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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 officially and caused to be affixed the Great Seal of the State of Louisiana, at the Capitol, in the City of Baton Rouge, on this 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