances relevant to the proposed modification.

6. Any comments from governmental units that may be affected by the proposed modification.

7. The record of the public hearing on the proposed modification, including any written testimony or comments received.

8. Documentation that the parish has provided a full opportunity for governmental and public involvement in the development of the proposed modification.

B. Significant alterations or modifications shall be reviewed and approved pursuant to Section II, III and IV above. They must be consistent with the guidelines and the state program and meet all pertinent substantive and procedural requirements.

C. An alteration or modification shall become effective when approved by the Secretary and officially adopted by the local government. If a proposed alteration or modification is not approved, the provisions of the previously approved program shall remain in effect unless specifically rejected by the governing body of the Parish.

VI. Periodic Review of Programs.

A. Local governments shall submit an annual report on the activities of an approved local program. This annual report shall include

1. The number type, and characteristics of applications for coastal use and other permits.

2. The number type, and characteristics of coastal use and other permits granted, conditioned, denied, and withdrawn.

3. The number type, and characteristics of permits appealed to the coastal commission or the courts.

4. Results of any appeals.

5. A record of all variances granted.

6. A record of any enforcement actions taken.

7. A description of any problem areas within the state or local program and proposed solutions to any such problems.

8. Proposed changes in the state or local program.

B. The administrator shall from time to time, and at least every two years, review the approved local programs to determine the extent to which the implementation of the local program is consistent with and achieving the objectives of the state and local programs.

C. Should the Secretary determine that any part of the local program is not consistent with the state program or is not achieving its stated objectives or is not effective, he shall notify the local government and recommend changes and modifications which will assure consistency with, and achievement of, the objectives of the overall coastal program or improve the efficiency and effectiveness of the local program.

D. If the local government fails to give official assurance within one month after receipt of the Secretary's notice that it intends to modify the local program in a timely manner to conform to these recommendations, or thereafter fails to make the necessary changes within three months, the Secretary may, after public notice, revoke approval of the local program. In such an event the local government shall no longer have the authority to permit uses of local concern or otherwise carry out the functions of an approved program and will lose eligibility to receive management funds other than those funds appropriate and necessary to make the necessary changes. If and when the Secretary determines that the local program has been appropriately modified to meet his recommendations pursuant to Section III above, he may, after public notice, reinstate approval.

VII. Funding of Local Programs.

A. All funds provided to local governments by the Department for program development or implementation shall be subject to the following.

1. Any state or federal funds provided to local governments for development or implementation of approved local program shall be by contract with the Department. Any such financial assistance shall be subject to these rules and any applicable federal require-

ments.

2. Such financial assistance shall be on a matching fund basis. The required local match shall be determined by the Administrator.

3. Eligibility of a local government for such financial assistance shall be determined by the Administrator pursuant to these rules and the contractual requirements of the Department.

4. Local programs shall receive an equitable share of the total federal money received by the Department from the Office of Coastal Zone Management for Section 306 implementation.

B. Planning and Development Assistance funding shall be subject to the following.

1. Funding for planning and development of local programs shall be available. The level of such funding shall be at the discretion of the Administrator and as provided for herein. A base level of funding will be made available to each parish in the coastal zone which does not have an approved program. Any unutilized allocated funds will be available for use by other parishes at the discretion of the Administrator for special planning and development projects.

2. To be eligible to continue receiving planning and development assistance, the local government must be making substantial progress toward finalization of an approvable local program.

3. Planning and development funds may only be used to plan for and develop these elements of a local program required by Parts II and III of these rules and the Act.

4. Planning and development assistance will be provided by the Department for two years from the date of federal approval of the state program or until a parish receives an approved local program, whichever is sooner.

C. The Department will make funds available to local governments for costs incurred in applying for approval from the Department, including printing and advertising, holding required public hearings and making copies of the local program available to governmental bodies and the general public.

D. Implementation Assistance funding shall be subject to the following.

1. Funding for implementation of a local program shall be available after approval of the local program by the Department. A local program shall be eligible for such assistance only so long as it continues to be an approved program.

2. The Administrator shall establish and modify, as appropriate, a reasonable allocation formula utilizing objective criteria regarding the coastal zone of the parish, including

(a) Population.

(b) Total Surface Area.

(c) Wetland Area.

(d) Number of Permits.

(e) Length of interface between urban and agricultural areas and wetland areas.

3. Each parish with an approved program shall be assured of a base level of funding, with additional funding based upon the allocation formula. Any unutilized implementation funds will be available, at the discretion of the Administrator, for use by other parishes for special planning, implementation or management projects.

4. Implementation funds may only be used to implement the approved local program, carry out planning for or development of approvable alterations or modifications in the local program, and to update or revise the data base utilized by the local program.

VIII. Written Findings.

A. All findings and determinations required by these rules shall be in writing and made a part of the record.

Appendix c3

Public Hearings

A. Scope — This regulation is applicable to all public hearings held pursuant to Act 361 of the 1978 Legislature except those held

by the Louisiana Coastal Commission. All such public hearings shall be non-adjudicatory public proceedings conducted for the purpose of acquiring information or evidence which will be considered in evaluating a proposed action which affords to the public the opportunity to present their views and opinions on such action.

B. Public Notice.

1. Public notice shall be given at least thirty days in advance of any public hearings. Notice shall be sent to all persons requesting notices of public hearings and shall be posted in all governmental bodies having an interest in the subject matter of the hearing. Such notice may be limited in area consistent with the nature of the hearing.

2. The notice shall contain the time, place, and nature of hearing, and the location of materials available for public inspection.

C. Time and Place — In fixing the time and place for a hearing, due regard shall be had for the convenience and necessity of the interested public.

D. Presiding Officer.

1. The governmental body holding the hearing shall designate a staff member to serve as Presiding Officer. In cases of unusual interest the Administrator shall have the power to appoint such person as he deems appropriate to serve as the Presiding Officer.

2. The Presiding Officer shall establish a hearing file consisting of such material as may be relevant or pertinent to the subject matter of the hearing. The hearing file shall be available for public inspection.

E. Representation — At the public hearing, any person may appear on his own behalf, or may be represented by counsel or by other representatives.

F. Conduct of Hearing.

1. Hearings shall be conducted by the Presiding Officer in an orderly but expeditious manner. Any person shall be permitted to submit oral or written statements concerning the subject matter of the appropriate decision. Written statements may be presented any time prior to the time the hearing file is closed. The Presiding Officer may afford participants an opportunity for rebuttal.

2. The Presiding Officer shall have discretion to establish reasonable limits upon the time allowed for statements of witnesses, for arguments of parties or their counsel or representatives, and upon the number of rebuttals.

3. Cross-examinations of witnesses shall not be permitted.

4. All public hearings shall be recorded verbatim. Copies of the transcript will be available for public inspection and purchase at the office of the Administrator.

5. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall, subject to exclusion for reasons of redundancy, be received in evidence and shall constitute a part of the hearing file.

6. The hearing file shall remain open for a period of ten days after the close of the public hearing for submission of written comments or other materials. This time period may be extended for good cause.

7. In appropriate cases, joint public hearings may be held with other state, federal or local agencies, provided the procedures of those hearings are generally consistent with the requirements of this regulation.

8. The procedures in Subparagraphs 4 and 6 of this Section may be waived by the Presiding Officer in appropriate cases.

G. Filing of Transcript of the Public Hearing — The testimony and all evidence received at the public hearing shall be made part of the administrative record of the action. All matters discussed at the public hearing shall be fully considered in arriving at the decision or recommendation. Where a person other than the primary decision making official serves as Presiding Officer, such person shall submit a report summarizing the testimony and evidence received at the hearing to the primary decision making official for consideration.

Appendix c4
Special Areas

A. General — This section shall establish procedures for the designation, utilization and management of special areas and for establishing guidelines and priorities of uses for each area.

B. Nominations.

1. An area may be nominated for designation as a special area by any person, local government, state agency or the Administrator.

2. Areas may be nominated for any of the purposes set forth in §213.8A of the Act, or for similar purposes, provided that such areas

- (a) Are in the coastal zone.
- (b) Have unique and valuable characteristics.
- (c) Require special management procedures different from the normal coastal management process.
- (d) Are to be managed for a purpose of regional, state, or national importance.

3. Nominations shall consist of

(a) A statement regarding the area nominated, including, for example, its unique and valuable characteristics, its existing uses, the environmental setting, its history, and the surrounding area.

(b) A statement of the reasons for the nomination, such as any problems needing correction, anticipated results, need for special management, and need for protection or development.

(c) A statement of the social, economic, and environmental impacts of the nomination.

(d) A map showing the area nominated.

(e) A statement as to why the area nominated was delineated as proposed and not greater or lesser in size or not in another location.

(f) Proposed guidelines and procedures for management of the area, including priorities of uses.

(g) An explanation of how and why the proposed management program would achieve the desired results.

(h) A statement as to how and why the designation of the area would be consistent with the state coastal management program and any affected local programs.

(i) A statement as to why and how the designation would be in the best interest of the state.

C. Administrative Review.

1. The Administrator shall review proposals for their suitability and consistency with the coastal management program.

2. If he finds that a proposal is suitable and consistent with the coastal management program, the Administrator may, with the advice and assistance of affected local programs, prepare a draft "Proposal for a Special Area." The proposal shall consist of the delineation of the area to be designated, the guidelines and procedures for management, and priorities of uses.

3. Public notice announcing a public hearing on the proposal shall be given and published in a newspaper of general circulation in the Administrator upon request and copies shall be made available for public review at the offices of the Administrator, offices of local programs, and at public libraries in affected parishes. Notice and copies of the proposals shall be sent to appropriate governmental bodies.

4. After the public hearing and consideration of all comments received at or before the hearings, the Administrator shall determine whether to designate the area proposed, or a part of it or an approximately similar area, and adopt the guidelines and procedures for management and priorities of uses. Public notice of the Administrator's decision shall be given.

5. The Administrator shall notify the Commission of a decision to designate an area. The Commission may approve or disapprove all or any of the guidelines or priorities of uses adopted by the Administrator, provided that the only grounds for disapproval shall be those set forth in §213.16C of the Act. Failure of the Commission to disapprove the guidelines or priorities of uses within sixty

days shall be deemed approval. In making such approval, the Commission must submit detailed findings and objections to the Administrator.

6. In the event the Administrator and the Commission are unable to agree on a set of guidelines and priorities of uses, final resolution shall be by the Governor.

D. Gubernatorial Establishment — The Governor may, with approval of the Commission pursuant to Subsection C5 above, designate special areas, and establish the guidelines and procedures for management and priorities of uses applicable in such areas.

E. Establishment of Special Area.

1. If the state coastal zone program has not yet received federal approval, the special area designation and its management program shall go into effect upon the order of the Governor. If the coastal zone program has been federally approved, the special area designation and its management program shall go into effect after federal approval of the special area as an element or amendment of the state's coastal zone program.

Appendix c5

Procedural Rules for the Hearing of Appeals by
The Louisiana Coastal Commission

A. Meetings.

1. The Commission shall meet on the second Tuesday of each month at 10:00 a.m. or upon the call of the chairman.

2. A quorum shall consist of twelve members and a majority vote of the membership of the commission is required to reverse or modify any lower administrative decision. Failure to have a quorum at the time any vote is taken will invalidate any such votes.

3. All meetings of the Commission shall be open to the public and the public shall have a reasonable opportunity to be heard. The Commission may from time to time impose reasonable restrictions on public testimony as may be appropriate.

B. Notice of Appeals.

1. All appeals must be filed within thirty days of the giving of public notice regarding the decision at issue, except that appeals regarding the Administrator's decisions as to whether uses are of state concern or local concern shall be filed within ten days of the giving of notice to the local government.

2. A petition for appeal must be filed with the Commission and service made on the applicant, the Administrator and affected local governments. Upon the filing of a petition for appeal, the Commission shall assign a docket number to the proceeding and thenceforth all pleadings, notices, and other documents must bear that docket number.

3. The petition of appeal must be filed in quadruplicate and set forth the application number, the date of decision, the decision, and the grounds for appeal. Appellant must specify the grounds for appeal, with appropriate citations to the rules, the Act and/or prior decisions.

4. Within seven days of receipt of a proper petition for appeal, the Commission shall give public notice of a public hearing on the appeal. The hearing is to be held within thirty-five days of the giving of public notice. Such public notice shall be given by publication in the state journal and in the parish journal in the parishes in which the use is proposed to occur, and by sending copies to all requesting persons, all persons on the administrator's mailing list for notices of applications, the applicant, the appellee, the Secretary, the Administrator and any affected local governments.

5. The public notice shall include

- (a) A statement of the time, place and nature of the hearing.
- (b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- (c) A reference to the particular section(s) of the statute, guidelines and rules involved.
- (d) A short and plain statement of the matters asserted.
- (e) If the Commission is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a

statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(f) A reference to where further information on the appeal may be obtained.

C. Pleadings.

1. All petitions for appeal, answers, briefs, memoranda, motions, or other pleadings shall be on white paper, 8½" x 11" in size. All such pleadings shall be filed in quadruplicate.

2. All pleadings shall have the following format.

Appeal of (name of appellant)

Louisiana Coastal
Commission

(Action Being Appealed)

(Style of Pleading)

- 1.
- 2.

Appellant or Attorney

3. The body of the pleading shall consist of numbered paragraphs which state the facts, law and arguments which form the basis for the pleading.

4. All pleadings shall be in writing and signed by the party or his attorney.

D. Pre-hearing Procedures, Discovery, Simplification of Issues.

1. Appellant must file a brief or memorandum setting forth the facts, law and arguments upon which he is to rely in his appeal at least fifteen days prior to the public hearing. Appellees, intervenors and amicus curiae shall file oppositions or memoranda of support which set forth facts, law and arguments upon which they are to rely prior to the hearing.

2. At least three days prior to the public hearing, all parties shall mutually exchange exhibits, documentary evidence and offerings, lists of proposed witnesses, a statement of the substance of facts and opinions to which each witness will testify, copies of any written reports prepared by the witness regarding the matter at issue, and an explanation of the basis for each party's position on the matter at issue. Further discovery will not be required, but the parties may agree to further exchanges of information or other discovery. In the absence of a showing of good cause for the failure to have complied with the above requirements, only those witnesses named on the lists exchanged will be permitted to testify on behalf of a party, and any materials not exchanged may not be offered or received in evidence.

3. The Commission staff may in its discretion, or upon request of any party, require the holding of a prehearing conference. All parties to the appeal shall appear at the specified time and place to consider

- (a) Simplification of issues.
- (b) Amendments to pleadings.
- (c) Possibility of stipulations, admissions of facts or documents.
- (d) Limitations on witnesses.
- (e) Such other matters as may be pertinent.

4. If a prehearing conference is held, the Commission staff shall issue an order setting forth the actions having taken place at the conference. This order shall control the subsequent course of the proceedings unless modified by further order for good cause, and shall be binding on all parties whether present at the conference or not.

E. Subpoenas.

1. The Commission and authorized staff members shall have power to sign and issue subpoenas in the name of the Commission

requiring the attendance and giving of testimony by witnesses and the production of books, papers, and other documentary evidence. No subpoena shall be issued until the party who wishes to subpoena the witness first deposits with the Commission a sum of money sufficient to pay all fees and expenses to which a witness in a civil case is entitled pursuant to R.S. 13:3661 and R.S. 13:3671. Witnesses subpoenaed to testify before the Commission only to provide an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the Commission with reference to the value of the time employed and the degrees of learning or skill required. Whenever any person summoned under this subsection neglects or refuses to obey such summons, or to produce papers, records or other data, or give testimony, as required, the Commission may apply to the judge of the district court for the district within which the person so summoned resides or is found, for an attachment against him as for a contempt.

2. Records and documents, in the possession of any agency of the State of Louisiana, or of any officer or employee thereof, including any written conclusion drawn therefrom, which are deemed confidential and privileged shall not be subject to subpoena by any person. Such records or documents shall only include any private contracts, geological and geophysical information and data, trade secrets and commercial or financial data, which are obtained by an agency through a voluntary agreement between the agency and any person, which said records and documents are designated as confidential and privileged by the parties when obtained, or records and documents which are specifically exempt from disclosure by statute.

3. Any party may designate records or documents deemed to be trade secrets, commercial or financial data as confidential and privileged, and the Commission shall provide that such records or documents are confidential and privileged when such records or documents are subpoenaed.

F. Evidence.

1. The Commission shall have the power to administer oaths and affirmations.

2. The Commission may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonable, prudent men in the conduct of their affairs. They shall give effect to the rules of privilege recognized by law. The Commission shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Objections to evidentiary offers may be made by parties and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form. In making rulings on evidentiary matters, the Commission shall be guided by, but not bound by, those rules of evidence followed by Louisiana district courts in civil cases heard without a jury.

3. All evidence, including records and documents in the possession of the Commission relating to the matter at issue shall be offered and made a part of the record, and all such documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference. In case of incorporation by reference, the materials so incorporated shall be available for examination by the parties before being received in evidence.

4. Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the specialized knowledge of the Commission. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, as to the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Commission's and the Commission staff's experience, technical competence, and specialized knowledge may be utilized in the

evaluation of the evidence.

5. Depositions and answers to interrogatories shall be admissible in any proceeding. The admission of such materials may be objected to at the time of hearing and may be received in evidence or excluded from the evidence by the Commission in accordance with the rules of evidence provided above.

G. Testimony — Any person may appear and testify at the public hearing, but only parties as defined in Section O, below, may cross-examine witnesses, object to evidentiary offers or testimony or otherwise participate in the adjudicatory procedures described in these rules. The Commission may impose reasonable restrictions on public testimony as may be appropriate.

H. Burden of Proof — The burden of proof in matters before the Commission shall be as follows.

1. In the appeal of a permit, the burden of proof shall be on the appellant.

2. In the appeal of a decision regarding the approval or disapproval of local government's coastal program, the burden of proof shall be on the appellant.

3. In the appeal of a decision by the Administrator as to whether a use is one of state or local concern, the burden of proof shall be on the Administrator.

4. In the appeal of a decision by the Secretary that an activity occurring wholly on lands five feet or more above mean sea level or within fast lands has direct and significant impacts on coastal waters, the burden of proof shall be on the Secretary.

I. Decisions and Orders.

1. All final decisions or orders shall be in writing. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise statement of the underlying facts supporting the findings. Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

2. No decision or order shall be issued except upon consideration of the whole record and as supported by and in accordance with the reliable, probative and substantial evidence.

3. Informal disposition may be made of any appeal by stipulation, agreed settlement, or consent order.

4. Should any party fail to file briefs or memoranda on time or fail to appear at a prehearing conference without good cause, that party shall not be permitted to introduce evidence, cross examine witnesses or otherwise participate in the appeals process as a party.

5. Should any party fail to appear at the hearing on the appeal, disposition of that appeal shall be made as follows.

(a) If appellant fails to appear, the Commission may at its discretion dismiss the appeal, continue it to a later date or proceed with the hearing and render its decision based upon the evidence admitted at the hearing.

(b) If appellee fails to appear, the Commission may at its discretion continue the hearing to a later date or proceed with the hearing and render its decision based upon the evidence admitted at the hearing.

(c) If any other party fails to appear, the Commission shall proceed with the hearing and render its decision based upon the evidence admitted at the hearing.

(d) The Commission may, for good cause shown, upon a two-thirds vote of the membership present rehear an appeal to permit an absent party to take part.

6. The Commission, on its own motion, or upon written motion of a party after an adversary hearing, may summarily dispose of an appeal if it finds that

(a) The Commission lacks jurisdiction over the matter.

(b) The person bringing the appeal has no legal right to appeal.

(c) The appeal is not timely.

(d) Or the appeal is moot.

J. Rehearing.

1. A decision or order shall be subject to rehearing, reopening, or reconsideration by the Commission within ten days from the

date of its entry. The grounds for such action shall be either that

(a) The decision or order is clearly contrary to the law and the evidence.

(b) A party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing.

(c) There is a showing that issues not previously considered ought to be examined in order to properly dispose of the matter.

(d) Or there is other good ground for further consideration of the issues and the evidence in the public interest.

2. The petition of a party for rehearing, reconsideration, or review, and the order of the Commission granting it, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening or reconsideration of a matter on the grounds of fraud practiced by the prevailing party, ill practices, or procurement of the order by perjured testimony or fictitious evidence. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review must be sought, shall run from the final disposition of such application.

K. Record.

1. The record in an appeal heard by the Commission shall include

(a) All pleadings, motions, intermediate rulings.

(b) Evidence received or a resume' thereof if not transcribed.

(c) A statement of matters officially noticed.

(d) Offers of proof, objections, and rulings thereon.

(e) Proposed findings and exceptions.

(f) Any decision, opinion, or report by the officer presiding at the hearing.

2. The Commission shall make a full transcript of all proceedings before it, and shall, at the request of any party or person, have prepared and furnish him with a copy of the transcript or any part thereof upon payment of the cost thereof.

L. Ex Parte Consultations and Recusation

1. Unless required for the disposition of ex parte matters authorized by law, members of the Commission shall not communicate, directly or indirectly, in connection with any issue of fact or law, with any party or his representative, or with any officer, employee, or agent engaged in the performance of investigative, prosecuting, or advocating functions, except upon notice and opportunity for all parties to participate.

2. A Commission member shall withdraw from any proceeding in which he cannot afford a fair and impartial hearing or consideration. Any party may request the disqualification of a member on the ground of his inability to give a fair and impartial hearing by filing an affidavit promptly upon discovery of the alleged disqualification stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the remaining members of the Commission, if a quorum. Upon the disqualification of a member of the Commission and his alternate, a member pro-tem appointed by the appropriate appointing authority may sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of the Commission, the provision of R.S. 49:957 shall apply.

M. Continuances.

Extensions of time for the rendering of decisions shall be granted by the Commission only upon the request or agreement of the appellant. No more than two extensions of not more than thirty-one days each shall be granted.

N. Service of Pleadings and Orders.

1. The Commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served or caused to be served by the person filing it.

2. All papers served by either the Commission or any party shall

be served upon all representatives of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any representative entering an appearance subsequent to the initiation of the proceeding shall notify all other representatives then of record and all parties not represented of such fact.

3. Final orders, decisions, and any other papers required to be served by the Commission upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to representatives of record. Public notice of final orders and decisions shall be given by publication in the state journal, appropriate parish journals and by inclusion in the administrator's normal mailing process.

4. Method of Service. Service of papers shall be made personally, by certified return receipt requested first class mail, or telegraph.

5. When Service Complete. Service upon parties shall be regarded as complete: by certified return receipt requested mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

6. Filing with Commission. Papers required to be filed with the Commission shall be deemed filed upon actual receipt by the Commission at the Commission's office.

O. Parties and Intervention.

1. The appellant and the person or governmental body whose decision is being appealed shall be parties.

2. The administrator, the Secretary, the Attorney General, the Secretaries of the Department of National Resources and the Department of Wildlife and Fisheries, affected local governments with an approved local program and the applicant for the coastal use permit at issue, as appropriate, shall have the right to intervene as parties.

3. Any other person having standing to appeal the lower administrative decision at issue may be permitted by the Commission to intervene as parties. Intervention shall be freely granted provided the proper petition for intervention is timely filed and such intervention is not likely to create an undue broadening of the issue or otherwise unduly impede the resolution of the appeal.

4. Petitions for intervention shall be filed with the Commission at least ten days prior to the public hearing and copies served on all parties. Oppositions by parties to an intervention must be filed with the Commission and served on all parties and intervenors prior to the hearing.

5. Persons filing proper petitions for intervention shall be considered a party for discovery, exchanges of information, pre-hearing conferences, service of pleadings, and other such purposes until the Commission has an opportunity to hear the matter.

6. The Commission shall rule on a petition to intervene on the record at the public hearing prior to the consideration of the appeal at issue. If requested by the intervenor or a party, such ruling shall be in writing.

7. A petition for intervention shall set out the reasons why petitioner desires to intervene, give the substance of what petitioner would try to show regarding the appeal at the public hearing, and how petitioner is affected by the appeal at issue.

Appendix c6

Definitions

Definitions — When used in the regulations of the Louisiana Coastal Resources Program, the following words shall have the indicated meanings unless the context clearly indicates otherwise:

1. Act — Act 361 of the 1978 Louisiana Legislature, as amended, R.S. 49:213.1-213.21.

2. Administrator — The Administrator of the Coastal Management Section within the Department of Natural Resources.

3. After-the-Fact Permit — A coastal use permit which is issued after the commencement of a use. Such a permit may only be

issued after all legal issues resulting from the commencement of a use without a coastal use permit have been resolved.

4. Approved Local Program — A local coastal management program which has been and continues to be approved by the Secretary pursuant to §213.9 of the Act.

5. Coastal Use Permit — A permit required by §213.11 of the Act. The term does not mean or refer to, and is in addition to, any other permit or approval required or established pursuant to any other constitutional provision or statute.

6. Coastal Waters — Those bays, lakes, inlets, estuaries, rivers, bayous, and other bodies of water within the boundaries of the coastal zone which have measurable seawater content (under normal weather conditions over a period of years).

7. Coastal Zone — The term "coastal zone" shall have the same definition as provided in Section 213.3(4) of the Act.

8. Commission — The Louisiana Coastal Commission.

9. Contaminant — An element causing pollution of the environment that would have detrimental effects on air or water quality or on native floral or faunal species.

10. Cumulative Impacts — Impacts increasing in significance due to the collective effects of a number of activities.

11. Department — The Department of Natural Resources.

12. Direct and Significant Impact — An impact which is a direct and significant modification or alteration in the physical or biological characteristics of coastal waters which results from an action or series of actions caused by man.

13. Endangered Species — Any species which is in danger of extinction throughout all or a significant portion of its range.

14. Expectable Adverse Conditions — Natural or man-made hazardous conditions which can be expected or predicted to occur at regular intervals. Included are such events as 125 mile per hour hurricanes and associated tides, one-hundred year floods and reasonably probable accidents.

15. Fastlands — Lands surrounded by publicly owned, maintained, or otherwise validly existing levees or natural formations as of January 1, 1979, or as may be lawfully constructed in the future, which levees or natural formations would normally prevent activities, not to include the pumping of water for drainage purposes, within the surrounded area from having direct and significant impacts on coastal waters.

16. Governmental Body — Any public department, agency, bureau, authority, or subdivision of the government of the United States or the State of Louisiana and shall include parishes and municipalities and subdivisions thereof and those governmental agencies constitutionally established.

17. Guidelines — Those rules and regulations adopted pursuant to §213.8 of the Act.

18. Habitat — The natural environment where a plant or animal population lives.

19. Infrastructure — Those systems which provide needed support for human social institutions and developments, including transportation systems, public utilities, water and sewerage systems, communications, educational facilities, health services, law enforcement and emergency preparedness.

20. In-lieu Permit — Those permits issued in-lieu of coastal use permits pursuant to §213.12(b) and (c) of the Act.

21. Local Government — A governmental body having general jurisdiction and operating at the parish level.

22. Local Program — Same as "Approved Local Program."

23. Marsh — Wetlands subject to frequent inundation in which the dominant vegetation consists of reeds, sedges, grasses, cattails and other low growth.

24. Particular Areas — Areas within the coastal zone of a parish with an approved local program which have unique and valuable characteristics requiring special management procedures. Such areas shall be identified, designated, and managed by the local government following procedures consistent with those for Special Areas.

25. Permit — A coastal use permit, or an in-lieu permit.

26. Permitting Body — Either the Department of Natural Resources or a local government with an approved local program with authority to issue, or that has issued, a coastal use permit authorized by the Act.

27. Person — Any individual, partnership, association, trust, corporation, public agency or authority, or governmental body.

28. Public Hearing — A hearing announced to the public at least thirty days in advance, at which all interested persons shall be afforded a reasonable opportunity to submit data, views or arguments, orally or in writing. At the time of the announcement of the public hearing all materials pertinent to the hearing, including documents, studies, and other data, in the possession of the party calling the hearing, must be made available to the public for review and study. As similar materials are subsequently developed, they shall be made available to the public as they become available to the party which conducted the hearing.

29. Secretary — The Secretary of the Department of Natural Resources.

30. Toxic Substances — Those substances which, by their chemical, biological or radioactive properties, have the potential to endanger human health or other living organisms or ecosystems, by means of acute or chronic adverse effects, including poisoning, mutagenic, teratogenic, or carcinogenic effect.

31. Uplands — Lands five feet or more above sea level, fast-lands, or all lands outside the coastal zone.

32. Use — Any use or activity within the coastal zone which has a direct and significant impact on coastal waters.

33. Waste — Any material for which no use or reuse is intended and which is to be discarded.

34. Wetlands — Open water areas or areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Frank A. Ashby, Jr., Secretary
Department of Natural
Resources

RULE

Department of Natural Resources Office of Conservation

Pursuant to authority delegated under the laws of the State of Louisiana and the United States, and particularly Title 30 of the Louisiana Revised Statutes of 1950, as amended, and the Natural Gas Policy Act of 1978, the following rules are issued and promulgated by the Commissioner of Conservation as being reasonably necessary to administer the authority contained in the Natural Gas Policy Act of 1978. These rules are designed to implement procedures to be utilized by applicants requesting the designation of tight formations in Louisiana and to clarify applicable Federal Energy Regulatory Commission regulations pertaining thereto as they apply to Louisiana.

Tight Formation Rules

Rule 1 — Definitions.

a) Unless the context specifically requires otherwise, any special word, term, or phrase used herein is used as defined in the Natural Gas Policy Act of 1978, applicable Federal Energy Regulatory Commission rules and regulations pertaining thereto, or applicable meaning given in Title 30 of the Louisiana Revised Statutes of 1950.

b) "Commissioner" shall mean the Commissioner of Conservation, State of Louisiana.

c) "FERC" shall mean the Federal Energy Regulatory Commission.

d) "NGPA" shall mean the Natural Gas Policy Act of 1978.

e) "District Manager" shall mean the manager of any one of the

district offices of the Office of Conservation and, as used, refers specifically to the manager within whose district the geographical area is located which is underlain by the recommended tight formation.

f) "Interested Party" shall mean any person, as "person" is defined in Title 30 of the Louisiana Revised Statutes of 1950, whose interests are affected by the application.

Rule 2 — Application.

2.1 Any interested party requesting the designation of any formation in Louisiana as a tight formation shall file an application with the Commissioner and the appropriate District Manager(s). The application shall include a filing fee of \$100.00, a proposed definition of the recommended tight formation, and a legible map depicting the geographical area covered by the application.

Rule 3 — Documents Supporting Application.

3.1 An application filed pursuant to Section 271.705(b) (1) of the FERC regulations shall contain the following information (such information to be submitted at the hearing scheduled pursuant to Rule 4.1 hereof).

a) A type log identifying the proposed definition of the recommended tight formation and a geologic-lithologic description of said formation.

b) A structure map drawn on the top of the recommended tight formation.

c) Stratigraphic cross-section(s) to delineate the development of the recommended tight formation throughout the geographical area being requested.

d) In situ gas permeability calculated from core tests, flow tests, log interpretation, or other accepted engineering methods.

e) Calculations which indicate that the stabilized production rate against atmospheric pressure of wells completed in the recommended tight formation prior to stimulation will not exceed the maximum allowable production rate set forth in Section 271.705(b)(1)(ii) of the FERC regulations.

f) Evidence to indicate that no well completed in the recommended tight formation will prior to the application of enhanced production techniques produce more than five barrels of crude oil per day (Crude oil is defined by Section 270.102(b)(5) of the FERC regulations as a mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.)

g) Evidence to indicate that existing State and/or Federal regulations will assure that development of the recommended tight formation will not adversely affect any fresh water aquifer that is or is expected to be used as a domestic or agricultural water supply.

h) A legible map depicting the geographical area requested as being underlain by the recommended tight formation together with a geographical description of such area. All wells which have produced natural gas from the recommended tight formation shall be clearly located and identified by operator, well number and name, and serial number on such map or on an appropriate attachment.

3.2 Application filed pursuant to Section 271.705(b)(2) of the FERC regulations shall contain the following information (such information to be submitted at the hearing scheduled pursuant to Rule 4.1 hereof).

a) The information required in Rule 3.1 hereof.

b) Description of the types and extent of enhanced production techniques which are expected to be used.

c) Estimated expenditures in detail to be incurred in utilizing such techniques.

d) Estimated production rate after application of enhanced production techniques and engineering and geological data to support such estimate.

e) Economic analyses to substantiate that the price established in Section 271.702(b) of the FERC regulations is necessary to provide reasonable incentives for production of natural gas from

the recommended tight formation due to the costs associated with such production. The applicant shall provide in detail an explanation of all data and/or estimates used.

3.3 The Commissioner may request additional information at any time prior to a determination by giving notice of such to the applicant.

Rule 4 — Notice, Hearing.

4.1 Upon receipt of an application for designation of any formation in Louisiana as a tight formation, the Commissioner, after assigning a docket number to such application, shall schedule a public hearing on the application and shall cause a notice of the application to be published in the official journal of the State of Louisiana. Such notice shall be published at least ten days before the hearing and shall include

- a) A statement of the time, place, and nature of the hearing.
- b) A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c) A reference to the particular sections of the statutes and rules involved.
- d) A short and plain statement of the matters asserted.

4.2 Any interested party shall be afforded an opportunity to present evidence in support of or in opposition to the subject application at the hearing held pursuant to Rule 4.1 hereof.

4.3 Applicant will be required to purchase one copy of the transcript of the hearing from the applicable court reporting service. Such copy will be mailed directly to the Commissioner from the applicable court reporting service and will be made a part of the notice of determination submitted to the FERC.

4.4 The Commissioner shall mail a notice of his determination to the applicant. Upon request, a copy of the notice of determination will be mailed to any interested party.

Rule 5 — Rehearing.

5.1 Upon determination by the Commissioner, any interested party may file a motion for rehearing within ten days after the date of determination. The application for rehearing shall set forth specifically the grounds upon which such application is based. The grounds for such action shall be either that

- a) The decision is clearly contrary to the law and the evidence.
- b) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing.
- c) There is a showing that issues not previously considered ought to be examined in order to dispose properly of the matter.
- d) Or there is other good ground for further consideration of the issues and the evidence in the public interest.

Upon such application the Commissioner shall have power to grant or deny rehearing. Unless the Commissioner acts upon the application for rehearing within thirty days after it is filed, such application is deemed to have been denied.

Rule 6 — Notice of Determination.

6.1 If the Commissioner makes an affirmative determination on the application, he shall then submit a written recommendation to the FERC for their review together with the information filed pursuant to Rules 3.1 or 3.2 hereof.

Rule 7 — Confidentiality.

7.1 No information submitted pursuant to an application for designation of any formation in Louisiana as a tight formation will be accorded confidential treatment by the Office of Conservation.

These rules shall be effective on and after August 20, 1980.

R. T. Sutton
Commissioner of Conservation

RULE

**Department of Natural Resources
Environmental Control Commission**

The Louisiana Environmental Control Commission, at their July 22, 1980 hearing, adopted the rules of procedure which govern

the operations of the Commission. Upon adoption, the rules became effective immediately and will be adhered to on future actions taken by the Commission.

The draft of the rules appeared in its entirety in the May 20, 1980 edition of the *Louisiana Register*, and comments on the draft documents were received until July 10, 1980.

Anyone requesting a copy of the rules of procedure may contact the Office of Environmental Affairs, State Land and Natural Resources Building, Sixth Floor, 625 North Fourth Street, Baton Rouge, Louisiana 70801, (504) 342-1265.

B. Jim Porter, Assistant Secretary
Office of Environmental Affairs

RULE

**Department of Natural Resources
Environmental Control Commission**

The Louisiana Environmental Control Commission, at their July 22, 1980 hearing, adopted the permit fee schedule for the Office of Environmental Affairs to encompass the Hazardous Waste, Air Quality and Water Pollution Control Divisions. It was determined at the hearing that the Nuclear Energy portion of the proposed fee schedule was not qualified to be included in the adoption of the fee schedule and the Commission would act on the Nuclear fee schedule at a later date.

Those individuals requesting copies of the fee schedule may contact the Office of Environmental Affairs, State Land and Natural Resources Building, Sixth Floor, 625 North Fourth Street, Baton Rouge, Louisiana 70801, (504) 342-1265.

B. Jim Porter, Assistant Secretary
Office of Environmental Affairs

RULE

**Department of Natural Resources
Office of Environmental Affairs
Environmental Control Commission**

The following revisions to the Air Quality Regulations and the State Implementation Plan (SIP) were approved July 22, 1980 by the Environmental Control Commission.

1. Section 6.1.6, multiple process permits and Section 6.1.7, permit fees.
2. Section 22.3, storage of volatile organic compounds.
3. Section 22.20.2, exemption of rotogravure or flexograph printing facility.
4. New section to the Louisiana SIP for the implementation of the U.S. Clean Air Act, Sections No. 51.285(a) and (b), and Sections No. 51.285(c).
5. Revision to the Louisiana SIP to:
 - a. Allow Shell Oil Company to come into compliance with the requirements of Regulation 22 of the Plan.
 - b. Allow Cargill, Inc., to change method by which it will control the particulate matter emissions.

Copies of the above revisions are available from Department of Natural Resources, (Natural Resource Building - 6th Floor), Office of Environmental Affairs, Air Quality Division, Box 44066, Baton Rouge, Louisiana 70804.

B. Jim Porter
Assistant Secretary

RULE

**Department of Natural Resources
Office of the Secretary**

Pursuant to authority granted under Title 56 of the Louisiana Revised Statutes, Section 700.3, the following regulations are adopted.

**Regulations for Administration of
The Fisherman's Gear Compensation Fund
R.S. 56:700.1-700.5
ACT 673 of 1979**

Section 1. Definitions — As used in these regulations the following terms and phrases shall have the definition ascribed to them.

1. "Commercial Fisherman" means any citizen of the state of Louisiana who possesses a valid Louisiana residential commercial fishing license and who derives a primary source of his or her income from the harvesting of living marine resources for commercial purposes.

2. "Primary Source of Income" means that source of revenue earned by a claimant from commercial fishing endeavors which is deemed by the Regulatory Authority to constitute a fundamental source of such claimants annual earned income. Any claimant who presents satisfactory proof that at least fifty percent of his or her annual income in the year preceding the year of claim was earned from commercial fishing endeavors shall be deemed to derive a primary source of his or her income therefrom.

3. "Satisfactory Proof," as it relates to demonstrating a primary source of income, means state and federal income tax returns together with related financial data, or, sworn affidavit of a Louisiana commercial seafood wholesale outlet operator that claimant conducts an ongoing commercial seafood supply trade with such wholesaler, as evidenced by receipts or other proof of trade, or, any other information deemed to be relevant and sufficient in the discretion of the Regulatory Authority.

4. "Department" means the Louisiana Department of Natural Resources and "Regulatory Authority" means the Secretary thereof and the personnel appointed or employed thereby who administer the commercial fishermen's gear compensation fund.

5. "Hearing Examiner" means the person(s) employed or appointed by the Regulatory Authority to conduct hearings, take oral and written testimony from claimants and other witnesses, and make recommendations to the Regulatory Authority on the validity and payment of claims.

6. "Claimant" means any person who files a claim under the provisions of these regulations and R.S. 56:700.1-700.5.

7. "Fund" means the Fishermen's Gear Compensation Fund.

8. "Fishing Gear" means any licensed marine vessel and any equipment, whether or not attached to a vessel, and which are used in the handling or harvesting of commercial marine resources.

9. "Obstruction" means any object, obstacle, equipment, or device located in State water within the geographic boundary of the Fund, whether natural or manmade, provided that this definition shall not be applied to obstructions floating on the surface which could be avoided by a reasonably prudent fisherman.

Section 2. Geographic Boundary of Fund.

A. The Fishermen's Gear Compensation Fund shall be available to pay approved claims from qualified claimants up to a maximum of \$5,000.00 dollars, for damage or loss of fishing gear due to an encounter with an obstruction in State waters located below the northern boundary of the Louisiana Coastal Zone as such boundary is set forth in R.S. 49:213.4 and as depicted on official maps of the state regulatory authority having jurisdiction over coastal zone management within the State, and extending seaward to the limits of Louisiana's territorial jurisdiction.

B. No claim shall be accepted or paid for damages or loss sustained from an encounter with an obstruction which occurs in waters overlying the federal domain of the outer continental shelf or north of the northern boundary of the Louisiana Coastal Zone.

Section 3. Claim Filing Procedure: Initial Reports.

A. Within thirty days of encountering an obstruction in State waters covered by the Fund, from which damage or loss to fishing gear is sustained and for which a written claim will be made for reimbursement from the Fund, as otherwise provided in Section 5 of these regulations, the commercial fisherman encountering the

obstruction shall notify the Regulatory Authority, orally or in writing, and provide the following information:

1. Claimant's name, address and telephone number.
2. The name and registration number of the commercial fishing vessel involved.
3. The Louisiana residential commercial fishing license number of the claimant.
4. The location of the vessel and obstruction at the time of encounter by one of the methods described in Section 4 of these regulations whenever possible.
5. The date and time of day that the obstruction was encountered.
6. Identification of the nature of the obstruction.

7. A description of the nature of the damage or loss sustained for which a written claim will be made and the estimated amount, in dollars, of the damage or loss, if known.

The requirements of the initial notice may be waived in whole or in part by the Regulatory Authority for good cause shown.

B. Upon receipt of the information required by Subsection A above, the Regulatory Authority shall establish a file in the name of the commercial fisherman, containing all of the information above. On a map showing all State waters covered by the Fund, the Regulatory Authority shall indicate the location or approximate location of the obstruction, physically and by coordinates, if available.

C. Pending receipt of the written claim, as otherwise required herein, the Regulatory Authority shall attempt to ascertain the lessees or grantees of rights of state water bottoms proximate to the location of the obstruction on which the obstruction was encountered and furnish their names to the claimant.

D. The Regulatory Authority may devise procedures for informing commercial fishermen of the location of all obstructions reported. Such procedures may include periodic dissemination of maps containing such information, the placement of buoys or markers at the site of such obstruction, or such other means as the Regulatory Authority deems reasonable.

Section 4. Identification of Area of Obstruction.

A. When an obstruction has been encountered by a qualified commercial fisherman from which encounter a claim for damages to the fund is made, the claim shall not be accepted unless accompanied by sufficient information by which to locate the area of the obstruction. Such information shall be conveyed on forms furnished by the Department when available, or otherwise in a manner sufficiently clear to be usable by the Department in charting the obstruction.

B. The information referred to in Subsection A of this section shall include all of the information set forth in this Subsection to the extent possible. Where such information cannot be furnished, reasons for such inability shall be stated instead.

1. Common name of the body of water in which the obstruction was encountered.

2. Name of the Parish in which the obstruction was encountered.

3. The date and time of day when the obstruction was encountered.

4. The depth of the water and the depth at which fishing gear was deployed at the point of encounter.

5. The position of the fishing vessel and the position of the obstruction at the point of encounter, to be specified by using one or more of the following methods of position fixing, using the most reliable method available aboard the vessel at the time of encounter.

(a) Loran-C Readings. Provide time delay readings from at least two Loran-C pairs (e.g. 7980-W and 7980-Y). Readings from additional pairs should be provided if available from a particular Loran-C receiver installed. If a coordinate converter is being used, the latitude and longitude readings may be furnished.

(b) Distance (Range) and direction (bearing) to fixed offshore

objects such as lighthouses, light towers, and oil drilling or production platforms. Specify the name of each such object used.

(c) Distance and direction of fixed aids to navigation and land marks, which are identified on National Ocean Survey Charts, such as radio towers, jetty lights, etc.

(d) Distance and direction to prominent landmarks which are not identified on National Ocean Survey charts but are readily identifiable for future reference.

(e) Loran-A Readings. Provide time delayed readings from at least two Loran-A rates. Readings from additional rates should be provided if available. Identify any skywave time delay reading as such.

(f) Direction to radio beacons using a radio direction finder. Give each station's identifying call letters. Provide a copy of the radio direction finder deviation table if prepared for the fishing vessel.

(g) Distance and direction to floating navigational aids such as buoys. Identify any buoy by name, number, color, type and lightlist number if known.

(h) Alternate navigation methods may be used if they are available. These include Raydist, Decca, and similar electronic navigation systems that may be in use.

(i) A Celestial fix or line of sight may be used if no other navigation method is available. All calculations used shall accompany this method.

Section 5. Claims: General Form and Content.

A. Claims shall be by affidavit, signed by the claimant on forms furnished by the Department when available and shall contain, in addition to the requirements of Section 4 herein, the following information.

1. The name, mailing address, telephone number, citizenship, and occupation of the claimant.

2. The name, address, and telephone number of each person representing the claimant in pursuing the claim.

3. The name of the fishing vessel involved, its type, size, homeport and, its US Coast Guard documentation number and/or state registration number.

4. A statement of the type of fishing operation being conducted and a description of how the encounter occurred.

5. If an amount is claimed, the claim shall include

(a) The nature and extent of the damage and loss suffered, photographs of the damaged gear when available, a description of the gear involved and where pertinent, a list of components such as size, type, grade, etc.

(b) The amount claimed together with proof of ownership.

(c) The date, place and cost of acquisition of the gear damaged or lost.

(d) An estimate from a commercial fishing gear repair or supply company, of the present replacement cost of the fishing gear and the repair cost of the fishing gear (if it is repairable). If fishing gear of the type damaged is usually made or repaired by the claimant, an estimate prepared by the claimant identifying the repair or replacement cost of the fishing gear may be used in place of the estimate of a commercial fishing repair or supply company.

(e) If the fishing gear is repaired or replaced before an award is made under this part a copy of the invoice or receipt for the repair or replacement of the fishing gear, and the estimated salvage value of the fishing gear that is not repairable.

6. A detailed statement of the efforts made by claimant to identify, locate and collect damages for his loss from the person financially responsible therefor accompanied by copies of all correspondence related thereto.

B. Written claims required by this Section shall be filed by claimant on or before sixty days from the due date of the initial report of damage or loss required by Section 3 of these regulations.

C. The Regulatory Authority shall include the information received pursuant to this Section in the file established for the claimant. If the claimant's file is deemed to be incomplete or

otherwise to contain insufficient information for proper disposition of the claim, the claimant shall be notified in writing within five days of such determination, and the additional information needed shall be requested. No claim shall be processed, nor funds paid, until the Regulatory Authority has received all information necessary to a proper disposition thereof.

D. Damages of losses which are covered by valid insurance or the federal Fishermen's Contingency Fund (50 CFR Part 296) shall not be reimbursable from the Fund. No claimant shall include within a claim submitted any amounts for which such claimant has received or is entitled to receive reimbursement under an insurance policy or the federal program.

Section 6. Hearing Examiner: Small Claims Adjudicatory Hearings.

A. Upon acceptance by the Regulatory Authority of a claim as complete, and upon determination that all other reporting requirements in these regulations have been timely complied with by the claimant, the Regulatory Authority shall make disposition of the claim pursuant to the appropriate procedures as set forth below.

1. It may employ the services of experts or consultants in evaluating damage or loss whose sworn written or oral opinions or appraisals shall be made a part of the claimant's file or records as the case may be.

2. It may designate a hearing examiner to conduct the hearing.

3. It shall assign all claims for public hearing in compliance with the Louisiana Administrative Procedures Act, R.S. 49:951 et seq., and the General Rules and Regulations of the Department of Natural Resources, and especially with respect to notice and to the date on which objections to a claim must be presented in written form.

4. If no written objections to a claim are timely made

(a) The Regulatory Authority may make a preliminary evaluation of the claim or loss and if it does not exceed the sum of \$500 and all essential requirements of these regulations are otherwise met by the claimant, it shall give notice of its intent to pay the claim in the manner as provided in Subsection F hereof. This notice may be combined with the notice of public hearing concerning it. If no objection is made to the payment of the claim at the public hearing, the Regulatory Authority may reimburse the claimant without further administrative delay.

(b) At all hearings other than those provided for by Subsection 4 (a).

(i) The claimant must offer proof as to (1) his freedom from contributory negligence in causing his loss and (2) his good faith efforts to locate the financially responsible party to whom the obstruction, equipment, materials, structures or other items causing the claimed damage is attributable.

(ii) On all other issues the Regulatory Authority may restrict the hearing to the introduction of evidence, proof, or testimony as to the ownership or location of the obstruction, the qualification of the claimant, the dollar value of the damage or loss or any other necessary information of facts not satisfactorily identified in the initial or full claim reports submitted. It shall notify the claimant of such restrictions and at the public hearing, claimant shall not be required to offer proof on matters other than those so restricted and those required by Subsection 4 (b)(i) above.

(c) Any person who has not made timely objection shall nevertheless be given an opportunity to be heard. The claimant need not, though he may, present further proof in support of his claim other than that required by Subsection 4 (b)(i).

5. If written objections to a claim are timely made, the hearing shall be considered as an adjudicatory proceeding within the meaning of the Louisiana Administrative Procedures Act and the General Rules and Regulations of the Department of Natural Resources, and shall be conducted as such with full opportunity for responses, objections and other rights accorded by that act and the regulations.

B. Monies from the fund shall be used to reimburse a claimant

only for the cost of repair or replacement of fishing gear as to which damage or loss has been sustained under the scope of these regulations, and only to a maximum amount of \$5,000.00 for each encounter with an obstruction or for each incident.

C. No reimbursement from the Fund shall be made to any claimant where satisfactory evidence indicates that negligence of the claimant contributed to the damage or loss. If the Regulatory Authority determines that a claim arises from hitting or snagging an obstruction previously encountered by the claimant, a rebuttable presumption that the claimant is contributorily negligent must be overcome by him.

D. Any person aggrieved by a ruling or claim disposition made by the Regulatory Authority, a recommendation of the hearing examiner, or other administrative action taken pursuant to these regulations or R.S. 56:700.1-700.5, shall have the right to request a rehearing, or to file an appeal with a court of proper jurisdiction.

E. The Regulatory Authority may establish written policies and procedures for the conduct of the adjudicatory hearings, the style and content of forms, or other administrative functions not inconsistent with the Louisiana Administrative Procedures Act. Such policies and procedures shall not be subject to notice and promulgation and rules or regulations, but shall be written and shall be made available to any interested person.

F. The Regulatory Authority shall publish monthly the number of claims filed with it, the names of the claimants and the total amount claimed during the preceding month together with any other relevant and pertinent information. These publications must appear in the Louisiana Register or in the official journal of the parish, or parishes, in which the claimants are domiciled. The Regulatory Authority may likewise make public this information by advertisement in other circulars or publications that it deems will reach local and other interested persons.

Section 7. Penalties.

A. The intentional rendering of a financial statement of account, which is known to be false, by anyone who is obliged to render an accounting pursuant to R.S. 56:700.1-700.5, or these regulations, shall be punishable pursuant to the provision of the Louisiana Criminal Code R.S. 17:70, False Accounting.

B. The filing or depositing, with knowledge or falsity, of any forged or wrongfully altered document, for record in any claim or proceeding before a hearing examiner or other administrator of the Fund, shall be punishable pursuant to the provisions of the Louisiana Criminal Code R.S. 17:133, Filing False Public Records.

C. The intentional making of a false written or oral statement in, or for use in any claim, proceeding or testimony before a hearing examiner or other administrator of the Fund, under sanction of an oath, sworn affidavit or an equivalent affirmation, shall be punishable pursuant to the provisions of the Louisiana Criminal Code, R.S. 14:123, Perjury.

Frank A. Ashby, Jr., Secretary
Department of Natural Resources

RULE

Department of Public Safety Office of State Fire Protection

The Office of State Fire Protection has added the following rule to the procedures for appealing to the Fire Prevention Board of Review. Under Paragraph 1, Subparagraph 1 is amended to read as follows:

1. The name of the owner/applicant. If the applicant is not the owner, the application must contain the owner's written statement giving the applicant authority to file the appeal on the owner's behalf. This written authorization shall include a certification that the individual, partnership, or corporation identified as the owner is, in fact, the owner of the property in question and that the owner is familiar with the basis and the facts upon which the appeal is made. The mailing address and telephone number of the owner

must be included in the written authorization. The singular utilized herein refers as well to the plural.

Dallas Greene, Chairman
Fire Prevention Board of Review

RULE

Department of Public Safety Office of State Fire Protection

The Office of State Fire Protection has adopted the following rule concerning notices of meetings of the Firemen's State Supplemental Pay Board.

Rule

Whenever possible, a notice of any meeting of the Louisiana State Firemen's Supplemental Pay Board will be published in the official notices of the official state journal; furthermore, a press release containing the same information will be mailed to the official journals of the cities of Shreveport, Monroe, Lafayette, Lake Charles, Alexandria, New Orleans, and Baton Rouge, and any other city or town in which the meeting of the board is to be held if it is not in one of the aforementioned major cities; and the same information shall also be mailed to each individual who has notified the Fire Marshal of his desire to receive a notice of a meeting.

Clarence J. Perez, Chairman
Firemen's Supplemental Pay Board

RULE

Department of the Treasury Board of Review Deputy Sheriffs' Supplemental Pay

WHEREAS, the Administrative Procedures Act (the "Act") requires the publication of all rules and regulations of the Department of Treasury, Board of Review, Deputy Sheriffs' Supplemental Pay (the "Board"), and

WHEREAS, the Board wishes to comply with the provisions of the Act,

NOW, THEREFORE, be it resolved by the Board that the following constitutes all of the existing rules and regulations of the Board:

1. Any individual who is a sworn deputy, who is full-time (full-time is considered forty hours per week), who earns \$350.00 per month base salary, and who is paid from the Sheriff's General Fund is eligible to receive supplemental pay, which shall be prorated for the number of days worked.

2. In the event a question of legality arises, an Attorney General's Opinion will be requested by the Board of Review as a body and not by an individual member of the Board.

3. Individuals who are employed as summer employees are eligible to receive supplemental pay as long as they meet all eligibility requirements.

4. Individuals employed by police juries as correctional officers can not receive supplemental pay as "de facto" deputy sheriffs. Based on Attorney General's Opinion 80-454.

5. A deputy sheriff who was previously employed as a qualified deputy in the state of Louisiana or as a full-time municipal police officer is entitled to receive prior service credit. The credit given is equal to the time served that met the eligibility requirements. See Act 345 of 1977.

6. Retired individuals who request credit for prior service when re-employed are eligible to receive this credit regardless of the fact that retirement pay is based on their base salary and supplemental pay at the time of their retirement. Based on Attorney General's Opinion 79-94 of 1979.

7. Individuals on sick leave shall be eligible for supplemental pay if they meet the requirements contained in Rule and Regulation No. 1 hereof and are paid full salary.

8. The Board shall have regular meetings on the first Thursday

of October, 1980, and the first Thursday of every calendar quarter thereafter, beginning at 10:00 a.m. in the offices of the Division of Administration on the 11th floor in the State Capitol Building.

Barry W. Karns
First Assistant State Treasurer
Chairman, Board of Review

RULE

Department of Treasury Bond Commission

Pursuant to a public hearing held in accordance with the Louisiana Administrative Procedures Act, the following Rule is now adopted by the Louisiana State Bond Commission.

Rules and Regulations Relative to Second Issues of Mortgage Revenue Bonds

1. **Public Purpose** — The public purposes for which mortgage revenue bonds should be offered are to provide increased home ownership opportunities for low and moderate income persons and for revitalization of declining areas.

It is further the intent that individual mortgagors benefiting from mortgage revenue bond programs shall intend to permanently reside in the home financed in order to encourage family residences.

2. **Maximum Income of Mortgagors** — The maximum adjusted gross family income for mortgagors in the programs should not exceed \$40,000.

3. **Maximum Mortgage Amount and Maximum Purchase Price** — The Maximum mortgage amount should not exceed \$75,000 and the maximum purchase price should not exceed \$95,000. Where a duplex, tri-plex, or four-plex is concerned the maximum mortgage amount shall not exceed \$150,000.

4. **Participation by Lending Institutions** — There should be participation in the program by existing lenders who are qualified and doing business in Louisiana. The allocation of program amounts to these lenders should be basically in proportion to the business they do in the area in which the loans are to be made.

5. **Refinancing of Loans** — No loans should be made for refinancing, except a) with respect to substantial rehabilitation meeting objective criteria established by the issuing authority, or b) if, after a final divorce judgment is rendered, a person wishes to buy the interest of an ex-spouse under the terms of a community property settlement, or other binding division of assets, or c) succession assets are being liquidated after a final judgment of possession is rendered.

6. **Disbursement of Funds to Mortgage Lenders** — Commitments should be made to mortgage lenders and mortgage lenders should make commitments only to individuals who qualify as purchasers and who have entered into bona fide purchase agreements, except that commitments may be made to builders, not exceeding forty percent of the total loanable funds of the program.

7. **Loan Rates** — A process blending the authority funds with the lending institution's conventional funds should be implemented which would provide higher mortgage interest rates to higher income mortgagors, subject to the limitations as set forth in rules number two and three.

8. **Special Consideration for Larger Families** — Larger families should be encouraged to participate in the program by permitting such families to make mortgage loans irrespective of their income category, provided the maximum permissible income level for that program is not exceeded.

9. **Expropriation** — Except as may be found to be in conflict with the provisions of any applicable trust indenture of any authority issuing mortgage revenue bonds, any mortgagor having financed a home under a mortgage revenue bond program whose home is expropriated may, at his option, be transferred to a replacement

residence at the same interest rate and maturity as his existing mortgage under the mortgage revenue bond program.

Thomas D. Burbank, Jr., Secretary
State Bond Commission

RULE

Department of Wildlife and Fisheries Wildlife and Fisheries Commission

Resolution adopted by the Louisiana Wildlife and Fisheries Commission at the regular meeting held in New Orleans, Louisiana on Tuesday, July 29, 1980.

WHEREAS, the Louisiana Department of Wildlife and Fisheries has the authority under the Endangered Species Act to establish an alligator season in twelve of the state's parishes, and

WHEREAS, the alligator population in these twelve parishes has been determined by technicians of the Department to be capable of sustaining an annual harvest of surplus animals, and

WHEREAS, the removal of surplus animals is considered to be a wise use of this natural resource of the State of Louisiana.

THEREFORE, BE IT RESOLVED, that the Louisiana Wildlife and Fisheries Commission does hereby adopt the following rules, regulations, and guidelines for administering the 1980 alligator season.

Alligator regulations adopted by the Louisiana Wildlife and Fisheries Commission at its regular meeting held in New Orleans, Louisiana on Tuesday, July 29, 1980.

The Louisiana Department of Wildlife and Fisheries recommends that an alligator season be hereby established in accordance with the following regulations. No exceptions of these procedures will be permitted, and anyone taking alligators contrary to these regulations will be charged in accordance with the Louisiana Revised Statutes and/or Endangered Species Act of 1973.

1. **Open Area** — Parishes of Cameron, Calcasieu, Vermilion, Iberia, St. Mary, Terrebonne, Lafourche, St. Charles, Jefferson, Plaquemines, St. Bernard, and St. Tammany. Coastal marshes and swamp areas including covered marshland. Over 300,000 alligators are present in this area outside of refuges.

2. **Harvest season** — The open season shall run for a thirty-one day period beginning on September 4, 1980, and continuing through October 4, 1980. Size - no alligators under four feet in length may be taken.

3. **Harvest methods** — Alligators may be taken only during daylight hours, between one-half hour before official sunrise to one-half hour after sunset. Special instructions will be issued to the holders of alligator hunter licenses shortly before the opening of the season describing detailed methods regarding the skinning of alligators. Skins processed contrary to the specific requirements of the Department will be considered illegal and will be confiscated by Department personnel. Pole hunting is prohibited to protect the nesting female population.

4. **Licenses** — An alligator hunter must have a valid commercial alligator hunter license to take, transport, or sell alligators or their skins. The fee is \$25.00 per year for the resident license and \$150.00 per year for the non-resident. These licenses are non-transferable. In order to obtain a resident license, the hunter must have resided in Louisiana for one year preceding the season. He must complete application forms provided by the Department and furnish proof that he owns the land or has an agreement with the landowner to hunt alligators on the specified property. Information as to the location and acreage of the property must be provided. Applications must be submitted beginning August 1, 1980. The alligator hunter license will be issued only after the hunter has satisfactorily complied with the above requirements. Non-resident hunters must coordinate their hunt through landowners and licensed resident hunters. A fur buyer license or fur dealer license is required for purchasing and handling raw alligator skins in

Louisiana. An alligator parts dealers license is required of anyone purchasing alligator parts (other than hides) for resale, manufacturing, processing and distribution, excluding retailers and restaurants. Persons or firms entering alligators in interstate/foreign commerce in the course of a commercial activity must be licensed in accordance with state and federal regulations.

5. Tagging — In addition to a valid commercial alligator hunting license, the hunter must also obtain from the Department, and have in his possession while hunting, official tags which must be firmly attached to each alligator skin immediately upon taking. Numbered tags will be issued to license holders for a sum of \$5.00. The tags must be attached in the last six inches of the tail. The tag must remain attached to the skin until finally processed by the fabricator. It shall be illegal to possess alligator skins in Louisiana without valid official tags attached. Official alligator tags will be issued only to alligator hunters, and farmers and only to those who have authorized applications. The number of tags will be issued on the basis of the area and quality of the habitat, and the rate per acre will be fixed based on extensive population estimates. Tags will be issued for alligator habitat only, based on final decision of the technician. No more than this fixed number of tags will be issued. Each official tag will bear a characteristic number and a duplicate tab, and the tag numbers issued to each hunter will be recorded. Unused tags must be returned to the Department. Lost or stolen tags will not be replaced but must be reported. Tags can be used only on the lands applied for and approved on the application. Tags furnished by the Louisiana Department of Wildlife and Fisheries must be attached to all alligator meat/parts upon transfer by a hunter or farmer.

6. Alligator Farmers and Breeders — Licensed alligator farmers or breeders will be issued permits to kill and skin their alligators but must follow the same rules and regulations which apply to wild alligators.

7. Harvest Rates — Tags will be issued on the following basis, with the exception of alligator farmers, breeders, and the nuisance complaint program.

Parish	Tag Allotment/Marsh Type		
	Brackish	Intermediate	Fresh
Cameron	1:200	1:75	1:75
Calcasieu			
St. Tammany			
Vermilion	1:75	1:75	1:225
Iberia			
St. Mary	1:200	1:75	1:125
Terrebonne	1:150	1:75	1:125
Lafourche	1:200	1:150	1:100
Jefferson			
St. Charles			
Plaquemines	1:275	1:250	1:200
St. Bernard			
Dewatered marsh	1:400		
Inland Swamp	1:200		

8. Sale of Alligator Skins — All alligator skins taken during the alligator season shall be checked and the stub tag clipped by personnel of the Louisiana Department of Wildlife and Fisheries prior to the hides leaving the state. Special skinning instructions will

be verified, and any skins not prepared according to instructions issued in advance of season will be considered illegal. Unused tags will be returned to Department personnel no later than fifteen days after the close of the season. Buyers/dealers must abide by special skinning instructions or be subject to forfeiture of improperly skinned hides.

9. Buyer/Dealer Hide Records — All buyers and dealers making purchases of alligator hides shall maintain a complete set of records of all purchases and sales on forms furnished by the Department. Such records will include names and addresses of buyers and/or sellers, alligator hide tag number, date and length. Dealers will submit periodic reports as required by the Department for all hides purchased/sold.

10. Shipment — All raw alligator skins shipped out-of-state must bear official shipping tags provided by the Department. Forms provided must be filled out completely and returned to the Department within fifteen days following the close of the season.

11. Sale of Meat and Parts — Meat and other parts from lawfully taken alligators can only be sold according to Louisiana Health Department Regulations, Louisiana Department of Wildlife and Fisheries regulations, and Federal laws. Anyone purchasing alligator parts for resale, manufacturing, processing and distribution, excluding retailers and restaurants, shall purchase an alligator parts dealers license from the Department for \$50.00. Alligator hunters, farmers, and parts dealers shall maintain records of all transactions, purchases, and sales on forms provided by the Department. These forms shall be submitted to the Department within thirty days following the close of the season and thereafter at sixty-day intervals until all parts are sold. All alligator meat and parts, excluding hides, shall be tagged with an official alligator parts tag (Color: Blue) to be furnished by the Department. Hunters, farmers, and dealers shall furnish a bill of sale to all retailers and restaurants purchasing alligator parts. This bill of sale shall be maintained for a period of six months.

All alligator nuisance removal program will be incorporated into the harvest season within the parishes open for alligator hunting. This program will allow the taking of problem alligators within the confines of municipal, ward, or parish responsibility where there are alligator-people conflicts. Alligators taken under this program must be taken in accordance with state regulations and local regulations/ordinances. This nuisance removal program depends upon close cooperation of state, parish, and local authorities.

Tags will be issued to a local governing body and hunters will be selected by them. The number of tags issued will be based on the number of complaints received. The Commission is hopeful this program will lessen the threat to people and property by reducing human/alligator contact.

The administrative responsibility for conducting this season shall rest with Joseph V. Colson, Secretary of the Louisiana Department of Wildlife and Fisheries.

This is to certify that the above and foregoing is a true copy of the excerpt of the meeting of the Louisiana Wildlife and Fisheries Commission held in New Orleans, Louisiana on Tuesday, July 29, 1980.

Joseph V. Colson, Secretary
Department of Wildlife and Fisheries

Notices of Intent

NOTICE OF INTENT

Department of Agriculture Livestock Sanitary Board

In accordance with the provisions of LSA 49:951, et seq., the Louisiana Administrative Procedures Act, and LSA 3:2091, et seq., relative to the authority of the Livestock Sanitary Board, notice is hereby given that the Louisiana Department of Agriculture, Louisiana Livestock Sanitary Board, will conduct a public hearing on Tuesday, September 9, 1980, at 9:30 a.m. in the Office of the Commissioner of Agriculture, twenty-first floor, State Capitol, Baton Rouge, Louisiana.

The purpose of this hearing is to promulgate rules and regulations governing 1) control of cattle brucellosis, hog cholera, equine infectious anemia, and pseudorabies, and 2) financial disclosure by Livestock Auction Market stockholders.

Interested persons may secure a copy of the full text of the said rules and regulations by written request to the following: Dr. William B. Fairchild, Department of Agriculture, Livestock Sanitary Board, Box 1951, Baton Rouge, Louisiana 70821, or in person at the Department of Agriculture, Livestock Sanitary Board, at 1276 Plank Road, Baton Rouge, Louisiana.

Written comments will be accepted up and including September 9, 1980, by Dr. William B. Fairchild at the above address, or may be presented at the public hearing.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing, as provided by R.S. 49:953.

The rules and regulations to be promulgated at said public hearing shall become effective when published in the *Louisiana Register*.

Bob Odom
Commissioner of Agriculture

NOTICE OF INTENT

Department of Commerce Athletic Commission

Notice is hereby given that effective October 1, 1980 the present rule of the Commission that provides that the deputy commissioner, in cities under two hundred thousand, shall receive two and one-half percent of the gross receipts in boxing and wrestling contests is amended to read as follows:

"The deputy commissioner, in cities under two hundred thousand, shall receive two and one-half percent of the gross receipts or a maximum of one hundred dollars (\$100.00) whichever is less in boxing and wrestling contests."

Interested persons may be heard by the Commission as follows: September 8, 1980, 2:00 p.m., 2501 Bell Street, New Orleans, La. Inquiries should be addressed to Emile Bruneau, Chairman, Louisiana State Athletic Commission, No. 147, 22nd Street, New Orleans, Louisiana 70124.

Donald J. Bernard
Secretary

NOTICE OF INTENT

Department of Commerce Office of Financial Institutions

The Commissioner of Financial Institutions, in exercise of his powers specifically enumerated in R. S. 6:902 B, hereby gives notice of his intention to adopt the following rule:

Proposed Rule

An association or combination of associations may establish a service organization or purchase capital stock, obligations or other securities of such a service organization organized under the laws of the State of Louisiana subject to prior approval in writing of the Commissioner.

I. Definitions.

A. When used in this rule, the following words shall have the meanings as indicated:

1. "Service Organization" shall mean an organization substantially all the activities of which consist of making of consumer loans as defined by LRS 9:3516 (13), originating, purchasing, selling and servicing loans upon real estate and participating interests therein, or clerical, bookkeeping, accounting, statistical, appraising, computer or similar functions performed primarily for financial institutions, plus such other activities as the Commissioner may approve.

2. "Association" shall mean a savings association, homestead building and loan association, savings and loan association or society chartered under Chapter 9, Title 6, Louisiana Revised Statutes.

3. "Commissioner" shall mean the Commissioner of Financial Institutions, State of Louisiana.

II. Application.

A. In order to obtain such approval, the applying association shall file with the Commissioner documentation from which the Commissioner shall determine that:

1. There are no serious supervisory problems which would affect its ability to properly supervise and operate such subsidiary corporation.

2. There are adequate income and reserves to support the proposed investment.

3. Operations of the subsidiary corporation will be clearly distinguishable from those of the parent association.

4. The subsidiary corporation is or will be profitably operating within a reasonable period of time.

5. An audited financial statement in the event of acquisition of an existing subsidiary corporation.

6. A certified resolution of the Board of Directors of the applying association approving the investment in the subsidiary.

7. A certified copy of the Articles of Incorporation, Certificate of Incorporation and By-laws of the subsidiary shall be filed with the Commissioner.

B. The Commissioner may require submission of other pertinent information.

1. Acquisition terms, cost or investment requirements of the association.

2. Projected operating statements of the proposed subsidiary for its first three years of operation.

3. Attorney's opinion letter as to direct, indirect and/or contingent association and subsidiary liability.

4. Outline for plans for operation of the subsidiary.

5. Evidence that the subsidiary corporation will have adequate management and operating personnel with proper supervision by association management.

6. Plans for the safeguarding of subsidiary assets.

7. Affidavits from all directors of an association and subsidiary corporation fully disclosing any interest they may directly or indirectly have in the proposed or existing subsidiary.

C. Records of the subsidiary corporation will be made available at all times to State and Federal supervisory authority for examination and review.

D. The subsidiary corporation will keep complete and adequate books and records in accordance with generally accepted accounting principles where there are no specific accounting guidelines set forth by Louisiana Rules and the Regulations of the Federal Savings and Loan Insurance Corporation.

III. Authorized Subsidiary Investments — Activities of a subsidiary corporation, performed directly or through one or more wholly

owned subsidiaries or joint ventures, shall consist of one or more of the following:

- A. Loan origination, purchasing, selling and servicing.
 - B. Acquisition of unimproved real estate lots and other unimproved real estate for the purpose of prompt development and subdividing.
 - C. Development and subdivision of and construction of improvements, including improvements to be used for commercial or community purposes when incidental to a housing project, for sale or for rental on, real estate referred to in subdivision B of this subparagraph.
 - D. Acquisition of improved residential real estate and mobile home lots to be held for sale or rental.
 - E. Acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental.
 - F. Maintenance and management of rental real estate referred to in subdivision C, D and E of this subparagraph.
 - G. Serving as insurance broker or agent primarily dealing in policies for the association, their borrowers and accountholders, which provide protection such as homeowners, fire, theft, automobile, life, health, accident and title.
 - H. Serving as a title insurance company if insurance laws, rules and regulations are complied with.
 - I. Preparation of State and Federal tax returns for associations' accountholders and/or borrowers.
 - J. Acquisition, maintenance and management of real estate to be used for association offices and related facilities.
 - K. Invest in obligations of, or guaranteed as to principal and interest by the United States or this State and in bonds, notes, or other evidences of indebtedness which are a general obligation of any city, town, village county, school district or other municipal corporation or political subdivision of this State.
 - L. Other activities which may be approved by the Commissioner.
 - M. The subsidiary shall not without prior approval invest in the stock of any savings and loan association.
 - N. A subsidiary shall not receive payments on new or established savings accounts or pay out withdrawals of monies from savings accounts, nor shall it perform any duties for the association other than those specifically authorized herein.
 - O. Make consumer loans as outlined in R. S. 9:3510, et seq.
- IV. Operations.
- A. Each subsidiary corporation main office, branch, agency or any other type facility of the subsidiary corporation shall require prior written approval of the Commissioner based on his findings of the facts as presented.
 - B. A verified copy of all contracts, instruments, joint ventures and partnerships agreements and financing arrangements of the subsidiary investments shall be furnished to the Commissioner within thirty days from date of approval.
 - C. The subsidiary agrees to furnish, at the expense of the subsidiary or association, an independent appraiser's report or other expert opinion as determined to be necessary by the Commissioner for the purpose of establishing the value of any investments made by the subsidiary corporation.
 - D. Each subsidiary shall maintain bond coverage with an acceptable bonding company in an amount to adequately cover each director, officer, employee and agent who has access to cash or securities of the corporation. Such bond amount shall be in an amount equivalent to one percent of total assets but in no event shall be less than \$25,000.00 nor more than \$2,000,000.00. In lieu of a separate surety bond for the subsidiary, the association may obtain an Extension Rider to the Surety Bond coverage of the parent association.
 - E. All joint ventures and partnership agreements shall be reviewed by the attorney for the subsidiary, who shall render his opinion to the Commissioner stating the obligation and responsibility of the subsidiary, as well as the parent association.

F. All directors of the association and subsidiary shall furnish affidavits fully disclosing any direct or indirect interest they may have in each investment made by the subsidiary.

G. Each request for approval of an investment by a subsidiary shall include a projected cash flow statement and a projected profit and loss statement setting forth funding requirements of the parent association and/or others.

H. An association's wholly owned subsidiary may operate a loan production office within a one hundred mile radius of the main office, subject to the approval of the Commissioner.

I. An association may invest in the partial ownership of a service corporation which originates loans and performs other service functions, not only for the investing association, but for other investors as well; also employs and pays its own personnel, and uses its own selected name then, this type service organization could operate statewide, if approved by the Commissioner.

V. Investment and Debt Limitation.

A. Investments in subsidiary corporations shall include investment in its capital stock, obligations, both secured and unsecured, or other securities of the service corporation, and shall not, in the aggregate, exceed three percent of the association's total assets without prior approval. The Commissioner may grant approval to exceed the three percent limitation if the association is in compliance with the net worth index requirement of the Federal Savings and Loan Insurance Corporation regulations.

B. The subsidiary corporation engaged solely in the activities specified in paragraph III A above may incur debt in a ratio of 10:1 of the subsidiary's consolidated net worth.

C. Subsidiary corporations engaged in activities other than that authorized in paragraph III A above shall not incur debt in the aggregate in excess of the parent association's net worth less the aggregate investment in all subsidiary capital stock, obligations, both secured and unsecured, and other securities of the subsidiary corporation.

Interested persons may submit written comments on the proposed rule until 4:30 p.m., September 4, 1980, at the following address: Mr. Hunter O. Wagner, Jr., Commissioner, Office of Financial Institutions, Box 44095, Baton Rouge, Louisiana 70804. Mr. Wagner is the person responsible for responding to inquiries concerning the proposed rule.

Hunter O. Wagner, Jr.
Commissioner of Financial Institutions

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to consider the adoption of a new rule, Super Six, and amendments of existing rules of racing, in particular Rules LAC 11-6:25.32 and LAC 11-6:32.1 and also to delete Rule LAC 11-6:33.6.

The office of the Commission will be open from 9:00 a.m. to 4:00 p.m., and interested persons may call Ms. Rosalie Robinson during this time, holidays and weekends excluded. All interested persons may submit written comments relative to these rules through midnight of September 4, 1980, to the Louisiana State Racing Commission, Suite 1020, One Shell Square, 701 Poydras Street, New Orleans, Louisiana 70139, or by telephoning the Commission Office at (504) 568-5870.

Albert M. Stall, Chairman
Racing Commission

NOTICE OF INTENT
Department of Commerce
Racing Commission

The Louisiana State Racing Commission does hereby give notice in accordance with law that it intends to consider the adoption of a new rule and/or amendment of the existing rules of racing

and, in particular, Rule LAC 11-6:53.11 and LAC 11-6:54 to prohibit the administration, use, application and/or possession of any narcotic, stimulant, depressant, local anesthetic, analgesic, and/or drugs of any description with the exception of bleeder medication as approved by these rules.

This prohibition includes by way of illustration and without limitation any substance which could produce analgesia in, stimulate or depress a horse, or could have masked or screened any substance prohibited hereby.

This prohibition includes any substance which would affect the speed or performance of a horse in any race.

The office of the Commission will be open from 9:00 a.m. to 4:00 p.m., and interested persons may call Ms. Rosalie Robinson during this time, holidays and weekends excluded. All interested persons may submit written comments relative to these rules through midnight of September 4, 1980, to the Louisiana State Racing Commission, Suite 1020, One Shell Square, 701 Poydras Street, New Orleans, Louisiana 70139, or by telephoning the Commission Office at (504) 568-5870.

Albert M. Stall, Chairman
Racing Commission

NOTICE OF INTENT

Board of Elementary and Secondary Education

The State Board of Elementary and Secondary Education intends to adopt the following as policy at its September meeting.

1. Policy statements for BESE Special Schools and Special School District #1 Programs.
2. Guidelines for Tuition Exemption Continuing Education Program for Teachers.
3. Rules and Regulations for removal from office of regional directors, directors, and assistant directors in vocational-technical schools.
4. Policy regarding non-resident students at vocational-technical schools.

Interested persons may comment on the proposed policy changes and/or additions, in writing, until 4:30 p.m., September 10, 1980, at the following address: Board of Elementary and Secondary Education, Box 44064, Baton Rouge, Louisiana 70804.

James V. Soileau
Executive Director

NOTICE OF INTENT

Board of Regents

In accordance with the applicable provisions of the Administrative Procedures Act, R.S. 49:951, et seq., notice is hereby given that the Louisiana Board of Regents intends to adopt the *State Appropriation Formula, Revised: 1981*, at its regular meeting of September 25, 1980. The proposed revised *Formula* will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m., on any working day after August 20, 1980, at the office of the Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana.

Interested persons may submit their views and opinions up to fifteen days following publication of this Notice of Intent to Mr. Bill Silvia, Assistant Commissioner for Finance, Louisiana Board of Regents, Suite 1530, One American Place, Baton Rouge, Louisiana 70825.

William Arceneaux
Commissioner of Higher Education

NOTICE OF INTENT

Commission on Law Enforcement And Administration of Criminal Justice

In accordance with the Louisiana Revised Statutes 49:951-968, et seq., notice is hereby given that on September 24, 1980, in the

Continental Room of the Bellemont Motor Hotel, at 1:00 p.m., the Louisiana Commission on Law Enforcement and Administration of Criminal Justice intends to promulgate jail standards which are to provide a reasonable guideline for use by persons responsible for the planning, administration and construction of parish jails in Louisiana. These standards are intended to reflect the minimum requirements which comply with court orders and protect the guaranteed rights of inmates in custody.

The proposed jail standards will be available for public inspection between the hours of 8:00 a.m. and 4:30 p.m. on any working day after August 21, 1980, at the offices of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, Room 615, 1885 Wooddale Boulevard, Baton Rouge, Louisiana. Written comments on the proposed standards will be received by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice at the above address within fifteen calendar days after publication of this Notice of Intent. If any group or organization of at least twenty-five members wishes to submit oral arguments, the Louisiana Commission on Law Enforcement will arrange for a public hearing.

Elmer B. Litchfield, Executive Director
Louisiana Commission on Law Enforcement
and Administration of Criminal Justice

NOTICE OF INTENT

Department of Health and Human Resources Board of Examiners for Speech Pathology and Audiology

The Louisiana Board of Examiners for Speech Pathology and Audiology will hold an open meeting on September 4, 1980, in the Haifa Room of the International Hotel, 300 Canal Street, New Orleans, Louisiana, at 7:00 p.m., to review the Procedures for Disciplinary Action for Speech Pathologists and Audiologists. Interested persons may submit written comments to Pamela L. Handy, Chairman, Box 44427, Baton Rouge, Louisiana 70804, until September 4, 1980.

Pamela L. Handy
Chairman

NOTICE OF INTENT

Board of Examiners of Psychologists

The State Board of Examiners of Psychologists intends to adopt Rules and Regulations defining Internship Programs.

Interested persons may comment on the proposed policy change, in writing, until 4:30 p.m., September 10, 1980, at the following address: State Board of Examiners of Psychologists, Box 14782, Baton Rouge, Louisiana 70898.

Wayne A. Greenleaf, Ph.D.
Chairman

NOTICE OF INTENT

Department of Health & Human Resources State Board of Nursing

The Louisiana State Board of Nursing hereby gives notice that the Board intends to adopt at the meeting, September 4-5, 1980, Proposed Rules and Regulations for implementation of the Nurse Practice Act, for disciplinary proceedings, for registration and licensure, for duties of the Board directly related to nursing practice, and definition of terms applying to nursing practice.

Public notification made herein indicates no final approval. The public is made aware of the proposed changes in compliance with R. S. 49:951-966.

Written comments may be addressed to Merlyn M. Maillian, R. N., Executive Director, Louisiana State Board of Nursing, 907

Pere Marquette Building, 150 Baronne Street, New Orleans, Louisiana 70112 until 4:30 p. m., September 4, 1980.

The meeting on September 5, 1980 will convene at 8 a. m. at the Downtown Howard Johnsons, 330 Loyola Avenue, New Orleans, Louisiana. The above item has been placed on the agenda for 9 a. m., September 5, 1980. Oral comments on these proposed rules and regulations will be welcomed.

Proposed Rules and Regulations of the Board of Nursing

R. N. 1.05 Implementation of the Nurse Practice Act -- The Louisiana Nurse Practice Act, R. S. 37:911 et seq., provides that, in order to safeguard life and health, any person practicing or offering to practice as a registered nurse in this state shall submit evidence that (s)he is qualified to do so and shall be licensed to practice as a registered nurse. The Act creates a Board of Nursing with regulatory authority, dictates the Board's composition and qualifications, methods of appointment and term of office of the Board members. The duties of the Board are specified in the Act, and these duties provide for the implementation of the Nurse Practice Act.

R. N. 1.051 Officers of the Board -- The officers of the Board shall consist of a President and a Secretary-treasurer.

1. The officers of the Board shall be elected annually at the last regular meeting of the year. The candidate receiving the largest number of votes shall be declared elected and shall assume office when the New Business is begun at that meeting.

2. A vacancy occurring in an office shall be filled by election to complete the unexpired term of the respective officer.

3. The duties of the officers shall be as follows:

(a) The president shall preside at all meetings of the Board. (s)he shall appoint all standing and special committees not otherwise provided for, and perform all other duties pertaining to this office.

(b) The Secretary-treasurer shall prepare the annual budget, review financial records periodically and present a report at each regular meeting of the Board.

(c) Both the President and the Secretary-treasurer shall sign the registration certificate for each new licensee in Louisiana.

R. N. 1.052 Official Office of the Board -- The domicile of the Board is Baton Rouge, Louisiana. The office for administration of Board work shall be established in the City of New Orleans.

1. An Executive Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board.

2. An Associate Director, who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board. (S)he is administratively responsible to the Executive Director.

3. A Nursing Practice Consultant(s), who shall be a registered nurse, shall be appointed by the Board to carry on the work defined by the Board. (S)he is responsible to the Executive Director.

4. A clerical staff shall be maintained to carry on the office work.

R. N. 1.053 Meetings of the Board — Regular business meetings shall be held at the office of the Board or at a place designated by the Board.

1. A minimum of four regular meetings shall be held each year. The annual meeting shall be held in the fall.

2. Special meetings shall be called by the Executive Director, or a designee, at the request of the President, or upon the request of three members of the Board.

3. Four members, including one officer, shall constitute a quorum of the Board for the purpose of conducting business.

4. Any person wishing to have a special topic added to the agenda for a Board meeting shall notify the Executive Director, or a designee, at least fifteen days prior to the meeting. Items of an emergency nature may be considered at any meeting without prior notice.

5. The Executive Director, or a designee, shall keep a record of

all meetings and such records shall be retained as permanent records of the transactions of the Board.

6. Meetings of the Board for the conduct of regular business and for the formation of policy shall be open to the public.

R. N. 1.054 Powers and Duties of the Board — R. S. 37:918 provides that the Board shall:

1. Establish and publish minimum curriculum requirements and standards for persons seeking to be licensed under this Part.

2. Approve schools which meet the licensing requirements of the board.

3. Provide for hearings for nurse educational programs when approval is denied or withdrawn.

4. Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession.

5. Examine, license, and renew licenses of duly qualified applicants.

6. Conduct hearings upon charges calling for discipline of a licensee.

7. Cause the prosecution of all persons violating any provision of this Part and have the power to incur necessary expenses therefor.

8. Keep a record of all board proceedings.

9. Publish an annual report for distribution to the governor and the legislature.

10. Publish an annual roster, and distribute same for professional purposes.

11. Adopt, and revise rules and regulations necessary to enable the board to carry into effect the provisions of this Part.

12. Employ an executive director who holds a current Louisiana license to practice nursing as defined in this Act and other persons necessary to carry on the work of the board, define their duties, and fix their compensation.

13. Appoint an attorney at law to represent it in all matters pertaining to the administration of the provisions of this Part, fix his compensation, and define his duties.

14. Have all other powers necessary and proper to the performance of their duties.

R. N. 1.055 Adoption of Rules and Regulations — R. S. 37:918 provides that the Board shall adopt and revise rules and regulations necessary to enable the Board to carry into effect the provisions of this Part. In promulgating rules, the Board is exercising powers that have been delegated by the Louisiana Legislature.

1. Definition of Rules and Regulations: Statements, guides or requirements of conduct or action that are of general applicability. Rules and Regulations of the Board of Nursing implement or interpret the Nurse Practice Act or describe the organization, Procedure or practice of the Board.

2. All Rules and Regulations of the Board shall be adopted, revised or repealed in accordance with the Administrative Procedures Act, R. S. 49:953.

(a) Except in emergency situations, the Board shall give at least fifteen days notice of its intent to adopt, revise or repeal Rules and Regulations. The notice shall contain at least the following information:

1) A concise statement of the substance of the proposed Rule and the major issues it involves.

2) The name of the person with the office of the Board who has the responsibility for responding to inquiries about the proposed Rules and Regulations.

3) A request for comments and an explanation of how comments may be submitted, whether in writing or at a hearing, the time when comments may be submitted, and where comments can be submitted.

The notice shall be published in the *Louisiana Register*.

(b) The official text of the Rules and Regulations shall be submitted for publication in the *Louisiana Register* as soon as possible after adoption by the Board. The Rules and Regulations become effective on the date of their publication, unless

otherwise specified.

(c) Any interested person may petition the Board, requesting the promulgation, revision or repeal of Rules and Regulations which would affect that person. The petition shall:

- 1) Be submitted in writing.
- 2) State the name and address of the petitioner.
- 3) Include an exact statement of the changes sought and the effect of the proposed change on existing practice.
- 4) Include data, opinions or arguments in support of request.

The Board shall act on the petition within ninety days after receiving said petition. The Board shall either deny the petition, stating reasons therefor, or shall initiate rulemaking proceedings in accordance with its procedure for same.

R. N. 1.056 Declaratory Statements of the Board — The Board may issue a declaratory statement in response to a request for clarification of the effect of Rules and Regulations or of R. S. 37:911 et seq.

(1) A request for a declaratory statement is made in the form of a petition to the Board. The petition shall include at least:

- (a) The name and address of the petitioner.
- (b) Specific reference to the Statute or Rules and Regulations to which the petition relates.
- (c) A concise statement of the manner in which the petitioner is aggrieved by the Rule or Statute or by its potential application to her/him, or in which (s)he is uncertain of its effects.
- (d) A statement of whether an oral hearing is desired.

2. Said petition shall be considered by the Board at its next regularly scheduled meeting provided that the petition has been filed at least fifteen days prior to said meeting.

3. The declaratory statement of the Board on said petition shall be in writing and mailed to petitioner at the last address furnished to the Board.

R. N. 1.06 Disciplinary Proceedings before the Board — The Board of Nursing has the responsibility to consider and determine the action necessary upon all charges of conduct which fail to conform to R. S. 37:911 et seq. or to the Rules and Regulations promulgated to carry out the provisions of this Part.

R. N. 1.061 Proceedings Against a Registered Nurse — The Board may deny, revoke, or suspend any license to practice as a registered nurse or otherwise discipline a licensee in accordance with R. S. 37:921-923.

Every licensee subjected to disciplinary proceedings shall be afforded an opportunity for a hearing before the Board or its duly appointed hearing officer or committee.

A complaint that a licensee has engaged in, or is engaging in, any conduct proscribed by R. S. 37:921, may be made by any person. Such complaints shall be in writing, shall be signed, and the Board may require that the complaints be sworn to.

1. Grounds for disciplinary proceedings against a registered nurse are specified in R. S. 37:921:

- (a) Is guilty of selling or attempting to sell, falsely obtaining, or furnishing any nursing diploma or license to practice as a registered nurse.
- (b) Is guilty of a felony.
- (c) Is unfit or incompetent by reason of negligence, habit or other causes.
- (d) Is habitually intemperate or is addicted to the use of alcohol or habit-forming drugs.
- (e) Is guilty of aiding or abetting anyone in the violation of any provisions of this Part.
- (f) Is mentally incompetent.
- (g) Or has violated any provisions of this Part.

2. Definition of Terms — The Board in the exercise of its disciplinary authority has adopted the following meaning for the following terms.

- (a) Deny means to refuse for cause.
- (b) Revoke means to annul or make void by calling back.
- (c) Suspend means to hold in abeyance for a definite or an indefinite period of time.

(d) Felony means a crime of a serious nature usually punishable by imprisonment for a period of longer than one year or by death.

(e) Unfit or incompetent means unsuitable.

(f) Negligence means behavior which fails to conform to the legal regulations for nursing practice or to the accepted standards of the nursing profession and which could jeopardize the health and welfare of the person(s) served. Said behavior includes, but is not limited to the following:

1) Failure to practice nursing in accordance with the Legal Standards of Nursing Practice as adopted by the Board.

2) Failure to utilize appropriate judgment in administering nursing practice.

3) Failure to exercise technical competence in carrying out nursing care.

4) Failure to safeguard the individual's dignity and right to privacy.

5) Violating the confidentiality of information or knowledge concerning the patient.

6) Performing procedures beyond the authorized scope of nursing or any specialty thereof.

7) Performing duties and assuming responsibilities within the scope of the definitions of nursing practice when competency has not been achieved or maintained in the particular specialty.

8) Mishandling drugs, medical supplies, or patient's records.

9) Misappropriating personal items of an individual or the agency.

10) Falsifying records.

11) Intentionally committing any act that adversely affects the physical or psychosocial welfare of the patient.

12) Delegating nursing care, functions, tasks or responsibilities to others contrary to regulations or to the detriment of patient safety.

13) Leaving a nursing assignment without properly notifying appropriate personnel.

14) Failing to report, through the proper channels, facts known regarding the incompetent, unethical, or illegal practice of any health care provider.

15) Willfully harassing, abusing, or intimidating a patient, either physically or verbally.

16) Failing to complete forms or reports required for the reimbursement of a patient by a third party.

17) Deceiving the public by wearing false identification objects or dress.

(g) Habit means an involuntary mode of negligent behavior which a registered nurse acquires over a period of time.

(h) Other causes includes, but is not limited to, either physical impairment or mental impairment which interferes with the judgment, skills or abilities required for the practice of nursing as defined in R. S. 37:913, (3).

(i) Habitually intemperate or addicted includes, but is not limited to, the abuse of narcotics, hallucinogenics, stimulants, depressants, intoxicants, or other controlled drugs which could result in behavior that interferes with the practice of nursing and the responsibilities of the licensee.

(j) Aiding and abetting means to assist anyone by condoning, or to apply positive or negative force to assist anyone in violating the Nurse Practice Act or the Rules and Regulations of the Board.

(k) Mentally incompetent means a court judgment of legal insanity or incompetence or a medical diagnosis indicating insanity or incompetence.

3. The Disciplinary Process and Procedures — A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

The purpose of a disciplinary proceeding is to determine contested issues of law and fact: whether the licensee did certain acts and, if

he did, whether those acts violated the Nurse Practice Act or Rules and Regulations of the Board of Nursing, and to determine the appropriate disciplinary action.

(a) **Informal Disposition of Complaints** — Some complaints may be settled informally by the Board and the licensee, without a formal hearing. The following types of informal dispositions may be utilized:

1) **Disposition by Correspondence** — For less serious complaints, the Executive Director, or a designee of the Board, may write to the licensee explaining the nature of the complaint received. The licensee's subsequent response may satisfactorily explain the situation, and the matter may be dropped. If the situation is not satisfactorily explained, it shall be brought before the Board for a formal hearing.

2) **Conference of Informal Hearing** — The Executive Director, or a designee, of the Board may hold a conference with the licensee, in lieu of, or in addition to, correspondence, in cases of less serious complaints. If the situation is satisfactorily explained in conference, a formal hearing is not scheduled.

The licensee shall be given adequate notice of the conference, of the issues to be discussed, and of the fact that information brought out at the conference may later be used in a formal hearing. Board members are not involved in informal hearings.

3) **Settlements** — An agreement worked out between the persons making the complaint and the licensee does not preclude disciplinary action by the Board of Nursing. The nature of the offense alleged and the evidence before the Board must be considered.

(b) **Consent Order** — An order involving some type of disciplinary action may be made by the Board with the consent of the licensee. A consent order requires formal consent of a quorum of the Board. It is not the result of the Board's deliberation; it is the Board's acceptance of an agreement reached between the Board and the licensee. The order is issued by the Board to carry out the parties' agreement.

(c) **Formal Hearing** — The Board of Nursing has the authority, granted by R. S. 37:922, to bring administrative proceedings to persons to whom it has issued a license to practice as a registered nurse. The Board and the licensee are the parties to the proceeding. The licensee has the right to appear and be heard, either in person or by counsel, the right to notice, a statement of what accusations have been made, the right to present evidence and to cross-examine, and the right to have witnesses subpoenaed.

If the licensee does not appear, in person or through counsel, after proper notice has been given, the licensee may be considered to have waived these rights and the Board may proceed with the hearing without the presence of the licensee.

The process of a disciplinary proceeding shall include certain steps and may include other steps as follows:

1) The Board of Nursing receives a complaint alleging that a licensee has acted in violation of the Nurse Practice Act. Communications from the complaining party shall be privileged and shall not be revealed to any person except when such documents are offered for evidence in a formal hearing and except those documents being subpoenaed by a Court.

2) The complaint is investigated by the Board's employees to determine if there is sufficient evidence to warrant disciplinary proceedings. No Board member may communicate with any party to a proceeding or his representative concerning any issue of fact or law involved in that proceeding, once notice of the proceeding has been served.

A decision to initiate formal complaint or charge is made if one or more of the following conditions exist:

- a) The complaint is sufficiently serious.
- b) The licensee fails to respond to the Board's correspondence concerning the complaint.
- c) The licensee's response to the Board's letter or investigative demand is not convincing that no action is necessary.

d) An informal approach is used, but fails to resolve all of the issues.

3) A sworn complaint is filed, charging the violation of one or more of the provisions of R. S. 37:921 and the specific violation thereof.

4) A time and place for a hearing is fixed by the Executive Director for a designee of the Board.

5) At least ten days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent by registered mail to the last known address of the person accused. If the mailing is not returned to the Board, it is assumed to have been received. It is the licensee's obligation to keep the Board informed of his whereabouts.

The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time up to ten days prior to the date set for the hearing.

If the Board is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, upon the licensee's request, the Board shall supply a more definite and detailed statement to the licensee.

6) Except for extreme emergencies, motions requesting a continuance of a hearing shall be filed at least five days prior to the time set for the hearing. The motion shall contain the reason for the request, which reason must have relevance for due process.

7) The Executive Director, or a designee of the Board, issues subpoenas for the Board for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. Subpoenas include:

a) A subpoena requiring a person to appear and give testimony.

b) And a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has control.

A motion to limit or quash a subpoena may be filed with the Board, but not less than seventy-two hours prior to the hearing.

8) The hearing is held, at which time the Board's primary role is to hear evidence and argument, and to reach a decision. Any Board member who, because of bias or interest, is unable to assure a fair hearing, shall be recused from that particular proceeding. The reasons for the recusal are made part of the record. Should the majority of the Board members be recused for a particular proceeding, the Governor shall be requested to appoint a sufficient number of pro tem members to obtain a quorum for the proceeding.

The Board is represented by its staff who conducted the investigation and presents evidence that disciplinary action should be taken against the licensee, and by the Board's attorney. The licensee may present evidence personally or through an attorney, and witnesses may testify in behalf of the licensee.

Evidence includes the following:

a) Oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is born by requesting party).

b) Documentary evidence, i. e., written or printed materials including public, business or institutional records, books and reports.

c) Visual, physical and illustrative evidence.

d) Admissions, which are written or oral statements of a party made either before or during the hearing.

e) Facts officially noted into the record, usually readily determined facts making proof of such unnecessary.

All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

9) The President of the Board presides and the customary order of proceedings at a hearing is as follows:

a) The person presenting evidence against the licensee

makes an opening statement of what (s)he intends to prove, and what action, (s)he wants the Board to take.

b) The licensee, or her/his attorney, makes an opening statement, explaining why (s)he believes that the charges against her/him are not legally founded.

c) The person representing the Board presents the case against the licensee.

d) The licensee, or her/his attorney, cross-examines.

e) The licensee presents evidence.

f) The person who presented evidence against the licensee cross-examines.

g) The person presenting evidence against the licensee rebuts the latter's evidence.

h) The licensee rebuts the evidence against her/him.

i) Both parties make closing statements. The attorney for the Board makes the final statement.

10) Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time, according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the transcript of the proceeding.

11) The records of the hearing shall include:

a) All papers filed and served in the proceeding.

b) All documents and other materials accepted as evidence at the hearing.

c) Statements of matters officially noticed.

d) Notices required by the statutes or rules, including notice of the hearing.

e) Affidavits of service or receipts for mailing of process or other evidence of service.

f) Stipulations, settlement agreements or consent orders, if any.

g) Records of matters agreed upon at a prehearing conference.

h) Reports filed by the hearing officer.

i) Orders of the Board and its final decision.

j) Actions taken subsequent to the decision, including request for reconsideration and rehearing.

k) A transcript of the proceedings, if one has been made, or a tape recording or stenographic record.

The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests, and the requesting party pays for the cost of the transcript.

12) The decision of the Board shall be reached according to the following process:

a) Determine the facts in the issue on the basis of the evidence submitted at the hearing.

b) Determine whether the facts in the case support the charges brought against the licensee.

c) Determine whether charges brought are a violation of the Nurse Practice Act or Rules and Regulations of the Board of Nursing.

The vote of the Board shall be recorded. Minority views may be made part of the record.

Sanctions against the licensee who is party to the proceeding are based upon the findings of fact and conclusions of law determined by the hearing. The party is notified by mail of the decision of the Board.

13) The Board may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the Board files a petition requesting that the decision be reconsidered by the Board.

The Board shall reconsider a matter when ordered to do so by

a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the Board's decision has been appealed.

A petition by a party for reconsideration or rehearing must be in proper form and filed within ten days after notification of the Board's decision. The petition shall set forth the grounds for the rehearing, which include one or more of the following:

a) The Board's decision is clearly contrary to the law and the evidence.

b) There is newly discovered evidence, which was not available to the licensee at the time of the hearing and which may be sufficient to reverse the Board's action.

c) There is a showing that issues not previously considered ought to be examined in order to dispose of the case properly.

d) It would be in the public interest to further consider the issues and the evidence.

(d) Emergency Action — If the Board finds that public health, safety, and welfare requires emergency action and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action. Such proceedings shall be promptly instituted and determined.

(e) Disciplinary Proceedings in State of Original Licensure — When a licensee whose license has been granted on the basis of interstate endorsement has her/his license for the state of original licensure revoked, suspended, denied or sanctioned in other ways for disciplinary reasons (other than non-payment of fees) that licensee shall be notified that her/his Louisiana license is automatically suspended until such time as the license for the state of original licensure has been reinstated.

4. Appeal from Board Decision — Any person whose license has been revoked, suspended or denied by the Board shall have the right to have the proceedings of the Board reviewed by the court having jurisdiction over the Board, provided that such appeal is made within thirty days after the notice of the decision of the Board. If an appeal is granted, the decision of the Board is not final and, therefore, is not implemented until a decision is reached in the judicial review. The Board's decision is enforceable in the interim unless the court orders a stay.

5. Reinstatement of License — Application for reinstatement of a revoked license must be made in accordance with the requirements of initial licensure in Louisiana.

The application for reinstatement of a suspended license does not require satisfaction of the requirements for initial licensure.

Prior to reinstatement of a license previously revoked or suspended (except for non-payment of fees), a hearing is held before the Board to afford the applicant with the opportunity to present evidence that the cause for the revocation or suspension no longer exists and to provide an opportunity for the Board to evaluate changes in the person or conditions.

R. N. 1.062 Proceedings Against a Nursing Education Program — See R. N. 2.01 (3), 2.05 (3), 2.06, 2.078 (2) (g).

R. N. 1.07 Registration and Licensure — Registration in Louisiana is mandatory for practicing as a registered nurse.

Registration and licensure as a registered nurse shall be issued only to an applicant who qualifies by examination or endorsement in accordance with R. S. 37:920. All applicants shall meet the same standards.

The Board shall issue a certificate of registration, carrying a permanent registration number, designating the date of issuance, the authorization to practice as a registered nurse in Louisiana and signed by the President and the Secretary-treasurer of the Board, to all applicants who qualify for initial licensure.

The Executive Director, or a designee of the Board, shall record the registration in the permanent records of the Board and shall issue a license to practice, valid from the date of issuance until December 31 of that year.

R. N. 1.071 Licensure by Examination.

1. The State Board Test Pool Examination (SBTPE) is the examination for licensure as a registered nurse.

(a) The licensing examination shall be administered by the Board of Nursing in accordance with the contract between the Board and the National Council of State Boards of Nursing, Inc.

(b) This examination shall be administered twice a year on national testing dates which are determined by the National Council of State Boards of Nursing, Inc. The dates shall be published at least six months in advance.

(c) Each examination shall be given under the direction of the Executive Director of the Board or another designee of the Board.

(d) Individual results from the examination shall be released to individual candidates and to the director of their nursing education program. Aggregate results are published for statistical purposes.

(e) Pending adoption of the new SBTPE, the passing standard score shall be 350 in each of the five tests that make up the SBTPE. Following adoption of the new SBTPE, the passing standard score shall be determined by the Board.

(f) Pending adoption of the new SBTPE, all tests of the examination must be passed within a twenty-five month period. If, after twenty-five months, all tests have not been successfully completed, the candidate must repeat the entire examination.

2. Requirements for eligibility to take the State Board Test Pool Examination in Louisiana include:

(a) Graduation from a school of nursing approved by the Board of Nursing in the State in which the school is located.

(b) Recommendation by the director of the school of nursing.

(c) Completion of the application form at least thirty days prior to the date set for the examination.

(d) Remittance of the required fee.

(e) Freedom from restrictions by the Board of Nursing of any other state.

(f) Graduates of foreign nursing schools (except Canadian schools) must produce evidence of successful completion of the Commission on Graduates of Foreign Nursing Schools Examination.

3. Proctoring Examinations.

(a) Candidates for Louisiana licensure may write the State Board Test Pool Examination in another jurisdiction of the United States, providing arrangements are made through the Louisiana State Board of Nursing prior to the examination date and providing the Board of Nursing in that jurisdiction consents to proctor the examination. The candidate shall bear the cost charged by the proctoring board.

(b) The Louisiana State Board of Nursing will proctor examinations upon request by other state boards of nursing. Such requests shall be accompanied by the necessary forms for identification and examination required by that board. Proctoring services will be provided only at the regularly scheduled examination sessions. The proctoring fee shall be paid by the candidate and must be received by the Louisiana State Board of Nursing at least one month before the examination date.

R. N. 1.072 Licensure by Endorsement — The Board of Nursing may issue a license to practice nursing as a registered nurse in Louisiana without examination to persons who meet the requirements of R. S. 37:920, B.

1. Requirements of the applicant for licensure by endorsement include:

(a) Must be duly licensed under the laws of another state, territory, or country.

(b) Must have completed a nursing education program approved by the Board of Nursing, and following completion of said program.

(c) Must have successfully completed a licensing examination which is comparable to that required for licensure by examination in Louisiana at the time of applicant's graduation.

(d) Must submit the required fee.

(e) And must complete the required application for endorsement, including the obtainment of required documents, within one year. School records submitted by the applicant or a third party will not be accepted.

2. The Executive Director, or a designee of the Board of Nursing, is authorized to endorse an applicant provided that:

(a) All of the above requirements are unquestionably met.

(b) The applicant is not under restriction of any form by the Board of Nursing in any state where the applicant holds a license to practice nursing.

(c) There is no civil or criminal charge pending against the applicant.

(d) There is no allegation of cause for denial of licensure according to R. S. 37:921.

3. Applicants who fail to meet the requirements under (1) above will be denied endorsement. Applicants who meet same requirements but who, for reasons listed under 2, (b), (c) or (d) above, will be considered individually by the Board of Nursing at a regular meeting. Due process will be afforded the applicant in all cases.

R. N. 1.073 Temporary Permits — In accordance with R.S. 37:920, the Board of Nursing may issue the following temporary permits to practice as a registered nurse:

1. A working permit may be issued to graduates of approved schools pending the results of the first licensing examination scheduled by the Board following graduation.

(a) The terminology R. N. Applicant identifies those individuals who have been issued a temporary working permit. R. N. Applicant may be abbreviated as R. N. App. after signatures on records. The full spelling is required on identification pins.

(b) The temporary work permit is limited as follows:

The R. N. Applicant shall practice only in nursing situations where direct R. N. supervision is available.

The R. N. Applicant shall serve in a staff nurse position.

The R. N. Applicant shall assume only those responsibilities and functions commonly included in the staff nurse position.

(c) The working permit issued to the R. N. Applicant expires upon the R. N. Applicant's receipt of the results of the first examination after graduation.

2. A ninety-day permit to practice as a registered nurse may be issued to any nurse currently registered in another state, territory, or country, pending receipt of endorsement credentials providing that said nurse has filed a complete application for licensure by endorsement and provided that:

(a) The person provides verification of current licensure.

(b) The person resides in Louisiana and plans to work in Louisiana.

(c) There be no record of conviction or pending charge of felonious crime. If information relative to conviction of a felonious crime, or an investigation of same, is received during the ninety-day permit interval, the permit will be recalled and the person's file will be presented to the Board.

3. Graduate of foreign nursing schools, except for certain Canadian schools, are not eligible for work permits.

R. N. 1.074 Renewal of License.

1. Every person holding a license to practice as a registered nurse, and intending to practice during the ensuing year, shall renew their license annually. It shall be the duty of the registrant to notify the Board of changes in conditions as follows:

(a) Change of address — Notify the office of the Board prior to September 1 if a change of address has occurred since the last renewal time. If a change of address occurs after September 1, and before the renewal application is received, notify the Board immediately.

(b) Change of name — If a registered nurse/candidate for registration should change her name through marriage, divorce, religious order, or for any other reason, a request for a change of

name should be sent to the office of the Board. A copy of the marriage certificate, divorce document, or affidavit confirming change of name, is required to execute a name change on Board records.

2. Requirements for renewal of license include:

(a) Completion of application form, including statistical information.

(b) Payment of fee.

(c) Evidence of meeting other requirements for special categories of nursing practice, such as requirements for Advanced Practitioners of Nursing.

(d) No pending criminal charge.

3. A lapsed license may be reinstated by submitting a completed application, paying the required fee, and meeting all other relevant requirements, provided that no criminal charge is under adjudication.

R. N. 1.075 Change of Status.

1. A registrant who is no longer practicing as a registered nurse, may, by submitting a written notice to the Board, be granted nonpracticing status. No annual renewal nor fee is required of a person in nonpracticing status.

2. A person who holds nonpracticing status may resume practicing status by submitting a completed application form, paying the required fee and meeting all other requirements for licensure renewal.

R. N. 1.076 Verification of Licensure.

1. Registered nurses shall show their license upon the request to do so by their employer or by a consumer of their practice.

2. If there is any suspicion relative to the validity of a license, the office of the Board may be called to verify current licensure. Only the correct spelling of the name of the person in question is necessary. The only information given by telephone by the office of the Board is whether or not the person in question holds a current license to practice as a registered nurse.

3. Before employing a person as a registered nurse, current licensure should be verified by inspection of the document or by calling the office of the Board. Failure to do so may result in aiding and abetting an unlicensed person to practice nursing in violation of the law.

4. Annually, immediately after December 31, current licensure of registered nurses should be verified by directors of nursing or supervisors. Visual inspection of the license form is necessary to ascertain that the year is current. Documentation of this inspection should be maintained.

5. Licenses should not be photocopied. In extreme cases where a photocopy is necessary, the copy should be defaced by printing "COPY" in red ink across the copy of the seal of the Board.

6. Recordation of license number is discouraged. The number in itself does not verify current licensure, only initial registration.

7. Lost or stolen licenses should be immediately reported to the office of the Board. Names of persons whose licenses have been lost or stolen are reported in *The Examiner*. For the remainder of the current calendar year, the valid license for the persons so listed will have the word "Duplicate" on it.

R. N. 3.01 Duties of the Board Directly Related to Nursing Practice as cited in R. S. 37:918 — The Board shall:

1. Establish and publish standards of nursing practice in accordance with those developed and accepted by the profession.

2. Adopt, and revise rules and regulations necessary to enable the board to carry into effect the provisions of this Part.

3. Have all other powers necessary and proper to the performance of their duties.

R. N. 3.02 Definition of Terms Applying to Nursing Practice.

1. Terms Applying to Legal Definition of Nursing Practice, R. S. 37:913, (3).

(a) Specialized knowledge and skills required for the practice of nursing means the current theory and practice taught in basic nursing education programs as well as information in the biological, physical and behavioral sciences.

(b) Medical diagnosis means the conclusion reached in identification of the patient's disease, especially the art of distinguishing among several possibilities with the intent of prescribing relevant treatment.

(c) Medical prescriptions mean medical interventions. These include all medications and medical treatments.

(d) Assessing human responses means gathering information relative to physiologic, behavioral, sociologic, spiritual and environmental impairments and strengths of an individual by means of the nursing history, physical examination, and observation, in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(e) Case finding means identifying human responses which indicate existing or potential unwellness.

(f) Health instruction means those nursing measures that provide health information and explanation.

(g) Health counseling means those nursing measures that assist an individual in analyzing his/her health status, formulating health goals and planning activities to reach these goals.

(h) Care supportive to or restorative of life and well-being means activities designed to resolve, diminish, or prevent the needs that are inferred from the individual's problem; includes the planning, implementation and evaluation of said activities in accordance with the Louisiana State Board of Nursing Legal Standards of Nursing Practice.

(i) Executing medical regimes as prescribed by a licensed physician or dentist means carrying out the medical orders of a physician or dentist licensed in Louisiana.

(j) Supervision and instructions of personnel associated with nursing functions means those activities which serve to fulfill the accountability of the registered nurse for the total care of the individual when tasks in the nursing care are delegated to other nursing personnel. These activities include:

1) Judging the priority of nursing needs of the individuals.

2) Determining actions required to meet the needs.

3) Assigning personnel, including self, qualified to implement the prescribed nursing care or components of that care.

4) Providing information needed by personnel for the implementation of the assigned nursing care and ascertaining the assimilation of same information.

5) Directing the nursing care and evaluating the outcomes of that care.

6) Determining and initiating changes in nursing care or in assignment of nursing personnel.

(k) Additional acts means activities beyond those taught in basic nursing education programs. Additional acts are authorized by the Board through rules and regulations or declaratory statements interpreting the legal definition of nursing (See also Advanced Practitioners of Nursing, Rules of Practice and Procedure, Declaratory Statements).

(l) Delegation of nursing functions means entrusting the performance of selected nursing tasks by the registered nurse to other competent nursing personnel in selected situations. The registered nurse retains the accountability for the total nursing care of the individual.

1) The registered nurse may delegate to licensed practical nurses the major part of the nursing care needed by individuals in stable nursing situations, i. e., when the following three conditions prevail at the same time in a given situation.

a) Change in the patient's clinical conditions is highly predictable, and when expected will probably occur in a matter of days or either not suddenly.

b) Nursing care ordered and directed by RN/MD requires abilities based on a relatively fixed and limited body of scientific fact and can be performed by following a defined nursing procedure with minimal alteration, and responses of the individual to the nursing care are predictable.

c) Medical and nursing orders are not subject to continuous change or complex modification.

In complex (unstable) situations, the registered nurse may utilize the expertise of the licensed practical nurse as an assistant, delegating selected non-complex tasks.

2) Contingent upon the registered nurse's evaluation of each patient's condition and also upon the registered nurse's evaluation of the competency of each unlicensed personnel, registered nurses may delegate the following tasks to unlicensed personnel:

- a) Answering patients' signals, providing necessary assistance in conformance with delegated tasks, and notifying the appropriate nurse when the situation so indicates.
 - b) Assisting with the admission, transfer and discharge of patients.
 - c) Assisting with the dressing and undressing of patients.
 - d) Assisting with the patients' baths.
 - e) Assisting with the measuring of fluid intake and output of patients and the recording of same on appropriate forms.
 - f) Assisting with the collection of urine, stool and sputum specimens.
 - g) Assisting with the feeding of patients.
 - h) Assisting with the weighing of patients.
 - i) Assisting with the making of patients' beds.
 - j) Assisting with the application and removal of such protective devices as siderails, footboards and bed cradles.
- 3) Any delegated task should meet the following criteria:
- a) The person has been adequately trained for the task.
 - b) The person has demonstrated that the task has been learned.
 - c) The person can perform the task safely in the given nursing situation.
 - d) The patient's status is safe for the person to carry out the task.
 - e) Appropriate supervision is available during the task implementation.
 - f) The task is an established policy of the nursing practice setting and the policy is written, recorded and available to all.

(For Rules and Regulations relative to the delegation of specific nursing functions, See R. N. 3.05, Rules of Practice and Procedure)

2. Student nurse means a person who is engaged in learning experiences in a program of study leading to candidacy for licensure to practice as a registered nurse. The term applies only when the person is participating in an integral part of the program of study, and not when that person is engaged in an employment situation. (For Rules and Regulations relative to the employment of student nurses as unlicensed nursing personnel, See R. N. 3.05).

3. R. N. Applicant means a person who has completed the educational requirements and whose application to take the required examination for licensure as a registered nurse has been accepted by the Board. (For Rules and Regulations relative to an R. N. Applicant practicing under a working permit, See R. N. 1.073, Temporary Permits.)

Merlyn M. Maillian, R. N., Executive Director
Louisiana State Board of Nursing

NOTICE OF INTENT

Department of Health and Human Resources Board of Optometry Examiners

The Louisiana State Board of Optometry Examiners proposes to adopt the following rule, pursuant to the authority of R. S. 37:1048 (2). The Board will hold a meeting regarding this pro-

posed rule beginning at 1:30 p.m., October 16, 1980, at the Holiday Inn North in Lafayette, Louisiana.

Proposed Rule to be Adopted by the
Louisiana State Board of Optometry
Examiners, Pursuant to the Authority
of R. S. 37:1048(2)

A Rule

To administer the provisions of the Louisiana Optometry Act, R.S. 37:1041 et seq., in order to provide guidelines to all licensed optometrists and sellers of ophthalmic goods for advertising in conformity with R. S. 37:1041 et seq., including R. S. 37:1061 (1), (9), (11), (14), (15); R. S. 37:1063 (9), (10), (11); and R. S. 37:1065.

WHEREAS, the Louisiana State Board of Optometry Examiners desires to provide licensed optometrists, sellers of ophthalmic goods, and others subject to the provisions of R. S. 37:1041 et seq., and the authority of the Louisiana State Board of Optometry Examiners, with written guidelines for advertising; and,

WHEREAS, the Louisiana State Board of Optometry Examiners desires to ensure that the public will not be subjected to false and misleading advertising; and,

WHEREAS, a rule establishing a standard for advertising by optometrists and sellers of ophthalmic goods will greatly facilitate the proper delivery of optometric services and ophthalmic goods to the public.

NOW, THEREFORE, the Louisiana State Board of Optometry Examiners does hereby promulgate and publish the following rule, establishing the standard for advertising by optometrists, sellers of ophthalmic goods, and all others whose optometric services and ophthalmic goods are subject to the provisions of R. S. 37:1041 et seq., and the authority of the Louisiana State Board of Optometry Examiners.

Section 1 — An optometrist shall not, on behalf of himself, his partner, associate, or any other optometrist affiliated with him or his organization, prepare, or cause to be prepared, use or participate in the use of any form of public communication containing a false, fraudulent, misleading or deceptive statement or claim.

Section 2 — A false, fraudulent, misleading or deceptive statement or claim includes, but is not limited to, a statement or claim which:

- (a) Contains a misrepresentation of facts;
- (b) Is likely to deceive or mislead because its content and context makes only a partial disclosure of relevant and material facts;
- (c) Is likely to create false or misleading expectations or favorable results;
- (d) Conveys the impression that the optometrist or seller of ophthalmic goods is in a position to obtain results not available from optometrists, professionals or sellers of like standing and competency; and,
- (e) Contains other misrepresentations or implications that would probably cause an ordinary, prudent person to misunderstand or be deceived.

Section 3 — Advertising or other publicity by optometrists and sellers of ophthalmic goods, including participation in public functions, shall not contain puffing, self-laudation, claims as to quality of the optometrist's services and abilities, or ophthalmic goods, or claims that cannot be readily measured or verified.

A self-laudatory statement or claim includes, but is not limited to, a statement or claim which:

- (a) Contains any estimates, promise or prediction, of the result of any optometric service or ophthalmic goods, other than those results usually obtainable by a professional with like standards or by ophthalmic goods of similar quality and/or construction;
- (b) Contains any statistical data or other information based on past performances of the individual optometrist or ophthalmic goods;

(c) Contains a testimonial about or endorsement of an optometrist or the ophthalmic goods;

(d) Contains a statement of opinion as to the quality of the services of ophthalmic goods, or contains a representation or implication with regard to the quality of optometric services and ophthalmic goods; and

(e) Makes any comparative statement regarding any other optometrist or eye care professional.

Section 4 — Advertising, or other publicity by optometrists, including participation in public functions, shall not contain statements indicating a specialty, designation of areas of practice and limitation of practice, other than those usually attributed to optometrist or eye care professionals.

Section 5 — An optometrist or seller of ophthalmic goods shall not compensate, or give anything of value, to representatives of the press, radio, television, or other communications media in anticipation or in return for professional publicity in a news item; a paid advertisement must be advertised as such, unless it is apparent from the context that it is a paid advertisement.

Section 6 — Advertising, or other publicity by optometrists, shall not make any reference as to the reasonableness of the fees for services proposed, or make any reference to proposed fees, except to state a guaranteed maximum fee for a specified stated service.

Section 7 — An optometrist, or group of optometrists, or seller of ophthalmic goods shall not use professional cards, professional announcement cards, office signs, letterheads, telephone directory listings, or similar professional notices or devices that contain statements which are false, fraudulent, misleading or deceptive, or contain statements or information prohibited by R. S. 37:1041 et seq.

Section 8 — An optometrist may engage in commercial advertising, conforming with the standards set forth herein, which are designed to educate laymen in the recognition of optometric and eye care problems, to make intelligent selections of professional eye care services, and to the further extent and under the conditions prescribed herein.

Section 9 — Every advertisement of optometric services or ophthalmic goods shall affirmatively disclose the following information:

(a) Whether an advertised price includes single vision and/or multi-focal lenses;

(b) Whether an advertised price for contact lenses refers to soft and/or hard contact lenses;

(c) Whether an advertised price for ophthalmic goods includes an eye examination;

(d) Whether an advertised price for ophthalmic goods includes all dispensing fees; and

(e) Whether an advertised price for eyeglasses includes both frames and lenses.

These disclosures shall constitute a prominent part of every advertisement. These disclosures must be clearly read aloud in oral advertisements, or appear in type equal in size to the largest type if the advertisement is printed.

Section 10 — No seller of ophthalmic goods, who is not a licensed optometrist, shall advertise ophthalmic goods, unless such advertisement clearly states that such person and his/her/its employees are not optometrists and cannot provide the public with optometric services and prescriptions for the ophthalmic goods, where such optometric services and ophthalmic goods are required.

Section 11 — Ophthalmic goods shall include, by way of example, but without limitation, the following: eyeglass lenses, spectacles, eyeglasses, or the frames or fittings thereof, or contact lenses.

A seller of ophthalmic goods is any person, partnership, corporation or other business entity which engages in the sale of ophthalmic goods to the public for profit as a regular part of its business, whether such sales represent a principal part of its business or not.

Advertising shall include any method, system, means or media

by which an optometrist or seller of ophthalmic goods seeks to attract public notice to the desirability of his service, fees, ophthalmic goods or price, and shall include by way of example, but without limitation, use of newspapers, magazines, journals, circulars, radio, television.

Section 12 — No person or seller of ophthalmic goods who is not an optometrist, shall advertise for sale any of the ophthalmic goods listed in Section 11, where such person or seller of ophthalmic goods employs an optometrist in violation of R. S. 37:1061 (13) and 1063 (3).

Section 13 — The provisions of this Rule shall not apply to physicians or surgeons licensed to practice in this state.

Section 14 — If any provision or item of this Rule or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Rule which can be given effect without the invalid provisions, items or applications, and to that end the provisions of this Rule are hereby declared severable.

Section 15 — This Rule shall become effective upon its approval pursuant to the provisions of R. S. 49:968 or November 20, 1980, whichever is later.

Interested persons may submit written comments about the proposed rule through September 4, 1980, to the following address: Dr. Warren Ales, O.D., 3901 Veterans Blvd., Metairie, Louisiana 70002. Dr. Ales is the person responsible for responding to inquiries about the proposed rule.

Dr. Warren Ales, O.D., President
Board of Optometry Examiners

NOTICE OF INTENT

Department of Health and Human Resources Board of Practical Nurse Examiners

Notice is hereby given that the Louisiana State Board of Practical Nurse Examiners intends to adopt, at its September 26, 1980 meeting, the following amendments to the *Administrative Rules and Minimum Requirements Relating to Practical Nursing Education and Licensure to Practice in the State of Louisiana*:

Section IV

7. Admissions.

7-1 Regular admissions — shall meet the requirements:

a. grade placement of 9.5 in reading and 8.5 in mathematics on the achievement test battery.

7-2 Advanced Standing.

a. (5) Delete.

Interested persons may submit written comments through September 15, 1980 to Mrs. Helen W. Sheehan, R. N., Executive Director, Louisiana State Board of Practical Nurse Examiners, 1408 Pere Marquette Building, 150 Barone Street, New Orleans, Louisiana 70112.

Helen W. Sheehan, R.N., Executive Director
Louisiana State Board of Practical
Nurse Examiners

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

The Department of Health and Human Resources, Office of Family Security, proposes to set the maximum level (cap rate) for long term care eligibility for an individual at \$714.00, and for a couple occupying the same room in a long term care facility the double cap rate of occupying the same room in a long term care facility the double cap rate of \$1,428.00. This increase will allow the Medical Assistance Program to be in compliance with federal regulation 42 CFR 435.230 and 435.1011 which sets the cap rate at three hundred percent of the Supplemental Security Income

payment amount. Effective July 1, 1980, this amount increased to \$238.00.

Interested persons may submit written comments on the proposed policy change through September 3, 1980, at the following address: Mr. Alvis D. Roberts, Assistant Secretary, Office of Family Security, Box 44065, Baton Rouge, Louisiana 70804. Mr. Roberts is the person responsible for responding to inquiries about this proposed rule.

George A. Fischer, Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Health and Human Resources Office of Family Security

In accordance with the Appropriations Act of the 1980 Louisiana Legislature, effective August 1, 1980, the Department of Health and Human Resources, Office of Family Security, has adopted revisions which increase the Aid to Families with Dependent Children (AFDC) flat grant amounts and increases payment in General Assistance as follows.

I. AFDC.

A. For Parishes Other Than Those Specified in B. Below

Number of Persons	Flat Grant Amount	Number of Persons	Flat Grant Amount
1	\$ 60	10	\$404
2	112	11	438
3	158	12	474
4	197	13	513
5	235	14	551
6	269	15	588
7	304	16	626
8	339	17	663
9	371	18	701

For each additional person, add \$41.00 to the flat grant amount.

B. For Orleans, Jefferson, St. Bernard, and East Baton Rouge Parishes

Number of Persons	Flat Grant Amount	Number of Persons	Flat Grant Amount
1	\$ 65	10	\$420
2	125	11	455
3	173	12	491
4	213	13	527
5	252	14	564
6	287	15	602
7	320	16	643
8	355	17	674
9	388	18	717

For each additional person, add \$44.00 to the flat grant amount.

II. General Assistance (GA).

A. Regular Grant — The maximum amount paid for a regular grant shall be

- \$83.00 when only one person is to be included in the certification.
- \$120.00 when two or more persons are included in the certification.

B. Special Grant — The maximum amount paid for a special GA grant shall be

- \$121.00 when the budget plan includes an allowance for a special diet approved for a special grant and only one person included in the certification. \$127.00 when a special diet is approved and there are two or more persons in the certification.
- \$139.00 when the budget plan includes an allowance for discharge from a state mental institution.
- \$132.00 when the budget includes one person and an allowance is necessary for special care in his own home or home of a relative or in a private home by an unrelated person. \$138.00

when the budget includes two or more persons and special care as explained above is necessary.

C. GA 111 or Handicapped Children's Grant — The amount paid shall be the family budgetary deficit subject to \$121.00 maximum without inclusion of the extra cost of the child's special diet and/or essential transportation (if any), plus the cost of this item or items subject to a maximum of \$306.00.

D. Other Grants.

1. Financial assistance to persons who were patients in Carville and who ceased to be eligible for OAA, ANB, or DA assistance on January 1, 1974, as a result of the SSI Program. This is applicable in Iberville Parish only. (Effective October, 1975).

Those persons who are currently patients at Carville referred to above, if otherwise eligible, shall be allowed \$39.00 for basic requirements to provide for personal needs not provided by the hospital.

2. GA recipients receiving SNF care in a skilled nursing home or ICF I or ICF II care in an intermediate care facility shall receive a personal care needs allowance of \$24.00.

E. Indochinese or one Person Household — Indochinese one person households shall receive payment in accordance with the payment level applicable to a one person GA certification.

GA

PRE-ADDED BASIC REQUIREMENTS

	13 Years and Over and Less than 65	Birth Through 12 Years
Food	\$40.00	\$27.00
Clothing	9.00	7.00
Incidentals	6.00	5.00
Total	\$55.00	\$39.00

Alvis D. Roberts
Assistant Secretary

NOTICE OF INTENT

Department of Health and Human Resources Office of Health Services and Environmental Quality

The Department of Health and Human Resources, Office of Health Services and Environmental Quality, proposes to adopt rules revising a system of priorities whereby communities requesting federal assistance for the construction of wastewater treatment facilities will be ranked with respect to one another. These rules are known collectively as the "State of Louisiana Construction Grants Priority System" and will be used to determine eligibility for federal assistance.

The proposed revised rules are being enacted pursuant to the requirements of the Administrative Procedures Act of Louisiana as amended and to comply with provisions of 40 CFR 35.915(a).

The proposed revised rules will be presented at a public hearing on September 4, 1980, at 9:00 a.m., in the auditorium of the Louisiana State Library, 760 Riverside Mall, Baton Rouge, Louisiana. Interested persons may submit comments at the public hearing or may submit written comments to Mr. James F. Coerver, Director, Division of Environmental Services, Louisiana Department of Health and Human Resources, Office of Health Services and Environmental Quality, Box 60630, New Orleans, Louisiana 70160. Written comments will be accepted until September 9, 1980.

At the same public hearing the Department will present, for public review and comment, the proposed FY 1981 Construction Grants Project List.

Copies of the "State of Louisiana Construction Grants Priority System," and the proposed FY 81 Project List will be available for public review at least thirty days prior to the hearing at the Department of Health and Human Resources, Office of Health Services and Environmental Quality, 325 Loyola Avenue, Room 403, New

Orleans, Louisiana and in Regional Offices as follows: Region 2 - 353 North 12th Street, Baton Rouge, Louisiana; Region 3 - 206 East 3rd Street, Thibodaux, Louisiana; Region 4 - 302 Jefferson Street, Room 612, Lafayette, Louisiana; Region 5 - 1309 Common Street, Lake Charles, Louisiana; Region 6 - 2001 MacArthur Drive, Alexandria, Louisiana; Region 7 - 1525 Fairfield, Shreveport, Louisiana; Region 8 - 1505 North 19th Street, Monroe, Louisiana.

George A. Fischer, Secretary
Department of Health and Human Resources

NOTICE OF INTENT

Department of Natural Resources

Pursuant to the provisions of R.S. 49:953, the Environmental Control Commission gives notice that it proposes to amend the Hazardous Waste Management Plan (HWMP) at a hearing to be conducted in the Conservation Hearing Room, 1st Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana, at 10:00 a.m., on September 5, 1980.

The proposed amendments will be considered in response to comments submitted to the State by the U.S. Environmental Protection Agency on August 5, 1980, pertaining to the State's draft application for Phase I Interim State Hazardous Waste Program Authorization in accordance with provisions of the Resource Conservation and Recovery Act of 1976. The State's effective deadline for submission of the application will be September 16, 1980, if Interim Authorization is to be sought for the effective date of the Federal regulations, which is November 19, 1980.

Consideration will be given to amending the waste list contained in Appendix A,I of the HWMP to include additional wastes deemed hazardous by the EPA. Consideration will also be given to incorporation of the EPA Extraction Procedure into Appendix A,III of the HWMP.

Amendments to the HWMP will be considered, as may be necessary, to clarify the State's control of existing treatment, storage and disposal facilities prior to final permitting; to provide for special reporting of any wastes exported to or imported from a foreign country, and technical amendments concerning reporting and manifest requirements, exception reports, and recordkeeping, and such other matters raised by the EPA.

Approximately 1200 persons previously identified as being interested in the HWMP have been mailed this notice prior to submission of the notice to the *State Register*. This notice states the availability of the proposed amendments as of August 15, 1980, at the Office of Environmental Affairs, Department of Natural Resources, Sixth Floor, State Land and Natural Resources Building, 625 North Fourth Street, Baton Rouge, Louisiana. Written requests for copies of proposed amendments may be sent to Mr. B. Jim Porter at the address given below for submission of written comments or telephone request for such copy will be received at (504) 342-1265. Copies of proposed amendments are also available for public review at State repositories.

All interested persons will be afforded a reasonable opportunity to submit data, views, or arguments, orally or in writing. Written comments must be received in order to be studied and considered by the Commission members prior to the hearing no later than 12:00 Noon Thursday, September 4, 1980. However, oral comments at the hearing are encouraged. Written comments submitted prior to the hearing should be submitted to Mr. B. Jim Porter, Assistant Secretary, Office of Environmental Affairs, Box 44066, Baton Rouge, Louisiana 70804

Frank A. Ashby, Jr., Secretary
Department of Natural Resources
Chairman, Environmental Control Commission

NOTICE OF INTENT

Department of Natural Resources Office of the Secretary

As mandated by Act 449 of the 1979 (Louisiana Environmental Affairs Act) and the Resources Conservation and Recovery Act of 1976 (P. L. 94-580), the Department of Natural Resources has drafted a Solid Waste Management Plan and proposed rules and regulations for the State of Louisiana.

In order to receive input, the Department will hold a series of eight state-wide public hearings. The public hearings will be held at the following locations.

1. October 1, 1980, at 7:00 p.m. in the Monroe City Hall, City Council Chamber, First Floor, Civic Center Expressway, Monroe, Louisiana.

2. October 2, 1980, at 7:00 p.m., in the Shreveport City Hall, City Council Chamber, Second Floor, 1234 Texas Street, Shreveport, Louisiana.

3. October 6, 1980, at 7:00 p.m., in the Monroe City Hall, City Council Chamber, First Floor, 1300 Perdido Street, New Orleans, Louisiana.

4. October 7, 1980, at 7:00 p.m., in the LaFourche Parish Courthouse Building (old), Police Jury Meeting Room, Second Floor, Greene Street and West Third Street, Thibodaux, Louisiana.

5. October 9, 1980, at 7:00 p.m., in the State Land and Natural Resources Building, Mineral Board Hearing Room, First Floor, 625 North Fourth Street, Baton Rouge, Louisiana.

6. October 13, 1980, at 7:00 p.m., in the Lafayette City Hall, City Hall Auditorium, First Floor, 705 West University, Lafayette, Louisiana.

7. October 5, 1980, at 7:00 p.m., in the Alexandria City Hall, City Council Chamber, First Floor, 915 Third Street, Alexandria, Louisiana.

8. October 16, 1980, at 7:00 p.m., in the Lake Charles City Hall, City Council Chamber, First Floor, 326 Pujot Street, Lake Charles, Louisiana.

Copies of the draft Louisiana Solid Waste Management Plan, including proposed rules and regulations, are available upon request from the Department of Natural Resources, Box 44066, Baton Rouge, Louisiana 70804, or may be reviewed at the official state depositories.

Upon completion of these hearings the Department will review comments received and issue a responsiveness summary on the hearings to interested parties. Following the hearings, the Department will be presenting the revised draft to the Environmental Control Commission for review and approval and final concurrence before the Joint Natural Resources Committee.

Written comments on the draft Solid Waste Management Plan and proposed rules and regulations will be accepted until the close of the business day on November 1, 1980, and should be addressed to Mr. James M. Hutchison, Deputy Secretary, Department of Natural Resources, Box 44396, Baton Rouge, Louisiana 70804.

Frank A. Ashby, Jr., Secretary
Department of Natural Resources

NOTICE OF INTENT

Department of Transportation and Development Board of Registration for Professional Engineers and Land Surveyors

The Louisiana State Board of Registration for Professional Engineers and Land Surveyors, at a meeting on September 23, 1980, proposes to take action to adopt the following rule.

Proposed Rule

It is recognized that in certain fields of practice there is a broad overlap between the work of architects and engineers. This is particularly true in the field of buildings and similar structures. It is

recognized that an architect who has complied with all of the current laws of Louisiana relating to the practice of Architecture, has a right to engage in activities properly classifiable as Professional Engineering insofar as it is necessarily incidental to his work as an architect. Likewise, it is recognized that the Professional engineer who has complied with all of the current laws of Louisiana and is properly registered in that branch of engineering for which he may be qualified has the right to engage in activities properly classifiable as Architecture insofar as is necessarily incidental to his work as an engineer. Furthermore, the architect or the professional engineer, as the case may be, shall assume all responsibility for compliance with all laws or ordinances relating to the designs or projects with which he may be engaged.

The meeting will be held in the office of the Board, 1055 St. Charles Avenue, Suite 415, New Orleans, Louisiana. Discussion of the above matter will begin at 10:00 a.m. Interested persons may submit written comments, through September 15, 1980, to the above address.

Daniel H. Vilet
Executive Secretary

Potpourri

POTPOURRI

Department of Agriculture Dairy Stabilization Board

Notice is hereby given that the Dairy Stabilization Board will meet on the second Thursday of each month, rather than the fourth Tuesday of each month for the remainder of 1980. Further, the meetings will be held in Commissioner Odom's Office on the twenty-first Floor of the State Capitol Building.

C. James Gelpi
Director-Attorney

POTPOURRI

Office of the Governor Tax Commission

In accordance with the provisions of the Administrative Procedures Act (R. S. 49:953), notice is hereby given that the Louisiana Tax Commission intends to hold a public hearing on Tuesday, September 9, 1980 at 9:30 a.m. in Room 215, Capitol Annex, Baton Rouge, Louisiana.

The purpose of this hearing is to hear protests from Old Man River Towing, Inc., Logan Charter Service, Inc., Logan Towing Company, Inc., Reserve Telephone Company, Inc., United Gas Pipe Line Company, and Mississippi River Transmission Corporation on their assessed property valuations of 1980, and to conduct any further business of the Commission.

Those desiring to be heard will be given reasonable opportunity to make their presentations.

J. Reginald Coco, Jr., Chairman
Louisiana Tax Commission

POTPOURRI

Department of Labor

Pursuant to Act No. 664 of the Regular Session of the 1974 Louisiana Legislature and Act No. 583 of the Regular Session of the 1975 Louisiana Legislature, the state's average weekly wage upon which both the maximum unemployment compensation weekly benefit amount and the maximum workmen's compensa-

tion weekly benefit amounts will be based effective September 1, 1980, has been determined by the Louisiana Department of Labor to be \$244.88.

Debra R. Bowland
Secretary of Labor

Errata

ERRATA

Board of Trustees for State Colleges and Universities

Due to an error in the rule published in the *Louisiana Register*, Volume 6, Number 7, July 20, 1980, page 305, under "Activity, Registration and Tuition Fees," the second half of line 21 is being changed to reflect the wording of the rule as originally accepted. This sentence shall now read, "Twenty per cent of the increase over 1977 rates is dedicated to Intercollegiate Athletics."

ERRATA

Office of the Governor Office of Elderly Affairs

A word was inadvertently left out of the Notice of Intent adopted by the Office of Elderly Affairs, and published in the *Louisiana Register*, Volume 6, Number 6, dated June 20, 1980, on page 287. The addition concerns Number 3, "Contributions from Title III-C-1 . . . project year." The final sentence "Contributions shall be allowed to accumulate and be carried over into another project year" is a contradiction to the previous sentence; therefore, it is amended to read as follows "Contributions shall not be allowed to accumulate and be carried over into another project year."

ERRATA

Department of Public Safety Office of State Fire Protection

This rule, Modular Structures, originally published by the Office of Fire Protection, in the *Louisiana Register*, Volume 5, Number 11, November 20, 1979, on page 363 and in Volume 6, Number 2, February 20, 1980, on page 76, is being re-published here in its complete and correct form due to the continual problem of typographical and/or publication errors. The following represents the accurate state of the rule to date.

L.A.C. 17-4:18 Modular Structures.

18.1 Modular Structures Definition: A modular structure is any type of watercraft, moveable or structure erected in the State of Louisiana which does not come within the definition of a mobile home as set forth in the Mobile Home Act, Act 281 of 1974, R. S. 51:911.21 et seq. but which contains hidden appliances, such as wiring, which are manufactured into the product at a factory rather than on-site and which are therefore impractical or impossible to inspect on-site when erected or constructed in Louisiana.

18.2 Applicability of the Fire Marshal's Act: All of the provisions of the Louisiana State Fire Marshal's Act: R. S. 40:1561, et seq. shall apply to modular structures. Accordingly it shall be required that plans and specifications be submitted to the Fire Marshal's office for each and every modular structure prior to its erection or construction in the State of Louisiana. Failure to submit plans and specifications to the Office of State Fire Marshal shall, upon detection, result in immediate closure and a cease and desist order from the use of said structure.

18.3 Certificate of Manufacture: Prior to erection or construction in the State of Louisiana of a modular structure containing hidden appliances, such as wiring, gas piping, or other items which

are not available to visual inspection by a Louisiana State Fire Marshal deputy, the owner of such structure shall furnish certification to the Fire Marshal that it was manufactured in accordance with those fire safety standards and regulations stipulated in the plans and specifications previously approved by the Fire Marshal. The certification must be made by an architect or engineer who observed the manufacturer of the structure and who is registered in the state where such manufacture occurred.

18.4 Supercedes Local Authority. This rule shall supercede the authority of local governmental subdivisions to require that the modular structures which are shipped into this state be torn down or disfigured in any fashion in order to make an on-site inspection of hidden appliances. Hereafter, any modular structures which are shipped into this state after having had the plans and specifications approved by the Mobile Home Division of the Office of State Fire Marshal and which have been given a certificate of manufacture by a licensed architect or engineer that the hidden appliances meet the requirements of Louisiana State law must be approved and must be permitted to be constructed and installed in this state without the need of tearing into or otherwise abridging the structure for the purpose of an on-site inspection.

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