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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.....	\$	\$	\$

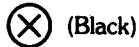
MAPS

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:

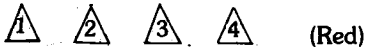
A. Proposed Service Area (PSA) — should be outlined by a heavy black line.

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.



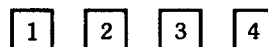
(Red)

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 - IV

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

<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 or Below Regular Rate.....	\$ _____	\$ _____	\$ _____
Savings - Paying More Than Regular Rate.....	\$ _____	\$ _____	\$ _____

DATA SECTION - V

Estimated Volume of Savings & Loans
(Include Amounts Transferred)

<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 or Below Regular Rate.....	\$ _____	\$ _____	\$ _____
Savings - Paying More Than Regular Rate.....	\$ _____	\$ _____	\$ _____
Mortgage Loans.....	\$ _____	\$ _____	\$ _____
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.

<u>ITEM</u>	<u>TOTAL NO. OF UNITS</u>	<u>TOTAL COST (If owned)</u>	<u>ANNUAL RENTAL (If leased)</u>
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.

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.

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 (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

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.

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? <i>(If "Yes," explain below.)</i>		
2. Do stock option plans exist? <i>(If "Yes," explain in "Comments" below.)</i>		
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? <i>(If "Yes," list below)</i> 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? <i>(If "Yes," explain in "Comments" below.)</i>		

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.

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



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.

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

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
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NAME OF BANK _____

COMPLETE ADDRESS (Main Office)

STREET AND NUMBER	CITY
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PARISH	STATE	ZIP CODE
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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
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STREET AND NUMBER	CITY	FROM MAIN OFFICE
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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)
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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-