

BOARD OF COMMERCE AND INDUSTRY MEETING

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BOARD OF COMMERCE AND INDUSTRY MEETING,  
TAKEN AT THE LASALLE BUILDING, 617 NORTH 3RD  
STREET, LABELLE ROOM, BATON ROUGE, LOUISIANA ON  
OCTOBER 28, 2016 COMMENCING AT 9:36 A.M.

REPORTED BY:

RACHEL TORRES-REGIS, CCR, RPR  
CERTIFIED COURT REPORTER



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 APPEARANCES OF BOARD MEMBERS:

2

3 Robert Adley

4 Robert Barham

5 Millie Atkins

6 Glenn Brasseaux

7 Yvette Cola

8 Major Coleman

9 Heather Malone

10 Charles Miller

11 Jan Moller

12 Don Pierson

13 Scott Richard

14 Ben Hudson

15 Bobby Williams

16 Steven Windham

17 Representative Broadwater

18 Representative Carmody

19 Robbie Miller

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BOARD OF COMMERCE AND INDUSTRY MEETING

1 APPEARANCES OF STAFF MEMBERS:

2

3 Melissa Sorrell

4 Brenda Guess

5 Eric Burton

6 Becky Lambert

7 Joyce Metoyer

8 Kristin Cheng

9 Danielle Clapinski, Esq.

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1 MR. WINDHAM:  
2 Good morning, everyone. I  
3 would like to welcome everyone to  
4 the Board and Commerce and  
5 Industry meeting on October 28th.  
6 Thank y'all for coming and call  
7 this meeting to order. Melissa,  
8 do roll call, please.

9 MS. SORRELL:  
10 Robert Adley.

11 MR. ADLEY:  
12 Here.

13 MS. SORRELL:  
14 Robert Barham for Lieutenant  
15 Governor Nungesser.

16 MR. BARHAM:  
17 Here.

18 MS. SORRELL:  
19 Representative Broadwater for  
20 Representative Abramson.

21 MR. BROADWATER:  
22 Here.

23 MS. SORRELL:  
24 Millie Atkins.

25 MS. ATKINS:



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1           Here.  
2           MS. SORRELL:  
3           Mayor Brasseaux.  
4           MR. BRASSEAUX:  
5           Here.  
6           MS. SORRELL:  
7           Representative Carmody.  
8           MR. CARMODY:  
9           Present.  
10          MS. SORRELL:  
11          Yvette Cola.  
12          MS. COLA:  
13          Here.  
14          MS. SORRELL:  
15          Major Coleman.  
16          MR. COLEMAN:  
17          Here.  
18          MS. SORRELL:  
19          Rickey Fabra. Manny Fajardo.  
20          Jerry Jones. Heather Malone.  
21          MS. MALONE:  
22          Here.  
23          MS. SORRELL:  
24          Ben Hudson for Senator  
25          Martiny.



1 MR. HUDSON:  
2 Here.  
3 MS. SORRELL:  
4 Robbie Miller.  
5 MR. MILLER:  
6 Here.  
7 MS. SORRELL:  
8 Jan Moller.  
9 MR. MOLLER:  
10 Here.  
11 MS. SORRELL:  
12 Senator Chabert. Ann Miller  
13 for Secretary Pierson.  
14 MS. MILLER.  
15 Here.  
16 MS. SORRELL:  
17 Scott Richard.  
18 MR. RICHARD:  
19 Here.  
20 MS. SORRELL:  
21 Danny Shexnaydre. Ronnie  
22 Slone. Bobby Williams.  
23 MR. WILLIAMS:  
24 Here.  
25 MS. SORRELL:



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1 Steve Windham.

2 MR. WINDHAM:

3 Here.

4 MS. SORRELL:

5 Dr. Wilson. We have a  
6 quorum.

7 MR. WINDHAM:

8 Thank you, Melissa. With  
9 that, I can assume everyone has  
10 had a chance to recommence from  
11 the last meeting. I would like  
12 to entertain a motion. Motion by  
13 President Miller. Seconded by  
14 Mr. Williams. Any discussion?  
15 All in favor indicate with an  
16 aye.

17 ALL BOARD MEMBERS:

18 Aye.

19 MR. WINDHAM:

20 All opposed? Passed.

21 Within these minutes I would  
22 like to cover one question that  
23 was asked at the previous Board  
24 meeting. I think everyone has  
25 the information. Mr. Adley had



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1 requested information on the  
2 Cleco's exemptions. And are  
3 there any questions on that? Mr.  
4 Adley?

5 MR. ADLEY:

6 No. They provided us the  
7 list and I assume it's around  
8 200, it looks like.

9 MR. WINDHAM:

10 Yes. It goes back to, I  
11 believe, 2002, so a lot of them  
12 are expired and not in effect  
13 right now.

14 So with that, I think that  
15 was the only question from the  
16 previous meeting. We'll move on.

17 MR. ADLEY:

18 I might add the other piece  
19 of information that was provided  
20 us was -- the question was did  
21 Cleco pay any property tax since  
22 electricity had been considered  
23 to be manufacturer, and the  
24 correct answer to that, as I  
25 understand, is \$34 million a year



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1 the staff has provided.

2 MR. WINDHAM:

3 All right. We will move on  
4 to the Quality Jobs Program. Mr.  
5 Burton.

6 MR. BURTON:

7 Good morning. I have three  
8 new applications for the Board  
9 today.

10 20141243, Cajun Ready Mix  
11 Concrete, LLC in East Baton Rouge  
12 Parish.

13 20141138, CGI Federal Inc. in  
14 Lafayette Parish.

15 20141058, NFR BioEnergy CT,  
16 LLC in Iberville Parish.

17 This concludes the new  
18 applications for Quality Jobs.

19 MR. WINDHAM:

20 Any comments from the public?

21 MR. ADLEY:

22 You just clearly verified  
23 everything that -- you clarified  
24 that they met all of the  
25 obligations in the Quality Jobs?



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1 MR. BURTON:

2 They have shown the number of  
3 requirements for the program for  
4 participation.

5 MR. ADLEY:

6 I move that you adopt all  
7 three.

8 MR. BURTON:

9 Yes.

10 MR. WINDHAM:

11 There's a motion to adopt the  
12 three applications for the  
13 Quality Jobs Program. Mr. Adley,  
14 and seconded by Mayor Brasseaux.  
15 Any questions, comments,  
16 observation from the Board? All  
17 in favor identify with an aye.

18 ALL BOARD MEMBERS:

19 Aye.

20 MR. WINDHAM:

21 All opposed? Motion passes.

22 Next item up will be the  
23 Renewals.

24 MR. BURTON:

25 I have eight renewals for the



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1 Board today.  
2 20110680, Almatris Burnside  
3 Inc. in Ascension Parish.  
4 20120020, American Queen  
5 Steamboat Operating Company, LLC  
6 in Orleans Parish.  
7 20110132, Cornerstone  
8 Chemical Company in Jefferson  
9 Parish.  
10 20111070, Louisiana Spirits,  
11 LLC in Jefferson Davis Parish.  
12 20111077, the Pangburn Group,  
13 Inc. in Pointe Coupee Parish.  
14 20110996, the Schumacher  
15 Group of Louisiana Inc. and TSG  
16 Resources, Inc. in Lafayette  
17 Parish.  
18 20110920, Valero Services  
19 Inc. & Valero Refining New  
20 Orleans, LLC in St. Charles  
21 Parish.  
22 And 20101033, Westlake Vinyls  
23 Company, LP in Ascension Parish.  
24 This concludes the Renewals.  
25 MR. WINDHAM:



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1 Any comments from the public  
2 relating to these renewals?  
3 There's a motion to approve these  
4 renewals from the Board member.  
5 Moved by Millie Atkins. Seconded  
6 by Ms. Cola.

7 Any questions from the Board  
8 members? All in favor indicate  
9 with an aye.

10 ALL BOARD MEMBERS:

11 Aye.

12 MR. WINDHAM:

13 All opposed? Motion carries.

14 MR. BURTON:

15 The next item we're going to  
16 have the Specials for Quality  
17 Jobs. We have a request for a  
18 change in name only of the  
19 following contract: 20110680,  
20 Almatis Burnside, Inc. changing  
21 from Almatis Burnside Inc. to  
22 Almatis Burnside, LLC in  
23 Ascension Parish.

24 MR. WINDHAM:

25 Any comments from the public?



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1 Motion from the Board members.  
2 Mr. Coleman. Seconded by Ms.  
3 Heather Malone. All in favor  
4 indicate with an aye.

5 ALL BOARD MEMBERS:

6 Aye.

7 MR. WINDHAM:

8 All opposed with a nay.

9 Motion carries.

10 MR. BURTON:

11 Next item is a Request for a  
12 Change in Location only for the  
13 following contract: 20140900,  
14 ControlWorx, LLC changing from  
15 10020 Mammoth Avenue, Baton  
16 Rouge, Louisiana 70814 to 37056  
17 Cornerview Road in Geismar,  
18 70734. Changing from East Baton  
19 Rouge to Ascension Parish.

20 MR. WINDHAM:

21 Any comments from the public?  
22 Is there a motion on the -- by  
23 Board members? Motion to  
24 approve. Seconded by Mr.  
25 Williams. All in favor indicate



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1 with an aye.

2 ALL BOARD MEMBERS:

3 Aye.

4 MR. WINDHAM:

5 Any opposed with a nay.

6 Motion carries. Next.

7 MR. BURTON:

8 Next item is the Request for  
9 a Change in Ownership only of the  
10 following contracts: 20131069  
11 from LEEVAC Shipbuilders, LLC to  
12 Gulf Island Shipyards, LLC in  
13 Terrebonne Parish. The reason  
14 for this, the company stated that  
15 the change in ownership is due to  
16 the fact that Gulf Island  
17 Shipyards, LLC purchased LEEVAC  
18 Shipbuilders, LLC.

19 MR. WINDHAM:

20 Question by Mr. Miller.

21 MR. MILLER:

22 Just to be clear, the length  
23 of the contract is from the  
24 original time, it doesn't start  
25 over with the new owner; is that



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1 correct?

2 MR. BURTON:

3 Correct. It's still the same  
4 length of contract. They are  
5 change in ownership. Nothing  
6 with that is going to change the  
7 benefits or anything in the  
8 program.

9 MR. WINDHAM:

10 Any other questions? Any  
11 comments from the public? Got a  
12 motion by the Board. Mr. Miller.  
13 Seconded by Mayor Brasseaux. All  
14 in favor indicate with an aye.

15 ALL BOARD MEMBERS:

16 Aye.

17 MR. WINDHAM:

18 Oppose with a nay. Motion  
19 carries.

20 MR. BURTON:

21 Last item under Quality Jobs  
22 is going to be a request -- two  
23 requests to terminate the  
24 contracts below. Contract No.  
25 062272 Corval Constructors, Inc.



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1 and Corval Group Inc. The company  
2 requested an early termination  
3 because they no longer have  
4 employees in the state. The  
5 contract requirement has been  
6 illustrated. That is in East  
7 Baton Rouge Parish. The second  
8 one is 20130825, Enerflex Energy  
9 Systems, Inc. The company  
10 requested an early termination  
11 because they have moved and are  
12 no longer located in a census  
13 tract block group below the state  
14 median per capita income. The  
15 contract compliance has been  
16 illustrated. That is in  
17 Lafayette Parish.

18 MR. WINDHAM:

19 Any comments from the public  
20 regarding these terminations? Do  
21 we have a motion by the Board?  
22 Mr. Coleman makes a motion to  
23 approve the termination.  
24 Seconded by Ms. Millie Atkins.  
25 All in favor indicate with an



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1 aye.

2 ALL BOARD MEMBERS:

3 Aye.

4 MR. WINDHAM:

5 All opposed with a nay.

6 Motion carries.

7 Next we have -- thank you,

8 Mr. Burton.

9 Next we have Ms. Becky

10 Lambert presenting the

11 Restoration Tax Abatement

12 Program. Four new applications

13 and two renewals.

14 MS. LAMBERT:

15 Good morning. I want to make

16 a slight correction to the

17 agenda. There are actually five

18 new applications. It's the same

19 investment dollars and jobs.

20 MR. WINDHAM:

21 All right.

22 MS. LAMBERT:

23 I will repeat it. There are

24 five new applications instead of

25 what is shown as four on the



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1 agenda summary sheet.

2 MR. ADLEY:

3 What I'm trying to find out  
4 is was it posted on the website  
5 that there were these five or the  
6 typo error of four?

7 MS. LAMBERT:

8 It's a typo error because  
9 within the agenda they have five  
10 applications on the summary  
11 sheet.

12 MR. ADLEY:

13 Okay.

14 MS. LAMBERT:

15 Please correct the record.

16 The first application is  
17 20152025, 210 Laurel Street, LLC  
18 in East Baton Rouge Parish.

19 20151958, Durrett  
20 Investments, LLC, Lincoln Parish.

21 20151972, Gibraltar  
22 Management Company in East Baton  
23 Rouge Parish.

24 20150171, Susan M. Mizell and  
25 Ronald J. Mizell, Orleans Parish.



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1           And 20161399, Vantage Health  
2           Plan, Inc. and Affinity Health  
3           Group, LLC, Ouachita Parish.  
4           This concludes the new  
5           applications.

6           MR. WINDHAM:

7           All right. All of these  
8           entities comply with the program  
9           rules, right?

10          MS. LAMBERT:

11          Yes.

12          MR. ADLEY:

13          I assume that local  
14          governments have some restoration  
15          that they have to go through the  
16          process within the program?

17          MS. LAMBERT:

18          Yes. They do. And every one  
19          of these applications that is  
20          going through the local process  
21          once I send them a complete  
22          application and they've met all  
23          state requirements and then they  
24          go through their local governing  
25          authority approval process. This



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1 does not come to the Board until  
2 a resolution comes from the local  
3 governing authority approving and  
4 supporting this project.

5 MR. ADLEY:

6 Thank you.

7 MR. WINDHAM:

8 Any comments from the public?

9 Any other comments from the Board  
10 members? Is there a motion to  
11 approve?

12 MR. ADLEY:

13 Move to approve all five.

14 MR. WINDHAM:

15 Yes. Is there a second?

16 Motion made by Mr. Adley.

17 Seconded by Mr. Coleman. Any  
18 questions from the Board members?

19 All in favor indicate with an  
20 aye.

21 ALL BOARD MEMBERS:

22 Aye.

23 MR. WINDHAM:

24 All opposed with a nay?

25 Motion carries.



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1 MS. LAMBERT:  
2 We have two renewal  
3 applications. First one is  
4 050773, MWIII Hospitality, LLC in  
5 East Baton Rouge Parish.

6 The second one is 20090849,  
7 RICO 6, LLC, Terrebonne Parish.  
8 That concludes the renewal  
9 applications.

10 MR. WINDHAM:  
11 Any comments from the public  
12 concerning Restoration Tax  
13 Abatement Renewals? Any comments  
14 or questions from the Board  
15 members? Is there a motion to  
16 approve the renewals for the RTA  
17 project? Major Coleman. Seconded  
18 by Ms. Atkins. Any questions?  
19 All in favor indicate with an  
20 aye.

21 ALL BOARD MEMBERS:  
22 Aye.

23 MR. WINDHAM:  
24 All oppose with a nay.  
25 Motion carries. Thank you, Ms.



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1 Lambert.

2 MS. LAMBERT:

3 Thank you.

4 MR. WINDHAM:

5 Next on the agenda we have  
6 Enterprise Zone Program presented  
7 by Ms. Joyce Metoyer. We have 17  
8 new applications. Two referred  
9 from last time. One name change,  
10 and 11 contract terminations.  
11 Please proceed.

12 MS. METOYER:

13 20130018, Bollinger Fourchon,  
14 LLC, Lafourche Parish.

15 20140107, Doctors Dental,  
16 LLC, Jefferson Parish.

17 20141335, Garden View at  
18 Jones Creek, LLC, EBR Parish.

19 20131270, Halliburton Energy  
20 Services, Inc., Iberia Parish.

21 20131100, Harlon's LA Fish --  
22 Harlon's Louisiana Fish, LLC,  
23 Jefferson Parish.

24 20130915, Hernandez  
25 Consulting, LLC, Orleans Parish.



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1           20141402, Ivan Smith  
2 Furniture, LLC, Caddo Parish.  
3           20141028, Louisiana Creole  
4 Hospitality 1, LLC, Calcasieu  
5 Parish.  
6           20131119, Mid South Extrusion  
7 Incorporated, Ouachita Parish.  
8           201204450, Price Leblanc, EBR  
9 Parish.  
10          20130808, Rapides Health Care  
11 System, LLC, Rapides Parish.  
12          20141309, Triumph Investment  
13 Group, LLC, Livingston Parish.  
14          20131126, Venyu Solutions,  
15 LLC, East Baton Rouge Parish.  
16          20141009, Walmart Louisiana,  
17 LLC Neighborhood Walmart,  
18 Calcasieu Parish.  
19          20141115, WalMart Louisiana,  
20 LLC. That's another Neighborhood  
21 Walmart in Orleans Parish.  
22          And the two referred from the  
23 last Board meeting are 20150273,  
24 Parc Lafayette, LLC, Lafayette  
25 Parish.



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1           And 20131359, USA Travel  
2 Plaza, LLC, in Ouachita Parish.

3           MR. WINDHAM:

4           Thank you, Ms. Metoyer. And  
5 all of these meet the program  
6 requirements.

7           MS. METOYER:

8           Yes.

9           MR. WINDHAM:

10           Create the jobs as required  
11 by the program?

12           MS. METOYER:

13           Yes.

14           MR. WINDHAM:

15           Any comments from the public  
16 regarding any of these  
17 applications? Any comments from  
18 the Board regarding Enterprise  
19 Zone Applications? Is there a  
20 motion to accept the Enterprise  
21 Zone applications? Made by Mr.  
22 Secretary Barham. Is there a  
23 second?

24           MR. ADLEY:

25           Second.



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1 MR. WINDHAM:  
2 Made by Mr. Adley. All in  
3 favor indicate with an aye.

4 ALL BOARD MEMBERS:  
5 Aye.

6 MR. WINDHAM:  
7 All opposed with a nay?  
8 Motion carries.

9 Please proceed.

10 MS. METOYER:  
11 The terminations are  
12 20121110, 235 14th Street --

13 MR. WINDHAM:  
14 I think you skipped some. Did  
15 you skip the name change?

16 MS. METOYER:  
17 Oh, I'm sorry. I have that  
18 on my last page. Let me go  
19 there. Excuse me. It's a name  
20 change only. It's 20141011, NVHG  
21 Q&C Hotel Operator, LLC is the  
22 current name, and the new name is  
23 KBS SOR II Q&C Property, LLC.  
24 This is Orleans Parish.

25 MR. WINDHAM:



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1 Any comments from the public  
2 on the name change? Any comments  
3 from the Board members regarding  
4 the name change? Is there a  
5 motion by a Board member to  
6 accept the name change? Motion  
7 by Ms. Atkins. Seconded by Ms.  
8 Villa. All in favor indicate  
9 with an aye.

10 ALL BOARD MEMBERS:

11 Aye.

12 MR. WINDHAM:

13 All opposed with a nay.

14 Motion carries. Next we have the  
15 terminations.

16 MS. METOYER:

17 2012110, 235 14th Street,

18 LLC, East Baton Rouge Parish.

19 Requested term date is 3-20-2015.

20 The hiring requirements have been  
21 met. No additional jobs are  
22 anticipated.

23 20100972, Chevron USA, Inc.,

24 Plaquemines Parish. Requested

25 term date 12-31-2014. The hiring



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1 requirements have been met. No  
2 additional jobs are anticipated.

3 20101082, St. Margaret's  
4 Daughter's Home, Orleans Parish.  
5 Term date 12-31-2015. Hiring  
6 requirements met. No additional  
7 jobs anticipated.

8 20100702, Rain CII Carbon,  
9 LLC. Calcasieu Parish. Term  
10 date, 12-31-2014. The hiring  
11 requirements have been met.

12 20101208, Epic Boats, LLC.  
13 Caddo Parish. Requested term  
14 date 12-31-2014. Hiring  
15 requirements have been met. No  
16 additional jobs anticipated.

17 20110034, Shriji West Monroe  
18 Incorporated. Ouachita Parish.  
19 Requested term date 12-31-2014.  
20 Hiring requirements have been  
21 met. No additional jobs  
22 anticipated.

23 20110715, HRI Lodging  
24 Incorporated, Orleans Parish.  
25 Requested term date, 12-31-2014.



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1 The requirements have been met.  
2 No additional jobs anticipated.  
3 20110854, Cajun Land Hotel,  
4 St. Mary Parish. Requested term  
5 date, 12-31-2014. Hiring  
6 requirements have been met. No  
7 additional jobs are anticipated.  
8 20111013, Williams WPC-1,  
9 LLC, Ascension Parish. The  
10 requested term date, 5-31-2015,  
11 the requirements have been met  
12 and no additional jobs are  
13 anticipated.  
14 20120806, Union Pacific  
15 Railroad Company, Calcasieu  
16 Parish. Requested term date,  
17 12-31-2014. The hiring  
18 requirements have been met. No  
19 additional jobs are anticipated.  
20 And the final termination is  
21 20120879, Hard Rock Cafe  
22 International Incorporated.  
23 Orleans Parish. The requested  
24 term date, 12-31-2014, and the  
25 hiring requirements have been

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1 met. No additional jobs  
2 anticipated.

3 MR. WINDHAM:

4 Thank you, Ms. Metoyer. Any  
5 comments from the public  
6 regarding termination of  
7 Enterprise Zone contracts? No  
8 questions. Any questions from  
9 the Board members regarding these  
10 terminations? Is there a motion  
11 that they be terminated? Made by  
12 Ms. Malone. Seconded by Ms.  
13 Cola. All in favor indicate with  
14 an aye.

15 ALL BOARD MEMBERS:

16 Aye.

17 MR. WINDHAM:

18 All opposed with a nay?  
19 Motion carries. Thank you, Ms.  
20 Metoyer.

21 MS. METOYER:

22 Thank you.

23 MR. WINDHAM:

24 Next we move on to Industrial  
25 Tax Exemption Program. We have a



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1 number of them on here. There is  
2 going to be a little deviation  
3 from exactly how they are  
4 presented on here in order to  
5 address questions and concerns  
6 and groupings. Mr. Adley has  
7 asked that they be grouped  
8 together and presented in groups.  
9 I believe you have the groupings,  
10 Ms. Ms. Kristin.

11 MR. ADLEY:

12 As we go to each group, as we  
13 met with the staff from LED,  
14 rather than going through 200 of  
15 these individually and voting  
16 individually as we've done in the  
17 past, taking this out 6 or 7  
18 hours, Mr. Barham, I tried to  
19 find a way to consolidate this to  
20 some degree so we can speed up  
21 the process. I think you will  
22 see most of the consolidation  
23 when we get to the group of 100  
24 plus. Prior to that, if we  
25 simply group these by companies



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1 in certain categories, like if  
2 they created jobs let's put them  
3 in a group. If their explanation  
4 was not really clear of what they  
5 did, it looks like it was clearly  
6 maintenance, put them in a group.  
7 And then the larger companies  
8 that have three, four, ten of  
9 them, put them in a group to  
10 themselves, and if we do that I  
11 think we'll find that we'll  
12 promptly speed up the process,  
13 still get to the questions, but  
14 we won't have to take each and  
15 every one of them individually.

16 Now, the reason I asked for  
17 that from the staff was that most  
18 of you know the Governor amended  
19 his Executive Order that we've  
20 been trying to comply with a few  
21 weeks ago to basically say that  
22 those industrial tax exemptions  
23 that have been applied for in the  
24 past, prior to June 24th, and  
25 their renewals that to be sure

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1 that Louisiana kept its word, not  
2 necessarily what contracts were  
3 sitting there, but because there  
4 was confusion over exactly what  
5 you can require in a contract,  
6 but to insure that Louisiana kept  
7 its word, and, so, he has asked  
8 us, at least asked me as his  
9 representative to be sure and  
10 vote for those things where they  
11 complied with whatever was in  
12 their contract whatever their  
13 agreement was with LED prior to  
14 June 24th. Anything that comes  
15 in after June 24th is a totally  
16 different issue. So he had  
17 amended his Executive Order to  
18 grandfather that in and to say  
19 for those new ones that come in  
20 after June 24th that he would no  
21 longer support one hundred  
22 percent tax abatement for a full  
23 ten-year period. That he would  
24 support up to 100 percent for the  
25 first five years with local

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1 government deciding how much of  
2 that one hundred percent they  
3 want to give and up to 80 percent  
4 for the next three years the  
5 local government decided what  
6 they wanted to give. The first  
7 group of Industrial Tax  
8 Exemptions that we have, as I  
9 understand it, these were MCA's  
10 that came in prior to June the  
11 24th. Under his Executive Order  
12 they all have to create jobs or  
13 retain jobs for him to consider,  
14 and so with that in mind I would  
15 ask, Mr. Chairman, in his first  
16 group if we would just divide it  
17 up into three companies, take  
18 Motiva and all three of its  
19 applications together and render  
20 all three of theirs together and  
21 Textron in their application by  
22 itself.

23 MR. WINDHAM:

24 I think that would be  
25 appropriate, Mr. Adley. Pointing



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1 out on the agenda it says there  
2 are nine.

3 MS. CHENG:

4 Actually, seven.

5 MR. WINDHAM:

6 Actually there are seven in  
7 the programing. Any objections  
8 of doing it that way by any of  
9 the Board members? All right.

10 With that, we'll proceed.

11 MS. CHENG:

12 We have seven new  
13 applications that were deferred  
14 from the September 12, 2016 --

15 MR. ADLEY:

16 Can you speak up just a  
17 little bit for me. I got them  
18 turned up as high as I can get  
19 them.

20 MS. CHENG:

21 So we have seven new  
22 applications that were deferred  
23 from the September 12th meeting  
24 of the Board.

25 We have 20161366, 20161367,



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1 20161371. Motiva Enterprises,  
2 LLC.

3 MR. ADLEY:

4 As I understand it, Motiva,  
5 when they met with us previously,  
6 there were no jobs associated  
7 with it, and they could not  
8 determine what they were. Since  
9 that meeting they have now come  
10 back to you and stated there will  
11 be 23 --

12 MS. CHENG:

13 No. The application is still  
14 stating there are zero jobs  
15 directly related to these three  
16 projects but they did include  
17 additional information saying  
18 that 23 jobs were added at the  
19 plant as a whole.

20 MR. ADLEY:

21 Okay. I'm going to go back.  
22 I saw the zero on the  
23 application. I also saw the 23  
24 -- said the increase in 23  
25 permanent jobs are between the



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1 second and third months of the  
2 4th quarter. Now, are those jobs  
3 related to this ITEP or not?

4 MS. CHENG:

5 Not to those three specific  
6 projects but they were at that  
7 same site.

8 MR. ADLEY:

9 Okay. Mr. House, this is  
10 where you are going to have to  
11 make it clear. You tried to make  
12 it clear to us once before. You  
13 helped draft and craft the  
14 Executive Order. As I understand  
15 it, they have to have jobs or  
16 retaining -- retention of jobs  
17 for the Governor at least to be  
18 willing to sign these exemptions.

19 MR. HOUSE:

20 The retention of new jobs at  
21 the site that are --

22 MR. ADLEY:

23 Yeah. In the case of this  
24 one, this ITEP from Motiva does  
25 not create any new jobs but they



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1 are stating that at some point it  
2 created new jobs. So how does  
3 that fit, in your opinion, the  
4 Executive Order.

5 MR. HOUSE:

6 In my opinion, under the  
7 Executive Order, if there is no  
8 linkage between this MCI and the  
9 new jobs then it's -- this  
10 application would be considered  
11 to have expired on June 24th.

12 MR. ADLEY:

13 Okay.

14 MR. WINDHAM:

15 Is there someone from Motiva  
16 here to discuss the situation?  
17 Please step forward and state  
18 your name and identify yourself.

19 MR. BAKER:

20 Mr. Chairman, Board members,  
21 my name is Joe Baker. I'm with  
22 Shell Oil Company. I'm a  
23 property tax advisor for Shell,  
24 and with me is Mandy Antenono  
25 (ph) who appeared before this



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1 Board, I think last time they met  
2 over this same issue. I'm going  
3 to yield to Mandy in just a  
4 moment, but I would like to just  
5 give my own opinion on this issue  
6 about the jobs and job site.  
7 What my understanding was is that  
8 that the -- that the question was  
9 around these jobs is whether or  
10 not they -- we were retaining  
11 jobs at the plant. These  
12 miscellaneous capital additions  
13 prior to June 24th, in our  
14 opinion, was just that, yes, we  
15 were retaining jobs. Those jobs  
16 that may not be absolutely  
17 directly tied to miscellaneous  
18 capital additions, maybe not, but  
19 I didn't think that was the  
20 question at the time. I thought  
21 the question at the time was what  
22 about these new jobs that we were  
23 adding, and so those jobs were  
24 added during that period of time  
25 as part of the overall plant

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1 operation.

2 MR. WINDHAM:

3 Thank you. Ms. Antono (ph).

4 MS. ANTONO (PH):

5 Yes. Good morning. Similar  
6 to what Joe Baker said, I'm also  
7 with Shell Oil. Motiva joint  
8 venture with Shell. Per the  
9 question last time, the Board  
10 wanted to know if there was new  
11 jobs, additional information was  
12 requested by the LED prior to  
13 June 24th. It was provided prior  
14 to June 24th. We did say based  
15 on the pseudo report, which is a  
16 requirement from the State of  
17 Louisiana, we showed that we have  
18 a net increase. We went back to  
19 HR to verify what they increases  
20 were and they're directly at this  
21 plant. So all of them. I can  
22 explain where they are located in  
23 the plant. There may be parts of  
24 location that are in the project  
25 but they are not directly to the



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1 project on the ITEP itself. So  
2 going back to what Joe has said,  
3 you know, this -- my  
4 understanding when we filed this  
5 application, we have to retain or  
6 produce the job. We try to  
7 provide as much information as we  
8 can that we know at the plant  
9 site what was going on. So I'm  
10 sort of putting up a case against  
11 the Board to take into  
12 consideration that even though  
13 these are not direct jobs but  
14 these projects are done at the  
15 site in order for the operations  
16 of the production to continue and  
17 therefore being able to retain  
18 and maintain and create new jobs  
19 as you can see in the pseudo  
20 reports.

21 MR. WINDHAM:

22 Do any of the Board members  
23 have questions for Mr. Baker or  
24 Ms. Antono (ph).

25 MR. ADLEY:



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1 I guess my only question is  
2 is that when I look at your  
3 description it simply says under  
4 this one with Harper 1, Harper 2,  
5 what is that?

6 MS. CHENG:

7 That's Miranda.

8 MR. ADLEY:

9 That's Miranda. So if this  
10 says addition, tell me if you had  
11 not done this would 23 jobs been  
12 gone.

13 MS. ANTONO (ph):

14 I can't speak to the 23 jobs  
15 because they are indirect to  
16 these projects, but if some of  
17 these projects are not done then  
18 the things that you will see is  
19 inefficiency of the project; the  
20 plant will shut down. I wouldn't  
21 say shut down, the whole plant,  
22 but the units will shut down, and  
23 so there are risks if some units  
24 are not run I would venture to  
25 guess some of the jobs will be



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1 postponed at that point, so that  
2 would be my only --

3 MR. ADLEY:

4 For what it's worth, what  
5 makes this one so different this  
6 was an MCA miscellaneous, this is  
7 one of those where you didn't  
8 notify anybody, you didn't send  
9 anything in advance to the  
10 department, just went out there  
11 on your own and did it. Those  
12 things were basically going away  
13 outside of pure retention of jobs  
14 in the future. That's what has  
15 created this problem is companies  
16 basically going out doing  
17 whatever they thought they wanted  
18 to do, whether they thought it  
19 was maintenance, upgrades or  
20 whatever, and the Governor was  
21 very explicit because of that  
22 because this was not an advance  
23 notice. This is something you  
24 just chose to do on your own that  
25 he would not sign anything that



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1 did not create new jobs or retain  
2 jobs, and based on what you told  
3 me, albeit I think it certainly  
4 helped your facility, I can't see  
5 in my mind where you would  
6 literally have to lose these jobs  
7 if you had not done this, so at  
8 least for his vote on this Board  
9 I'm going to vote no to not to  
10 accept it because it clearly  
11 violates what he has laid out in  
12 his Executive Order.

13 MR. WINDHAM:

14 Mr. Moller, I believe you had  
15 a question.

16 MR. MOLLER:

17 Well, I waive. I was going  
18 to say it doesn't comply with the  
19 Executive Order, so I don't --  
20 you know, I agree with Senator  
21 Adley.

22 MR. WINDHAM:

23 Representative Broadwater.

24 MR. BROADWATER:

25 Thank you, Mr. Chairman. The



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1 23 jobs you are talking about  
2 what pseudo report, when they  
3 were created.

4 MS. ANTONO:

5 The pseudo report was created  
6 at the end of last year. It was  
7 the net increase between, I  
8 believe, the third and fourth  
9 quarter of 2015.

10 MR. BROADWATER:

11 It was the 4th quarter pseudo  
12 report showing 23 jobs over what  
13 was showing -- showing in the  
14 third quarter.

15 MS. ANTONO:

16 That is correct.

17 MR. BROADWATER:

18 What was the difference  
19 between the third quarter and the  
20 second quarter.

21 MS. ANTONO:

22 I don't have that  
23 information, but I can get that  
24 for you.

25 MR. BROADWATER:



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1 Do you know what the  
2 difference was between the fourth  
3 quarter and the first quarter of  
4 this year?

5 MS. ANTONO:

6 I do not, sir.

7 MR. BROADWATER:

8 Okay. Thank you.

9 MR. WINDHAM:

10 Any other questions by the  
11 Board members? Mr. Richard.

12 MR. RICHARD:

13 Good morning. Just a quick  
14 question. Has Motiva had any  
15 conversations or dialog with the  
16 local government entities in St.  
17 James Parish regarding this  
18 application?

19 MS. ANTONO:

20 Not from this particular  
21 application, but we have started  
22 to -- on other advances that we  
23 have.

24 MR. RICHARD:

25 Thank you.



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1 MR. WINDHAM:  
2 Any other questions by any of  
3 the Board members?

4 MR. ADLEY:  
5 On behalf of the Governor I  
6 move to reject what the Board can  
7 do what it sees fit, but I have a  
8 feeling that once it gets to his  
9 desk, based on his Executive  
10 Order, this is clearly not in  
11 compliance what he has asked me  
12 to do to represent him.

13 MR. RICHARD:  
14 Second.

15 MR. WINDHAM:  
16 Motion made by Mr. Adley to  
17 reject the approval of the three  
18 Motiva applications. Seconded by  
19 Mr. Richard. Is there any  
20 discussion from the public?  
21 Further discussion? Any comments  
22 from any of the Board members? I  
23 am sorry. I have someone. Please  
24 come forward and identify  
25 yourself.



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1 MS. HANDLEY:

2 My name is Diane Handley and  
3 I wanted to step forward and say  
4 thank you to Senator Adley for  
5 your position on this. I was  
6 going to speak saying exactly  
7 what you said, and just wanted to  
8 reiterate that I'm here and  
9 appreciative of the direction  
10 that this is taking. It is our  
11 complete understanding what you  
12 share as well. So thank you for  
13 that.

14 MR. WINDHAM:

15 Any questions of Ms. Handley?  
16 Thank you, Ms. Handley.

17 All right. All in favor of  
18 rejecting the three applications  
19 indicate with an aye.

20 ALL BOARD MEMBERS:

21 Aye.

22 MR. WINDHAM:

23 All opposed to rejecting them  
24 indicate with a nay. No  
25 objections to the rejection.



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1 Motion carries.

2 Next is Noranda Alumina.

3 MS. CHENG:

4 We have 20161098, 20161104  
5 and 20161102, Noranda Alumina,  
6 LLC.

7 MR. ADLEY:

8 And this, too, is an MCA as I  
9 understand it now. This is --

10 MS. CHENG:

11 That's correct.

12 MR. ADLEY:

13 This is one of those that did  
14 not put in an advance notice.

15 MS. CHENG:

16 Yes, sir.

17 MR. WINDHAM:

18 Is there someone here from  
19 Noranda. I believe that's how  
20 you say it. Noranda. Please  
21 step forward and identify  
22 yourself.

23 MR. BARRETT:

24 I am Todd Barrett. I'm the VP  
25 of finance of Noranda Alumina,



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1 and accompanying me is state rep  
2 to speak on behalf of Noranda.  
3 We did not file an advanced  
4 notice for this miscellaneous  
5 capital addition, but we have  
6 been working with LED over two  
7 years with this project. This  
8 project was a retention project  
9 for the plant and saved over 400  
10 jobs. That counsel today with a  
11 presentation that we can go  
12 through and you can flip through  
13 yourselves that explains the  
14 nature of our business, the  
15 pressures we're getting from  
16 China, and the decision we had to  
17 make on an unloading system via  
18 our main volunteer group on the  
19 plant. We had no other options  
20 but this project. If we would  
21 have -- the alternative was a \$65  
22 or \$70 million project, and  
23 that's just not in our budget,  
24 our cash flow budget.

25 MR. ADLEY:



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1           Just spend some time, if you  
2 will, the issue is the retention  
3 of the jobs.

4           MR. BARRETT:

5           Correct.

6           MR. ADLEY:

7           Whatever you can do to  
8 explain why it was absolutely  
9 necessary to retain the jobs.

10          MR. BARRETT:

11          If we can't get our main raw  
12 material in the process, we don't  
13 have a process. This is our main  
14 unloading system to bring the raw  
15 material into our process.

16          MR. ADLEY:

17          That's what you told me if  
18 the plant was shut down.

19          MR. BARRETT:

20          The plant would have  
21 absolutely shut down if we would  
22 not have done this project, and  
23 we really had no other  
24 alternative but this type of  
25 project. Also in your packet is



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1 a letter from the parish  
2 President in support of these  
3 ITEP --

4 MR. ADLEY:

5 You have reached out to your  
6 heavyweights this time to bring  
7 your representative with you.

8 MR. BARRETT:

9 And we reached out to our  
10 local rep.

11 MR. ADLEY:

12 You know you can't buy him  
13 lunch when you leave here, you do  
14 know that.

15 MR. BARRETT:

16 I do know that.

17 MR. WINDHAM:

18 Mr. Representative, do you  
19 care to address the committee?

20 MR. SCHEXNAYDRE:

21 Yes. Thank y'all for meeting  
22 with us.

23 MR. WINDHAM:

24 Please identify yourself.

25 MR. SCHEXNAYDRE:



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1 Clay Schexnaydre, State Rep,  
2 District 81. This plant has been  
3 in operation for a while and has  
4 been in good standing with the  
5 parish and with us. For them to  
6 shut down and lose roughly 400  
7 and something jobs is just  
8 unheard of right now.

9 MR. ADLEY:

10 And it's your belief that if  
11 this project didn't go through  
12 that plant would have shut down.

13 MR. SCHEXNAYDRE:

14 I do.

15 MR. WINDHAM:

16 Are there any --

17 MR. ADLEY:

18 LED, if you -- I mean, you  
19 said he he has been working with  
20 for two years. Do you agree with  
21 that?

22 MS. CHENG:

23 Project manager, I believe  
24 Charlie Romaine.

25 MR. WINDHAM:



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1           Is Mr. Romaine here? Is  
2           there someone from LED that can  
3           speak to this project? I believe  
4           Mandi spoke last time and  
5           testified that the LED had been  
6           working with him for the past  
7           couple of years.

8           MR. BURTON:

9           Charlie is upstairs right now  
10          on a conference call. We didn't  
11          think we would be going through  
12          this quickly today.

13          MS. MITCHELL:

14          Mandi Mitchell. Assistant  
15          Secretary. I apologize for my  
16          tardiness. Secretary Pierson and  
17          I were over at joint budget  
18          working on an agenda item there.  
19          Charlie Romaine, our project  
20          manager, is most familiar with  
21          Noranda Alumina. I can speak  
22          only to my involvement, which has  
23          been earlier this year having  
24          been directly involved with this  
25          company in reaching out to



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1 members of our congressional  
2 delegation to try and get their  
3 support and make them aware of  
4 the impact of international  
5 factors causing issues for the  
6 company, particularly Chinese  
7 dumping of Alumina. I can speak  
8 only to that.

9 MR. ADLEY:

10 The issue is that -- the  
11 department believes, as we have  
12 been told by the owner and by  
13 their representative that their  
14 facility would have had to shut  
15 down if this had not been done  
16 and the loss of 400 jobs. I  
17 certainly believe what they are  
18 saying. It would be helpful if  
19 someone from LED would just  
20 simply confirm that you have been  
21 working with them for two years  
22 and that's a true statement.

23 MS. MITCHELL:

24 That we have been working  
25 with them, yes, through their



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1 project manager, Charlie Romaine.

2 MR. ADLEY:

3 Would they have shut down,  
4 that's the question.

5 MS. MITCHELL:

6 I can't personally affirm  
7 that statement, and so we will  
8 try and get the project manager  
9 here to makes that representation  
10 to you.

11 MR. ADLEY:

12 I want to ask that we can  
13 move forward that there's --  
14 because the Executive Order  
15 clearly defines the retention of  
16 jobs. This is an issue of  
17 retention of jobs that we approve  
18 this application subject to  
19 confirmation from LED, whether  
20 it's at this meeting when the  
21 fellow gets off the phone or  
22 whenever he does it, subject to  
23 their confirmation that the plant  
24 would have literally shut down  
25 without this particular project.



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1 MR. BROADWATER:  
2 Can I ask for clarification  
3 from this side, Mr. Chairman?

4 MR. WINDHAM:  
5 Yes.

6 MR. BROADWATER:  
7 Because the issue is  
8 retention of jobs, if your motion  
9 is approval subject to  
10 confirmation that the plant will  
11 shut down without it, I'm not  
12 sure that's what the Executive  
13 Order says. If it is retention  
14 of jobs and they are saving  
15 reduced production by half, then  
16 I think they still need the  
17 criterion, so I would ask that  
18 you consider amending your  
19 motion.

20 MR. ADLEY:  
21 You know, I get that. The  
22 point is we're sitting here now  
23 voting to approve or not approve.  
24 Clearly the Governor said if it  
25 is for the retention of jobs and



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1 if the plant would shut down that  
2 clearly tells me that they are  
3 retaining jobs if they did the  
4 project. And so I just need for  
5 my own knowledge to make sure  
6 that the plant would not have  
7 remained open if you had not done  
8 this project that tells me we  
9 would have lost the jobs. That's  
10 for me. That's not -- I'm trying  
11 to get to the bottom of whether  
12 or not they are actually  
13 retaining jobs.

14 MR. BROADWATER:

15 I agree with you, Senator  
16 Adley. I guess the only place in  
17 where I had a difference is if  
18 what we're looking to see is  
19 whether there is compliance with  
20 the Executive Order, and if the  
21 gentleman comes back and he says,  
22 we might have found a way to  
23 reduce our production by half and  
24 save 200 jobs and we're retaining  
25 200 jobs, I personally would



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1 still be in favor of approving it  
2 at that point because we are  
3 retaining 200 jobs. I don't  
4 think the criteria is shut down  
5 or stay in business.

6 MR. ADLEY:

7 I don't have an objection to  
8 that. We move for approval upon  
9 LED confirming for us that it's  
10 truly the retention of jobs  
11 associated with this project.

12 MR. BROADWATER:

13 I agree with that. That's a  
14 proper motion. I second it.

15 MR. WINDHAM:

16 We have a motion by --

17 MR. ADLEY:

18 I never had a house member  
19 correct me, but I want to thank  
20 you for that.

21 MR. BROADWATER:

22 You are welcome.

23 MR. WINDHAM:

24 I believe there is a question  
25 by Mr. Richard.



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1 MR. RICHARD:

2 Yes, sir. Thank you. I see  
3 a letter of support from the  
4 Parish President. Have you  
5 engaged the School Board or the  
6 sheriff and other local  
7 government entities in this  
8 process?

9 MR. BARRETT:

10 Other than LED and the Parish  
11 President we haven't reached out  
12 directly to the School Board or  
13 the sheriff. We do have \$1.3  
14 million a year in property taxes  
15 in the parish. We pay about \$100  
16 to \$120,000 a month to the parish  
17 in sales and use tax, so we are  
18 putting pretty significant money  
19 back into the communities through  
20 taxes.

21 MR. RICHARD:

22 Since you offered those  
23 numbers, I wasn't going to ask,  
24 but since you offered those  
25 numbers, are there any concerns



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1 with taxes being owed to the  
2 School Board at this time.

3 MR. BARRETT:

4 We did file Chapter 11  
5 bankruptcy in February and we  
6 actually are being purchased  
7 today out of bankruptcy. Those  
8 taxes will be paid and made  
9 current by the estate through the  
10 bankruptcy process as taxes are a  
11 protected party through the  
12 bankruptcy process. They are the  
13 first money out.

14 MR. RICHARD:

15 So there are some taxes that  
16 are owed at this point in time?

17 MR. BARRETT:

18 Yes. By the old estate, yes.

19 MR. RICHARD:

20 I would ask the makers of the  
21 motion that you would go along or  
22 accept a friendly amendment that  
23 the company also reaches out to  
24 the School Board and the sheriff  
25 and provides confirmation that



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1 they had dialog with those local  
2 government entities along with  
3 the motion to approve if that  
4 would be okay to the makers of  
5 the motion.

6 MR. ADLEY:

7 I would withdraw the motion  
8 and recommend that we approve  
9 these three projects upon  
10 confirmation from LED that they  
11 work for the retention of jobs  
12 and upon receipt of some  
13 communication from local  
14 government that you have  
15 communicated with them what you  
16 are doing.

17 MR. WINDHAM:

18 And do you amend your second?

19 MR. BROADWATER:

20 Yes. That's fine.

21 MR. WINDHAM:

22 Amended motion by Mr. Adley.  
23 Amended second by Representative  
24 Broadwater. Any further  
25 comments, Mr. Richard?



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1 MR. RICHARD:

2 Thank you, very much.

3 MR. COLEMAN:

4 The company before these,  
5 before this company, um, they sat  
6 there and they told us that they  
7 retain 23 jobs and the vote just  
8 went no, so now we seem like we  
9 are not being fair. It seem like  
10 we tell these people, okay, you  
11 go back and come back and show us  
12 and they said that, well, we  
13 can't really time -- I guess they  
14 didn't have time but they did  
15 retain some jobs, so we should go  
16 and let them come back to us and  
17 say hey, if you can prove to us  
18 that you retain the 23 jobs that  
19 you said you did then we will  
20 consider approving their  
21 application, but seem like they  
22 said, okay, we didn't believe  
23 them, but, okay, we are going to  
24 believe y'all. That's what I'm  
25 feeling that, so --



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1 MR. ADLEY:

2 I get you, but I listen to  
3 what the other company said. The  
4 other company said that they  
5 didn't talk about retention.  
6 They just simply said that  
7 sometime last year they added 23  
8 jobs and then they did this  
9 project. It's certainly  
10 beneficial to them, I assume,  
11 they do the project, but their  
12 presentation, in my view, was  
13 substantially different than the  
14 one I heard from this group.  
15 This group has legitimately said,  
16 clearly said the plant itself  
17 would shut down without the  
18 project. That's a huge  
19 difference between someone saying  
20 look, I went and did some work  
21 out there and the year before I  
22 added some jobs, so y'all can  
23 approve my work. That's what I  
24 heard from the other company.  
25 That's my view.



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1 MR. WINDHAM:

2 Mr. Coleman.

3 MR. COLEMAN:

4 I heard that, but if we are  
5 in the business of retaining  
6 jobs, I think we should retain 23  
7 just as well we do 400. I don't  
8 know how many they said, 450, the  
9 whole plant will shut down, but  
10 I'm in the business of saving  
11 jobs, so if we can save 23 for  
12 the state, I would love to do  
13 that as well. If they can prove  
14 to me that the investments they  
15 made retain three jobs then I  
16 will be ready to approve the  
17 application.

18 MR. WINDHAM:

19 Mr. Moller.

20 MR. MOLLER:

21 Can we get Mr. House up here  
22 to talk about what the Executive  
23 Order really says with respect to  
24 MCAs and whether this complies  
25 with that because my



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1 understanding of section 2 of the  
2 Executive Order is that, you  
3 know, for all pending MCA's that  
4 were pending before June 24th,  
5 the effective -- the Executive  
6 Order is effective immediately  
7 unless they provide for new jobs.  
8 It doesn't speak to retained  
9 jobs.

10 MR. ADLEY:

11 I think you are making a  
12 legitimate point. I just happen  
13 to have a copy of it in front of  
14 me. You are not going to like to  
15 hear it, but I'm going to be  
16 withdrawing my motion based upon  
17 that.

18 The retention of new jobs  
19 dealt with MCA's and the  
20 Executive Order into the future  
21 that we would allow an MCA for  
22 the retention of jobs into the  
23 future. The Executive Order says  
24 for all pending contractual  
25 applications for which no advance



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1 notification is required under  
2 the rules of the Board Commerce  
3 and Industry except for such  
4 contracts that provide for new  
5 jobs at the completed  
6 manufacturing plants or  
7 establishment, this order is  
8 effective immediately. So it's  
9 not -- I was in error. I was  
10 wrong and you can corrected me  
11 rightfully so.

12 At least from the Governor's  
13 perspective unless it's creating  
14 new jobs and was an MCA then it  
15 would be his position not to sign  
16 it, and so for that reason I  
17 don't have to touch the motion I  
18 made with the first one but I  
19 would withdraw what I made on  
20 this one.

21 MR. BURTON:

22 And I can respond to that for  
23 a second, and maybe I missed with  
24 what you read but new jobs at the  
25 plant doesn't say anything about



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1 permanent jobs in that language  
2 the way you've read it. I may  
3 have misheard. There were over  
4 100 contractor jobs created over  
5 the six months of this project at  
6 the plant. There is \$12 million  
7 spent on this unloading facility  
8 so there were new jobs created.  
9 Were they permanent forever, no,  
10 but it saved 400 jobs at the  
11 plant, 400 plus jobs that are  
12 living wage jobs. Our hourly  
13 workers make about \$28 an hour  
14 before fringes, and we did create  
15 about 100 temporary jobs that,  
16 you know, were well funded  
17 through this project.

18 MR. MOLLER:

19 If this created construction  
20 jobs why isn't that listed in the  
21 summary page.

22 MR. BURTON:

23 I don't know why it's not  
24 listed in the summary page. It's  
25 listed in the presentation and I



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1 have provided that info. And if  
2 I could ask the council to listen  
3 to Charlie Romaine, too, it  
4 proves that we have been working  
5 with them for over two years on  
6 this project. Advanced notice  
7 was not required when we were  
8 working on this project. If it  
9 was we obviously would have done  
10 it, but we worked arm in arm with  
11 LED to get this project through  
12 the process.

13 MR. WINDHAM:

14 Mr. Romaine, please identify  
15 yourself.

16 MR. ROMAINE:

17 Yes, Charlie Romaine. I am an  
18 assistant director with the  
19 business retention at LED. I was  
20 with this project from the very  
21 beginning. Excuse me, I am a  
22 little out of breath. I was  
23 running here.

24 The project was project  
25 manager, which we met with them



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1 and discussed the project in  
2 detail and capital that they  
3 would have to put in. At the  
4 time they didn't file the  
5 advanced notification because  
6 under the existing or the  
7 previous rules it wasn't  
8 necessary and that's one of the  
9 reason why they did the capital  
10 additions, but in this project in  
11 and of itself it was a total  
12 upgrade of a conveyor system for  
13 loading and unloading barges, so  
14 they fought with that and we've  
15 been dealing with them for two  
16 years I would say, and,  
17 obviously, you know what the  
18 situation is with the company.  
19 They've been through a Chapter 11  
20 bankruptcy trying to come out of  
21 it now hopefully with a new  
22 acquisition that could go one or  
23 two ways depending on what the  
24 purchaser wants to do, so based  
25 off of that I think at this point

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1 in time it's very critical that  
2 we make sure that the companies  
3 that are already here and  
4 experiencing tough times have  
5 that opportunity with the new  
6 owner to see what can be done.

7 MR. MILLER:

8 May I ask a question.

9 MR. WINDHAM:

10 Sorry. Go ahead, Mr. Miller.

11 MR. MILLER:

12 Just kind of switch gears a  
13 little bit. What was the -- you  
14 talked about the School Board --  
15 I mean, property tax and the  
16 other local property tax. What  
17 is that total that is going to be  
18 paid?

19 MR. BARRETT:

20 So what will be paid as the  
21 estate winds down will be the 1.3  
22 million that is due for the year  
23 2015. We are completely current  
24 on sales and use tax as we speak.  
25 We make a payment on the 20th of



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1 every month, so the next payment  
2 will be November 20th for the  
3 October period. We also are  
4 accruing property taxes for this  
5 year at about the same rate as  
6 last year.

7 MR. MILLER:

8 So your total property tax --  
9 local -- what your total property  
10 tax, not local, your total  
11 property tax is 1.3 million for  
12 this facility.

13 MR. BARRETT:

14 Correct. And a small portion  
15 goes to St. Johns, the majority  
16 of it goes to St. James.

17 MR. MILLER:

18 Okay. The conveyor system  
19 that you put in, where is the  
20 manufacturer of that system  
21 located, is that a Louisiana  
22 company by chance.

23 MR. BARRETT:

24 We used Kostmayer to  
25 construct part of it. We used



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1 Boh Bros. Kostmayer and Boh Bros  
2 are both located in Louisiana.  
3 We used other local suppliers  
4 like EIU Industrial or Electronic  
5 Industrial United, I think is  
6 their name.

7 MR. MILLER:

8 Are any of them manufactured  
9 in Louisiana.

10 MR. BARRETT:

11 I don't know where the actual  
12 steel or whatnot, but they are  
13 definitely constructed in  
14 Louisiana and then barged down at  
15 the river.

16 MR. MILLER:

17 Thank you.

18 MR. ADLEY:

19 I'm going to say this and get  
20 out of there for my Governor  
21 before I get myself in trouble.  
22 But I have to believe that if the  
23 Governor felt that the retention  
24 was an issue going forward and  
25 that when he said the creation of



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1 new jobs and he didn't define  
2 that whether or not they were  
3 there at the plant or the  
4 construction jobs, to me it  
5 really makes no sense that you  
6 would not move forward with this  
7 application. Now, I understand  
8 that there is some more testimony  
9 and I would like forward to  
10 hearing that unless someone can  
11 give a counterargument that  
12 common sense appears directly in  
13 that direction.

14 MR. WINDHAM:

15 Thank you, Mr. Adley.  
16 Representative Broadwater have  
17 any comments.

18 MR. BROADWATER:

19 Yes. Mr. Romaine, you said  
20 you have been working on this  
21 project for two years, correct?

22 MR. ROMAINE:

23 Correct.

24 MR. BROADWATER:

25 And your responsibility is



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1 business retention and expansion?

2 MR. ROMAINE:

3 Correct.

4 MR. BROADWATER:

5 Did LED provide any guidance  
6 to the company in terms of  
7 recommendations of how they could  
8 remain in existence and did you  
9 provide any recommendations to  
10 them as to whether they ought to  
11 just participate in this program  
12 to assist in their retention?

13 MR. ROMAINE:

14 As part of our process when  
15 we meet with the company, we  
16 value the company pretty much all  
17 of the incentives that the  
18 company qualifies for. If we are  
19 in a meeting with them we are  
20 going to, of course, bring that  
21 to their attention as part of our  
22 duties to make sure they are  
23 aware of it, so, yes, we --  
24 whether it's Quality Jobs  
25 Enterprise Zone or the Industrial



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1 Tax Exemption, we inform them of  
2 it.

3 MR. BROADWATER:

4 And I appreciate that, and I  
5 appreciate Mr. Adley's comments  
6 as well. I do not -- I think the  
7 other thing that is important  
8 here is -- and it's been  
9 evidenced by the Governor -- is  
10 that he is concerned about  
11 keeping word, and if the State of  
12 Louisiana went out and worked  
13 with this company in an effort to  
14 try to retain those jobs and  
15 said, go down this process, do  
16 the expansion and there is this  
17 opportunity for you to do that, I  
18 think that's part of keeping that  
19 word as well, and so I'm going to  
20 make a motion that we approve,  
21 based upon the testimony that's  
22 been provided.

23 MR. WINDHAM:

24 So you withdraw your second?

25 MR. BROADWATER:



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1           No. I withdrew the motion.  
2           MR. WINDHAM:  
3           Oh, you withdrew your motion.  
4           MR. ADLEY:  
5           I did.  
6           MR. WINDHAM:  
7           Mr. Richard.  
8           MR. RICHARD:  
9           Just some clarity. In the  
10          documents that we're provided as  
11          Board members the ad valorem tax  
12          relief for the Noranda in this  
13          agenda item amounts to about  
14          \$820,000. That is over ten  
15          years, as I understand things.  
16          MR. ROMAINE:  
17          Correct.  
18          MR. RICHARD:  
19          So basic math, that's about  
20          \$80,000 in abated taxes each year  
21          based on the information that  
22          we're provided, so you're  
23          testifying today that if this ad  
24          valorem tax relief is not granted  
25          through this ITEP application



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1 that about \$80,000 a year that  
2 that would cause Noranda to shut  
3 down and lose jobs?

4 MR. BARRETT:

5 No. That's not what I'm  
6 testifying. What I'm testifying  
7 today is that we did the project  
8 to save the jobs, the project is  
9 in place. We're not going to  
10 close down now because if we  
11 don't get this tax exemption, but  
12 we did the project based on the  
13 rules of the tax exemption  
14 program, so we do pay our taxes,  
15 \$80,000 a year is a big sum for  
16 us. We don't make that much or  
17 cash on a yearly basis. When we  
18 close down at this point, if we  
19 don't get this abatement, no.  
20 Would we have closed down if we  
21 didn't do this project, yes.

22 MR. RICHARD:

23 I appreciate you clarifying  
24 and it's one of the areas we're  
25 working through, as I understand



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1 things, with the information  
2 we're provided. The tax relief  
3 is projected over ten years, and,  
4 I mean, that's what we have to go  
5 by, and I think we are going to  
6 try to fix that moving forward  
7 but, thank you.

8 MR. WINDHAM:

9 Motion and seconded by  
10 Representative Carmody. Are  
11 there any other comments from the  
12 public. Please step forward and  
13 identify yourself. Do you  
14 gentlemen have anything that you  
15 would like to add before you --

16 MR. BARRETT:

17 Thank you for your time.

18 MR. WINDHAM:

19 Thank you very much. Please  
20 identify yourself.

21 MS. WASMANN:

22 Good morning. Kathy Wasmann,  
23 Louisiana Environmental Action  
24 Network.

25 The subject that has really



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1 not come very often before this  
2 Board is environmental issues.  
3 Noranda is a facility that is  
4 currently having problems with  
5 mercury emissions, and I thought  
6 at one point that the Department  
7 of Economic Development did look  
8 at environmental compliance of  
9 where they issued some of these  
10 tax measures, so we might want to  
11 put that into the consideration  
12 when we look at these tax issues  
13 also. So they are currently --  
14 Louisiana Environmental Action  
15 Network has filed a suit on  
16 mercury emissions for this  
17 company or an intention to file  
18 suit on its mercury emissions. I  
19 do appreciate that, you know,  
20 it's a struggling company. In  
21 January there was another reason  
22 given why this company would not  
23 exist and certainly no area wants  
24 to lose 444 jobs, that's very  
25 important in Louisiana, but you

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1 have to have good actors and you  
2 have to have people who support  
3 the local communities, and you  
4 also have to factor in the cost  
5 of pollution. If you have  
6 fishing advisories on Belle River  
7 or other areas because of mercury  
8 pollution then you have to look  
9 at that cost, too. Environmental  
10 costs are real actual costs, so  
11 as you evaluate these -- all of  
12 these exemptions from local  
13 property tax because it is the  
14 locals who are going to have to  
15 pick up whatever you grant here,  
16 please also consider  
17 environmental impacts and the  
18 real actual costs of  
19 environmental impacts. Thank you.

20 MR. WINDHAM:

21 Thank you, Ms. Wasmann. Are  
22 there any questions by the Board  
23 members? Mr. Adley.

24 MR. ADLEY:

25 Yes. The Governor has made



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1 it very clear he will not support  
2 any ITEP or any required or  
3 mandated environmental upgrades,  
4 period. I don't think from what  
5 I read from this this is an  
6 environmental upgrade.

7 MS. WASMANN:

8 No, sir, but as you evaluate  
9 the companies as they come before  
10 you and ask that you also look at  
11 their environmental record. What  
12 they have done in the community,  
13 what have they done as far as  
14 their environmental impact on the  
15 community because the actual real  
16 cost to human health in the  
17 environment has never been put  
18 into the arena of evaluating the  
19 cost when you look at a cost  
20 benefit analysis, so we would  
21 like to put that out there  
22 because there is a cost for  
23 people not being able to fish.  
24 There is a health cost of people  
25 ingesting mercury. There is a



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1 health cost of people ingesting  
2 led, and there is a real cost and  
3 a real cost to healthcare and to  
4 the people and to the community.  
5 Thank you.

6 MR. WINDHAM:

7 Thank you, Ms. Wasmann. Are  
8 there any other questions from  
9 any of the Board members of Ms.  
10 Wasmann?

11 I believe someone else would  
12 like to speak from the public.  
13 Please step forward and identify  
14 yourself.

15 MR. HANDLEY:

16 My name is Dianne Handley  
17 with Together Louisiana. I  
18 forgot to say that last time. I  
19 believe that the beginning  
20 conversation was the right way to  
21 go. I was looking at section 2 at  
22 the same time that you were  
23 reading it as well and my  
24 understanding is exactly as you  
25 stated before that it has to do



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1 with new jobs. When the question  
2 came up about well, there were  
3 some jobs, temporary jobs, don't  
4 those count, it doesn't say  
5 whether it's permanent or not, my  
6 understanding of the application  
7 is new permanent jobs is listed  
8 as zero, construction jobs were  
9 listed as zero and now all of a  
10 sudden we're talking about some  
11 other new jobs that were -- came  
12 and went. I think it's  
13 critically important that we do  
14 not degrade this job requirement  
15 by saying that we will now look  
16 at some other possibilities of  
17 what jobs might or might not have  
18 been. We know what we are  
19 talking about, new permanent  
20 jobs, and the application was  
21 clear on how you state that.  
22 They put zero for new permanent  
23 jobs, zero for construction jobs  
24 and to come up today and say  
25 well, there were some that came

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1 and went I think really degrades  
2 the job requirements to a point  
3 of meaninglessness. We can all  
4 say we had jobs that came in and  
5 out, so I wish you would go back  
6 to Senator Adley's very first  
7 statement and do apply it as  
8 section 2 does speak for all  
9 pending contractual applications  
10 for which no advanced  
11 notification is required under  
12 the rules of the Board of  
13 Commerce and Industry except for  
14 such contracts that provide for  
15 new jobs at the completed  
16 manufacturing plants or  
17 establishments, this order is  
18 effective immediately, so thank  
19 you so much for this.

20 MR. WINDHAM:

21 Any questions of Ms. Handley?

22 MR. ADLEY:

23 I did just read the  
24 application again looking at the  
25 contract jobs, they are listed at



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1 zero, and you testified 100.

2 Something's wrong.

3 MR. WINDHAM:

4 Thank you, Ms. Handley. Mr.  
5 Barrett, would you like to  
6 respond.

7 MR. BARRETT:

8 Yes. First I would like to  
9 respond to the jobs. When we  
10 filed I sent a letter with the  
11 application that did state that  
12 there were numerous temporary  
13 jobs around 100. I don't know  
14 why it's not on the summary  
15 sheet. It's not correct from the  
16 beginning. We always talked  
17 about temporary jobs being added  
18 over the portion of the project.  
19 Charlie can talk about that. We  
20 did not add any permanent new  
21 jobs. We did not lose any  
22 permanent new jobs because of  
23 this project. It was to keep the  
24 plant open.

25 I would also like to respond



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1 to the environmental discussion  
2 that was brought. We are a good  
3 citizen. LDEQ is at our site  
4 often. They have a mobile  
5 testing lab around our plant all  
6 of the time. We have not failed  
7 any tests. We have permits with  
8 the state. There's normal  
9 industrial issues with our plant.  
10 Nothing has been tied directly to  
11 our plant for elevated mercury  
12 levels, and the lawsuit that has  
13 been potentially filed or noticed  
14 from our standpoint has no  
15 substance at all. So we get  
16 tested all of the time. We are  
17 very active members with LDEQ.  
18 They come on site do tests. MSHA  
19 comes on site often and make sure  
20 our workers are safe and work in  
21 a good environment. And we have a  
22 very good relationship with them.  
23 I just want to put it out there  
24 and respond because we are good  
25 actors in the community.

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1 MR. WINDHAM:  
2 Thank you, Mr. Barrett. Are  
3 there any additional questions by  
4 the Board? There is a motion on  
5 the table by Representative  
6 Broadwater. I believe it was  
7 seconded by Representative  
8 Carmody. Any additional  
9 questions? Mr. Richard.

10 MR. RICHARD:  
11 Just some clarity before we  
12 vote on this motion. The  
13 Executive Order, whether the  
14 first one or the second one, both  
15 apply to this particular  
16 situation and the applications do  
17 not meet the requirements of the  
18 Executive Orders. Is that clear  
19 from LED?

20 MR. ADLEY:  
21 I think that you add -- his  
22 definition of new jobs were  
23 construction jobs. The other  
24 side would say it's permanent  
25 jobs. I clearly think the



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1 Governor meant permanent jobs.  
2 I'm sure that's what he meant.  
3 Common sense does tell me that  
4 the Governor said going forward  
5 on any of these if you could  
6 prove pending retention. For me  
7 I'm not going to -- Mr.  
8 Broadwater put out another motion  
9 and let the Board determine what  
10 you think is right. I'm going to  
11 follow the Executive Order,  
12 that's what I'm going to do.

13 MR. ROMAINE:

14 Could I add something?

15 MR. WINDHAM:

16 Yes, Mr. Romaine.

17 MR. ROMAINE:

18 Just to kind of second what  
19 he said. I'm not sure about the  
20 construction jobs, but I have  
21 seen the equipment and the new  
22 gantry systems, so someone built  
23 it. Obviously there were some  
24 construction jobs there. And on  
25 the second note, if I could just



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1 talk. You know, for two years I  
2 have been working with this  
3 project and in two years two  
4 aluminum refineries have closed  
5 in the United States. I know  
6 Alumina refinery, which these  
7 guys have manufactured closed in  
8 the United States. This virtually  
9 these may be the last one in the  
10 United States. China is dumping  
11 and causing a lot of that, so  
12 when we think about the impact of  
13 the jobs and the new jobs when  
14 you are in an industry where all  
15 across the country they are  
16 closing and these guys are trying  
17 to stay open, I think it's  
18 something that we need to take  
19 into consideration. Thank you.

20 MR. ADLEY:

21 Appears to me that if -- even  
22 I said no, voted no and the Board  
23 approved that that it would then  
24 be sent over to the Governor and  
25 you would have that opportunity



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1 to make that argument yourself.  
2 By representing him and what he  
3 has said, I feel compelled to  
4 make the no vote. The Board  
5 deems it appropriate, in my view,  
6 to send it over to have him have  
7 this discussion. I think that's  
8 within your power to do that.

9 MR. BROADWATER:

10 Mr. Chairman, if I may. I  
11 appreciate Mr. Adley saying that.  
12 I think the other thing that I  
13 know about the Governor, as I  
14 said earlier, that he's already  
15 demonstrated is that he wants to  
16 also insure that there is some  
17 certainty for these businesses  
18 that are out there, and if we  
19 started down a path with them  
20 that we need to honor our word  
21 and keep our commitments. Having  
22 known him inside and outside of  
23 government, I know how important  
24 that is to him. I personally  
25 would like to give him the



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1 opportunity to make that  
2 decision, and so I'm going to  
3 maintain my motion and vote yes  
4 and let the Governor decide which  
5 he believes -- at least give him  
6 that opportunity and I would  
7 encourage the Board to follow  
8 with that motion.

9 MR. WINDHAM:

10 Thank you, Representative  
11 Broadwater. Mr. Richard.

12 MR. RICHARD:

13 I will ask no matter what the  
14 vote turnout is that's irrelevant  
15 to my request. I would make the  
16 same request to the offerers of  
17 the motion and second that they  
18 accept a friendly amendment to  
19 the motion to where the business  
20 entity provides evidence that  
21 they've had dialog with the local  
22 government entities other than  
23 the parish government at this  
24 point because they -- they  
25 testified earlier that they have



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1 not had substantive dialog with  
2 the School Board or the sheriff  
3 in regards to these applications.

4 MR. BROADWATER:

5 Mr. Chairman, that's a fair  
6 request and that's not asking too  
7 much of that company. I will  
8 withdraw my motion and restate it  
9 requesting or moving that we  
10 approve the application subject  
11 to proof from those local  
12 governmental entities as defined  
13 in the Executive Order that there  
14 has been communication from the  
15 company with them, and that will  
16 be my motion.

17 MR. WINDHAM:

18 Thank you, Representative  
19 Broadwater. Representative  
20 Carmody with his second. Is  
21 there any additional comment?

22 MS. CHENG:

23 I did want to add that we did  
24 have a letter from Noranda that  
25 did say something about 50



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1 contractor jobs. My mistake that  
2 it's not on the actual  
3 application.

4 MR. WINDHAM:

5 Thank you, Ms. Cheng. All  
6 right. Any additional comments  
7 from the public, please step  
8 forward. Identify yourself.

9 MR. BAGGER:

10 Good morning. I'm Broderick  
11 Bagger with Together Louisiana.  
12 There are two potential criteria  
13 for evaluating whether something  
14 creates jobs or not. One is  
15 whether the underlying investment  
16 creates or retains jobs, and the  
17 other is whether the tax benefit  
18 incentive creates and retains  
19 jobs. A lot of this discussion  
20 is presumed that we are talking  
21 about whether the underlying  
22 investment creates or retains  
23 jobs. Virtually every company in  
24 the United States of America or  
25 anywhere in the global capital



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1 system has to make investments to  
2 stay in business so they could  
3 claim plausibly that these  
4 investments are necessary to  
5 staying in business. The question  
6 for public policy ought to be the  
7 public component of it. Does the  
8 tax subsidy change behavior in a  
9 way that has some element of the  
10 common good. Would the company  
11 be doing the same thing without  
12 that tax subsidy or does it  
13 result in some kind of different  
14 behavior, some kind of different  
15 pattern of jobs or investment  
16 other than what would have  
17 happened otherwise. They just  
18 testified that there would be no  
19 difference with or without  
20 subsidy. They said it's the  
21 underlying investment was  
22 essential and I don't doubt for a  
23 minute, but that's not unusual to  
24 have to make investments to keep  
25 a company open. The question for

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1 this body seem to us, not just  
2 now but throughout is, does the  
3 subsidy create some difference in  
4 behavior. We heard it doesn't so  
5 it doesn't seem to have any  
6 plausible justification in that  
7 the act of granting or not  
8 granting the subsidy won't effect  
9 any jobs because it won't effect  
10 the decisionmaking process now  
11 going forward with this company.  
12 Thank you.

13 MR. WINDHAM:

14 Thank you, Mr. Bagger. I am  
15 sorry. Any questions by the  
16 Board members of Mr. Bagger? No.  
17 I guess we'll -- we'll need to  
18 take a roll call on this vote.  
19 Any further comments by any of  
20 the Board members? Ms. Melissa,  
21 if you will please.

22 MS. SORRELL:

23 Robert Adley.

24 MR. ADLEY:

25 No.



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1 MR. BARHAM:  
2 Robert Barham.  
3 MR. BARHAM:  
4 Yes.  
5 MS. SORRELL:  
6 Representative Broadwater.  
7 MR. BROADWATER:  
8 Yes.  
9 MS. SORRELL:  
10 Millie Atkins.  
11 MS. ATKINS:  
12 Yes.  
13 MS. SORRELL:  
14 Mayor Brasseaux.  
15 MR. BRASSEAUX:  
16 Yes.  
17 MS. SORRELL:  
18 Representative Carmody.  
19 MR. CARMODY:  
20 Yes.  
21 MS. SORRELL:  
22 Yvette Cola.  
23 MS. COLA:  
24 Yes.  
25 MS. SORRELL:



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1 Major Coleman.  
2 MR. COLEMAN:  
3 No.  
4 MS. SORRELL:  
5 Heather Malone.  
6 MS. MALONE:  
7 Yes.  
8 MS. SORRELL:  
9 Ben Hudson.  
10 MR. HUDSON:  
11 No.  
12 MS. SORRELL:  
13 Robbie Miller.  
14 MR. MILLER:  
15 Yes.  
16 MS. SORRELL:  
17 Jan Moller.  
18 MR. MOLLER:  
19 No.  
20 MS. SORRELL:  
21 Secretary Pierson.  
22 MR. PIERSON:  
23 Yes.  
24 MS. SORRELL:  
25 Scott Richard.



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1 MR. RICHARD:

2 No, ma'am.

3 MS. SORRELL:

4 Bobby Williams.

5 MR. WILLIAMS:

6 No.

7 MR. SORRELL:

8 Steve Windham.

9 MR. WINDHAM:

10 Yes.

11 MS. SORRELL:

12 Ten yes's. Six no's.

13 MR. WINDHAM:

14 With that, the motion  
15 carries.

16 Next item on the agenda is --

17 MS. CHENG:

18 Sorry.

19 MR. WINDHAM:

20 I am sorry. Textron Marine &  
21 Land System. Ms. Cheng.

22 MS. CHENG:

23 20161269, Textron Marine &  
24 Land Systems.

25 MR. WINDHAM:



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1           Mr. Adley, I believe you have  
2           some questions about Textron  
3           Marine & Land Systems.

4           MR. ADLEY:

5           Well, I did. Give the staff  
6           an opportunity to, I guess,  
7           explain it to everyone. When I  
8           looked at Textron, if you will  
9           look at it, the investment is 3.3  
10          million. It shows the creation  
11          of 94 jobs. That's a good thing.  
12          It shows a payroll of  
13          \$55,527,000.

14          MS. CHENG:

15          That's a ten year payroll  
16          that was calculated.

17          MR. ADLEY:

18          I am sorry.

19          MS. CHENG:

20          That was for over ten years.

21          MR. ADLEY:

22          So it's not an average of  
23          \$590,000 per year per job, it's  
24          an average of \$59,000 a year per  
25          job.



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1 MS. CHENG:

2 Yes, sir.

3 MR. ADLEY:

4 Correct?

5 MS. CHENG:

6 Yes. That's correct.

7 MR. ADLEY:

8 And they have created 94  
9 jobs.

10 MS. CHENG:

11 I have the company to speak  
12 about that, actually. I believe  
13 there's a correction.

14 MR. WINDHAM:

15 Somebody from Textron please  
16 step forward to discuss this  
17 application. Identify yourself,  
18 please.

19 MR. LUSK:

20 Hello. My name is John Lusk.  
21 I'm the capital accountant at  
22 Textron, and when I looked more  
23 closely at the application, I  
24 realize there was a mistake, and  
25 actually there was 165 jobs



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1 added. The form was filled out  
2 incorrectly. We went from 94  
3 jobs in January 2015 to 259 in  
4 December of 2015 at the  
5 conclusion of the project, and as  
6 of today we have 412 jobs that's  
7 at the plant.

8 MR. WINDHAM:

9 Thank you, Mr. Lusk.

10 MR. ADLEY:

11 The only question, I'm  
12 certainly, for your application,  
13 I will tell you it created the  
14 jobs. That's what we're  
15 interested in. Just for the  
16 Board's point when we move  
17 forward on these next set of  
18 applications, I want to ask if  
19 you look very carefully when you  
20 look at the project description,  
21 you really don't tell us  
22 anything. I really don't know if  
23 that's for additions or it's new  
24 or if it's maintenance. I don't  
25 have a clue what that is when it



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1 just says 2015 miscellaneous  
2 capital additions.

3 MR. LUSK:

4 Well, I sent in -- Kristin  
5 asked for more information. I  
6 sent in a report of details about  
7 each and every single project. I  
8 don't know if you have that, but  
9 primarily what this project  
10 was --

11 MR. ADLEY:

12 Was any of that just pure  
13 maintenance upgrade what you had?

14 MR. LUSK:

15 No. We were converting a  
16 facility that was primarily a  
17 warehouse into a construction  
18 facility for armored security  
19 vehicles, so these were all  
20 renovations and additions to the  
21 facility in order for us to be  
22 able to produce these vehicles.

23 MR. WINDHAM:

24 Thank you very much for your  
25 investment and the jobs that you



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1 did create, which the state  
2 really appreciates that. I know  
3 that the Governor does as well.  
4 Are there any other questions  
5 from the Board of Mr. Lusk?

6 MR. ADLEY:

7 I move for approval.

8 MR. WINDHAM:

9 Motion my Mr. Adley.

10 Seconded by Mr. Miller, President  
11 Miller. Are there any comments  
12 from the public regarding the  
13 Textron Marine and Land Systems  
14 applications? Any other comments  
15 from the Board? No comments.  
16 All in favor indicate with an  
17 aye.

18 ALL BOARD MEMBERS:

19 Aye.

20 MR. WINDHAM:

21 All opposed with a nay.

22 Hearing no nays, motion carries.

23 Passes.

24 We have nine new  
25 applications.



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1 MS. CHENG:  
2 We have nine new  
3 applications. These did all have  
4 advances filed prior to the  
5 Executive Order on June 24th of  
6 2016.

7 Before we start, I want to  
8 say that 20151141, Venture Global  
9 Calcasieu Pass, LLC; 20161532,  
10 Venture Global Plaquemines LNG,  
11 LLC; and 20150886, Westlake  
12 Chemical OpCo, LP all requested  
13 to defer their applications until  
14 December.

15 MR. WINDHAM:  
16 The last three deferred?

17 MS. CHENG:  
18 Yes. The last three  
19 deferred.

20 MR. WINDHAM:  
21 We need to make a motion.  
22 Motion. Seconded by Mr. Coleman  
23 to defer the last three  
24 applications on this list.

25 MR. ADLEY:



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BOARD OF COMMERCE AND INDUSTRY MEETING

1           So what we're left with,  
2           then, is six --

3           MR. WINDHAM:

4           Let me finish the motion. All  
5           in favor indicate with an aye  
6           that these three be deferred.

7           ALL BOARD MEMBERS:

8           Aye.

9           MR. WINDHAM:

10          All opposed with a nay.  
11          Motion carries. Now we will  
12          cover the preceding six.

13          MR. ADLEY:

14          I want to suggest to you to  
15          try to get these in a block so we  
16          can try to move on because we  
17          start to break these down. That  
18          the remaining six, it appears  
19          that three of them clearly or  
20          three were for expansions or  
21          additions, and I would like to  
22          move for approval for those, and  
23          that would be looking at the last  
24          two numbers or three -- 277, the  
25          first one. The second one, 029;



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1 and then dropped to the 4th one  
2 at 59C. Those were all new  
3 additions, construction, and I  
4 would ask for approval -- move  
5 for approving for those three.  
6 And then what I am going to do if  
7 you approve that is then take the  
8 next three that would fall in the  
9 category of generally  
10 maintenance. That appears that  
11 we don't clearly know what it is  
12 and ask for approval of them.  
13 There is a reason for that and I  
14 will explain it when we get to  
15 that if I can.

16 MR. WINDHAM:

17 Let me make sure I understand  
18 this. The motion is to approve  
19 iFAB Industrial, Sabine Pass  
20 Liquefaction. Those two.

21 MS. CHENG:

22 And Marathon Petroleum  
23 Company, LP.

24 MR. ADLEY:

25 IFAB, Marathon and Sabine



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1 Pass. Those three were  
2 expansions and construction or  
3 additions.

4 MR. WINDHAM:

5 Is there a second to that  
6 motion?

7 MS. ATKINS:

8 Seconded by Ms. Atkins. Is  
9 there any discussion from the  
10 public regarding those three  
11 applications? Is there  
12 discussion from the Board  
13 regarding those three  
14 applications?

15 MS. CHENG:

16 Would you like me to read the  
17 numbers of those application into  
18 the --

19 MR. WINDHAM:

20 I think we see the names  
21 better than the numbers, but you  
22 can. For the record, I guess it's  
23 appropriate.

24 MS. CHENG:

25 20141277, iFAB Industrial,



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1 LLC. 20152029, Marathon  
2 Petroleum Company, LP. And  
3 20110659C, Sabine Pass  
4 Liquefaction, LLC.

5 MR. WINDHAM:

6 Thank you. Mr. Richard.

7 MR. RICHARD:

8 Yes, sir. And I appreciate  
9 Mr. Adley wanting to move forward  
10 by grouping them. Had  
11 conversations with the local  
12 government school boards,  
13 especially in the districts that  
14 show no new permanent jobs and  
15 that would be the application  
16 dealing with Marathon, Motiva,  
17 Shell and Westlake Chemical, but  
18 I understand that Westlake  
19 Chemical has been deferred, so I  
20 have had conversations with the  
21 leaders of those school systems  
22 and they have had no dialog with  
23 any of these three companies in  
24 regards to these applications,  
25 and I just think that we're at a



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1 point in our state where --

2 MR. ADLEY:

3 Those are not the three I'm  
4 doing right now. We are going to  
5 do your three next.

6 MR. RICHARD:

7 Okay. Well, I think we need  
8 some clarity because they are  
9 grouping Marathon in, and  
10 Marathon shows no new permanent  
11 jobs in St. John, so do we need  
12 to clarify?

13 MR. ADLEY:

14 I see. You are correct. I  
15 have iFAB, Marathon and Sabine  
16 Pass.

17 MR. RICHARD:

18 But Marathon shows no new  
19 jobs.

20 MR. ADLEY:

21 That's correct.

22 MR. RICHARD:

23 Do we want to remove Marathon  
24 from your grouping and focus on  
25 iFAB and Sabine Pass?



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. ADLEY:

2 No, I don't. I am going to  
3 tell you why I don't. Here is our  
4 dilemma. Under what the Governor  
5 has proposed and under what you  
6 hopefully will adopt when this  
7 meeting is over with, a new set  
8 of rules is going to solve a  
9 whole lot of these problems that  
10 we're having here today. The  
11 reason I am trying to separate  
12 them out is that under the new  
13 rules when you get to expansions,  
14 construction and addition that's  
15 clearly acceptable with jobs.  
16 Today is acceptable period. When  
17 you get to these areas that I  
18 call maintenance because they  
19 don't tell us what they do those  
20 are not going to be acceptable  
21 under the new rules, and so I'm  
22 trying to give the Board a feel  
23 for how many of these things may  
24 actually go away in the future  
25 and that's why I was dividing



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1     them out. Just because I divide  
2     them out doesn't mean we can't  
3     vote against them or discuss  
4     them, but if you like, I would be  
5     more than glad to, you know, take  
6     Marathon, take them all out,  
7     withdraw a motion and you can go  
8     vote for them one by one, but  
9     when we get to 140, 114, I don't  
10    think you are going to want to do  
11    that, but that's all I was trying  
12    to do.

13           MR. RICHARD:

14           And I appreciate that, Mr.  
15    Adley. My point of commentary on  
16    these items was going to focus on  
17    the fact that applications that  
18    have no new jobs indicated  
19    Marathon, Motiva and Shell now  
20    that we not disapprove them but  
21    that we defer until our next  
22    meeting and request that they  
23    have evidence of conversations  
24    with this School Board, the  
25    sheriff and the parish government



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1 moving forward, and I don't know  
2 if that's what the will of the  
3 Board is.

4 MR. ADLEY:

5 You and I are on the same  
6 line and want to do the same  
7 thing at the end of the day, but  
8 the Governor has made it very  
9 clear what it is that amended  
10 Executive Order that everything  
11 filed by 6-24 that it would  
12 comply with the current rules and  
13 whatever current agreements they  
14 had albeit we may not like what  
15 those agreements were, to insure  
16 that Louisiana has kept its word,  
17 that you find himself -- I can  
18 tell you I sat in a lot of  
19 meetings with him on this issue  
20 and it's very difficult for him  
21 that he had competing interest  
22 and keeping Louisiana's word  
23 became critical, so there were no  
24 requirements when they did these  
25 for jobs. I hated it's at zero.



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1 That's not going to be the case  
2 in the future. It's not. But  
3 because they were filed before  
4 6-24 I simply tried to group them  
5 into two categories so you can  
6 see the difference between  
7 construction and additions and  
8 people who were just generally  
9 spending money with no real  
10 description of what it's for  
11 because that's probably going to  
12 go away in the future also.

13 For that reason, I'm going to  
14 ask you to please consider that  
15 because these were filed by --  
16 prior to 6-24, and Louisiana  
17 rightfully or wrongfully gave its  
18 word this is where they were  
19 going to move forward unless they  
20 violated the existing agreement  
21 that they had with Louisiana, it  
22 is his position that we move  
23 forward on that.

24 MR. WINDHAM:

25 Thank you, Mr. Adley. There



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1 is a motion on the floor that we  
2 group these three together. Is  
3 there a second? Mr. Broadwater  
4 seconds the motion. Any  
5 additional discussion?

6 MR. RICHARD:

7 Would you accept a friendly  
8 amendment to your motion that  
9 they bring evidence to the Board  
10 even though it's after the fact  
11 that they've had these  
12 conversations with local  
13 government?

14 MR. PIERSON:

15 Can you please define what  
16 the conversation with local  
17 governance would indicate. I  
18 mean, is there an agreement with  
19 local government or a  
20 conversation that says we are  
21 doing a plant expansion in your  
22 jurisdiction or --

23 MR. RICHARD:

24 Secretary Pierson, I just  
25 think we are at a point in



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1 Louisiana where we can't -- we  
2 can no longer approve giving away  
3 local taxes without even having a  
4 conversation with the leaders of  
5 local government.

6 MR. PIERSON:

7 And that is absolutely going  
8 to happen on everything going  
9 forward. There is a very  
10 important demarcation line we  
11 crossed, but they are in full  
12 compliance with everything that  
13 we asked them to do at that time.  
14 If we are going to task an  
15 additional element, we can  
16 certainly make that, but it  
17 doesn't have a definition of what  
18 we've been trying to achieve. We  
19 know very clearly what that looks  
20 like post 6-24.

21 MR. RICHARD:

22 And I'm totally and  
23 completely cognizant and aware of  
24 the Executive Orders and the  
25 requirements. The point of my



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1 dialog today is to reemphasize  
2 that common sense should tell  
3 stakeholders, whether they be  
4 government or industry, that if  
5 we're asking to give away local  
6 taxes at the state level that  
7 there at least be some  
8 conversation with those entities  
9 at the local level, whether that  
10 be formal as required by the  
11 Executive Orders or informal, and  
12 that's what the leaders of those  
13 school systems have had dialog  
14 with me in regards to this matter  
15 that, you know, we haven't even  
16 spoken to them about this, you  
17 know

18 MR. PIERSON:

19 I think we're on the same  
20 page.

21 MR. RICHARD:

22 I withdraw my friendly  
23 amendment request and we can move  
24 forward. Thank you.

25 MR. WINDHAM:



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1 Any additional questions or  
2 comments from the Board? The  
3 motion is to group these three  
4 together. It's been seconded. No  
5 additional comments. All in  
6 favor indicate with an aye.

7 PARTIAL BOARD MEMBERS:

8 Aye.

9 MR. WINDHAM:

10 All opposed with a nay.

11 MR. RICHARD:

12 Nay.

13 MR. WINDHAM:

14 Oh, I am sorry. Mr. Richard  
15 voted nay. Motion carries. With  
16 that we'll move forward with the  
17 grouping of the three.

18 MR. ADLEY:

19 I would recommend, Mr.  
20 Chairman, that we now take Motiva  
21 20140815, 201415, 17, 77, yeah,  
22 77, and 20141578, Shell, that you  
23 take those three together, and  
24 the reason for that is if you  
25 look at their description of



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1 their projects it is very  
2 difficult to tell whether or not  
3 some kind of maintenance or  
4 additions we really don't know.  
5 Under current rules maintenance  
6 was allowed. And the reason I  
7 wanted to separate these and when  
8 we get to that large list you are  
9 probably going to find 40 or 50  
10 of these that we will be able to  
11 group together there's perfectly  
12 legal under the current rules  
13 that may very well not fit under  
14 the new rules that we adopt, and  
15 the only reason I separated them  
16 out was to make that clear so  
17 that everyone understands going  
18 forward these applications are  
19 getting approved here today filed  
20 prior to 6-24. Going forward,  
21 unless there is some different  
22 description, they are not going  
23 to be before this Board anymore  
24 is my guess with the adoption  
25 under the new rules, so I ask

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1 that you move favorably on those  
2 three.

3 MR. WINDHAM:

4 So the motion is to move  
5 favorably on the three numbers  
6 that Ms. Cheng will read.

7 MS. CHENG:

8 20140815, Motiva Enterprises,  
9 LLC.

10 20141577, Shell Chemical  
11 Company LP.

12 And 20141578, Shell Chemical  
13 Company, LP.

14 MR. WINDHAM:

15 Is there a second? Seconded  
16 by Mr. Coleman. Are there any  
17 comments from the public? Are  
18 there any comments or questions  
19 by any of the Board members  
20 regarding these. All in favor  
21 indicate with an aye.

22 PARTIAL BOARD MEMBERS:

23 Aye.

24 MR. WINDHAM:

25 All opposed with a nay.



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1 MR. RICHARD:

2 Nay.

3 MR. WINDHAM:

4 I am sorry. Mr. Richard voted  
5 no. Motion carries.

6 Next will be the other three,  
7 which I believe you will read out  
8 by number again? I am sorry, I  
9 believe the motion before was to  
10 group them together. The first  
11 three are approved. I stand  
12 corrected. All right. Next  
13 grouping will be.

14 MS. CHENG:

15 Next we have 14 renewals that  
16 were deferred on September 12th  
17 at the September 12th meeting.

18 MR. ADLEY:

19 I would move, Mr. Chairman,  
20 that we approve all of these  
21 applications except for those  
22 pending for Baker Hughes and  
23 Kennedy Rice Dryers, to take  
24 those two separately.

25 MR. RICHARD:



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1           Second.

2           MR. WINDHAM:

3           Motion made by Mr. Adley to  
4 approve all of them except for  
5 the three Baker Hughes'.

6           MR. ADLEY:

7           There's four.

8           MR. WINDHAM:

9           Four Baker Hughes' and the  
10 Kennedy Rice Dryers. I believe  
11 the second was made by --

12          MR. BROADWATER:

13          Hold on. There's five Baker  
14 Hughes'. There's Kenney Rice  
15 Mill, Kennedy Rice Dryers. I  
16 just want to make sure I know  
17 what we're voting on.

18          MR. WINDHAM:

19          Thank you. I realize that the  
20 advanced notifications follow the  
21 original application versus the  
22 no advanced notification MCA's.  
23 You are absolutely correct. So,  
24 Mr. Adley, with that --

25          MR. ADLEY:



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1           That's fine.  
2           MR. WINDHAM:  
3           So the motion is amended.  
4           Seconded by Mr. Richard.  
5           MS. CHENG:  
6           Without Baker Hughes.  
7           MR. WINDHAM:  
8           Without Baker and without  
9           Kennedy.  
10          MS. CHENG:  
11          Okay. 20100924, CAP  
12          Technologies, LLC.  
13          20110805, K&W Patten's  
14          Mineral Express, LLC.  
15          20120744, Advanced Graphic  
16          Engraving, LLC.  
17          20120394, Benoit Premium  
18          Threading, LLC.  
19          20120743, Catalyst Recovery  
20          of Louisiana, LLC.  
21          20120297, Imperial-Savannah,  
22          LP.  
23          And 20111078, Textron Marine  
24          & Land Systems.  
25          MR. WINDHAM:



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1           So the motion is to approve  
2 those. It's been properly  
3 seconded. Are there any comments  
4 from the public? Yes. Mr.  
5 Bagger, please step forward and  
6 identify yourself.

7           MR. BAGGER:

8           Could I give these documents  
9 around?

10          MR. WINDHAM:

11          Please or have our people so  
12 you can begin.

13          MR. BAGGER:

14          This is in a similar vain to  
15 Senator Adley's taking a look  
16 going forward at what the new  
17 criteria would be. The first  
18 page is the ones that's already  
19 been approved, the new  
20 applications, but page 2 through  
21 8 are the renewals and it looks  
22 at the jobs performance based on  
23 the data provided by the company  
24 for each of the renewals, so that  
25 we can see, well, if we provide a



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1     subsidy of one term, what has  
2     been the jobs outcome during that  
3     period of time. The -- I would  
4     like to -- when people get --  
5     make a couple of observations.  
6     That looks at the number of  
7     current existing jobs -- not the  
8     whole company but the specific  
9     site that they had when they  
10    originally applied five years  
11    ago. It looks at the number of  
12    current existing jobs they had  
13    now and subtracts one from the  
14    other. There is an additional  
15    number the staff has in the Board  
16    packet and the summary pages that  
17    is the full time jobs in the  
18    first year of the application.  
19    We put both of them in there  
20    because it actually -- sometimes  
21    it helps companies, sometimes it  
22    doesn't, but that's actually at  
23    the end of year one, and then  
24    there is a column in purple which  
25    looks at the net effect of jobs

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1 and then the public subsidy per  
2 job based on the ten year  
3 evaluation.

4 The final column is the  
5 number of jobs the original  
6 application claimed knowing that  
7 that didn't really mean a whole  
8 lot, but hopefully this will help  
9 to provide some criteria by which  
10 to assess the week from the  
11 chaff. Which ones seems to be  
12 providing jobs, which ones do  
13 not. Which, you know, we know  
14 what this is going to look like  
15 today, but going forward, they  
16 start to be some abilities to be  
17 discretionary about when these  
18 incentives seem to be doing what  
19 they are intended to do. So I  
20 would be happy to take questions  
21 on this, but we provide that not  
22 to oppose these but to provide  
23 information on them.

24 MR. WINDHAM:

25 Thank you, Mr. Bagger. I have



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1 a question by Secretary Pierson.

2 MR. PIERSON:

3 Thank you for your thoughtful  
4 analysis and providing the  
5 information for our  
6 consideration. My question to  
7 you is the term of your analysis,  
8 I believe, is ten years; is that  
9 correct?

10 MR. BAGGER:

11 In what respect?

12 MR. PIERSON:

13 You provided some numbers  
14 here talking about ad valorem  
15 benefit, etc. Is that for a  
16 ten-year?

17 MR. BAGGER:

18 Yes. The ten year term  
19 provided for by the -- so, it's  
20 got the ad valorem tax, which is  
21 right from the summary sheet, and  
22 that's, I believe, the ten year  
23 term, and then the public subsidy  
24 per job created is also for a ten  
25 year term.



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1 MR. PIERSON:

2 So the part of -- it's  
3 difficult for me to follow and  
4 comprehend is that we have a 20,  
5 30 or 40 year investment and your  
6 analysis covers a ten year term  
7 only, so it would appear to me  
8 that the value to the public  
9 would extend far beyond what your  
10 brief tenure term portion of this  
11 analysis.

12 MR. BAGGER:

13 Are you talking about the  
14 public subsidy per job?

15 MR. PIERSON:

16 No. I am talking about a  
17 company that makes an investment  
18 and a parish that foregoes its  
19 revenue for a ten year term but  
20 that that investment, just like  
21 that Exxon refinery down the road  
22 here that may be there 40 or 50  
23 year, so that part of the value  
24 that comes back to the public  
25 seems to be missing from your



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1 analysis.

2 MR. BAGGER:

3 The only part that is  
4 relevant to a ten year term is  
5 the public subsidy per job  
6 created. The rest of them are  
7 just how many jobs have been  
8 created, and that number of jobs  
9 that have been created is from  
10 day one to current and it's  
11 looking at the previous five  
12 years. That number on the public  
13 subsidy is not meant to say the  
14 high number is bad and the low  
15 number is good, but that the  
16 higher number is worse than a  
17 lower number. You can -- there  
18 are certainly longer term  
19 benefits, but a million dollars  
20 over ten years per job is  
21 different from a \$100,000 and  
22 \$50,000. You can see how many  
23 bang for the public buck you get  
24 just as well by taking a constant  
25 standard, which we took at ten



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1 years because that's the standard  
2 that's provided by your office in  
3 public data, the ten year basis.

4 MR. PIERSON:

5 Thank you.

6 MR. BROADWATER:

7 Mr. Chairman.

8 MR. WINDHAM:

9 Representative Broadwater.

10 MR. BROADWATER:

11 In what column do you factor  
12 in the impact to the public of  
13 sales tax dollars spent in the  
14 community? Is that on your  
15 chart?

16 MR. BAGGER:

17 As far as I'm aware, that's  
18 not something that the LED  
19 tracks. It would be --

20 MR. BROADWATER:

21 Yeah. I am just trying to  
22 figure out in terms of -- you are  
23 describing something that you  
24 describe it, public subsidy the  
25 cost for each job created or



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1 lost, I'm just trying to  
2 understand whether or not we are  
3 evaluating the full impact to the  
4 public. If we are not factoring  
5 in sales tax generated within a  
6 community, if we are not  
7 factoring in increase in personal  
8 income tax collected on the jobs  
9 created, and to the secretary's  
10 point, if we aren't looking  
11 beyond that in terms of what the  
12 ultimate game is in year 11  
13 through 100, then an evaluation  
14 of public subsidy per actual job  
15 created, that column ought to be  
16 struck because you didn't  
17 consider all of what the value  
18 was if you didn't factor in sales  
19 tax, personal income tax, the  
20 houses that are bought when the  
21 new employees come there. And I  
22 recognize your point that some  
23 have decreased. I guess the  
24 other thing that I would point  
25 out is that what can't be

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1 reflected on this chart is --  
2 I'll give it an example. On the  
3 very first one, Baker Hughes one,  
4 from 214 the time of the original  
5 application to 105, if they had  
6 not had some assistance through  
7 economic developments, whether  
8 that would have gone from 214 to  
9 zero and that cant be reflected  
10 on here as well. Certainly we  
11 want to see all of these in  
12 growth, but you are also dealing  
13 with the time as well when we hit  
14 2009 hit an economic downturn and  
15 there are external factors that  
16 are very different that occurred  
17 here in the time period.

18 So I do agree with the  
19 secretary. I appreciate your  
20 analysis. I would just ask that  
21 you also maybe consider some  
22 additional factors when you  
23 present it in the future.

24 MR. BAGGER:

25 It has been our earnest and



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1 consistent plea that the kind of  
2 analysis that you are describing  
3 be conducted by the LED and be  
4 insisted upon by this Board and  
5 that doesn't happen as we  
6 understand it. That would also  
7 mean disaggregating those  
8 investments that would have  
9 happened any way from those that  
10 are encouraged by the incentive,  
11 and you would only challenge  
12 benefit provided by the  
13 incentive, the investments that  
14 would not have happened without  
15 that instant.

16 MR. BROADWATER:

17 Isn't that what's happening  
18 now?

19 MR. BAGGER:

20 Not necessarily. These are  
21 blanket across the board.

22 MR. BROADWATER:

23 Going forward in establishing  
24 -- right.

25 MR. BAGGER:



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1           Potentially it is going to be  
2   developing tools of analysis,  
3   though, that are, you know, we  
4   can only use the data that y'all  
5   or that the LED is providing  
6   disaggregating outcomes based on  
7   ones that would have happened  
8   anyway, that will depend on the  
9   quality of the return on  
10   investment analysis. That is one  
11   of the things. There are also  
12   opportunity calls of tax dollars  
13   in jobs and other benefits that  
14   would have gone to the public  
15   sector. So if you take Baker  
16   Hughes, that \$3.4 million over  
17   ten years, give or take with  
18   depreciation also would have had  
19   jobs impact, and those are  
20   exactly the kind of things on one  
21   level we're doing this to say we  
22   are not professional analysts of  
23   this. This is simply addition  
24   and subtraction. There are much  
25   more sophisticated analyses that

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1 have not been conducted in the  
2 past that would seem to give a  
3 more solid base on which to make  
4 those decisions, but the  
5 assumption that just because you  
6 gave something as money there  
7 must have been this public  
8 benefit that takes into account  
9 the entirety of their investments  
10 doesn't really meet the threshold  
11 of what is being provided for by  
12 that investment and what is  
13 happening anyway because people  
14 are doing business.

15 MR. WINDHAM:

16 Thank you, Mr. Bagger. Mr.  
17 Adley, you have a discussion?

18 MR. ADLEY:

19 Now, this discussion has been  
20 an extremely good discussion.  
21 Mr. Broadwater, Mr. Pierson, this  
22 is the very discussion that went  
23 on with the Governor's office  
24 looking backwards. Looking  
25 backwards we had no guidelines



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1 whether to require jobs, not  
2 require jobs. One of the  
3 considerations that he considered  
4 was is looking at those going  
5 backwards and those that promised  
6 jobs but actually came back with  
7 less the possibility of rejecting  
8 them, but you couldn't do that  
9 because you had another group  
10 that promised zero and then we  
11 would approve them to go forward.  
12 For fear of being arbitrary and  
13 capricious, he made the decision  
14 that regardless of what the  
15 report looked like for those  
16 things backwards in time because  
17 Louisiana had given its word  
18 that's what we would do, but what  
19 makes this so very interesting  
20 conversation you will find at the  
21 end of this meeting when we do  
22 these rule changes, Mr.  
23 Broadwater there will be a  
24 requirement now in the rules for  
25 an ROI, and return of investment



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1 that will be submitted by the  
2 department for everyone to see,  
3 so we will have a way in the  
4 future to track going forward --  
5 your information is very helpful,  
6 but we could not use it, we  
7 didn't believe in those that were  
8 behind us that are coming up now  
9 for renewal because there were no  
10 explicit guidelines tying to jobs  
11 or not. That's -- and the only  
12 reason I separated this two  
13 groups for you is that the next  
14 group and Baker were going to  
15 find they created a lot of jobs  
16 and find out more about that, and  
17 they have the rice drying issue,  
18 but it's a good discussion, and  
19 I'm telling you, if we can just  
20 get through this meeting and get  
21 through all of this that is  
22 coming at us, these renewals is  
23 going to last through 2021 from  
24 what they tell me.

25 Once we get to the adoption



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1 of the rules for everything going  
2 forward there will be a  
3 substantial change that will take  
4 into consideration all of the  
5 things that I think you are  
6 talking about.

7 MR. WINDHAM:

8 Thank you, Mr. Adley. Mr.  
9 Moore? All right.

10 Any other comments from the  
11 public? Any other comments from  
12 the Board on the motion on  
13 approving the --

14 MR. ADLEY:

15 Everything but Kennedy and  
16 Baker.

17 MR. WINDHAM:

18 Seven applications. All in  
19 favor indicate with an aye.

20 ALL BOARD MEMBERS:

21 Aye.

22 MR. WINDHAM:

23 All oppose with a nay?  
24 Motion carries. Mr. Richard, I  
25 was waiting for you. All right.



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1 The next one we will go forward.

2 MR. ADLEY:

3 I'm going to move in a moment  
4 for approval the five for Baker,  
5 but the question that I had was  
6 is that in Baker's case they show  
7 the creation of 138 jobs, which  
8 was a good thing for an  
9 expansion. My only question were  
10 all five of these related to that  
11 expansion or were they outside of  
12 the expansion. That is what I  
13 needed to know.

14 MR. WINDHAM:

15 Is there someone here from  
16 Baker Hughes? If so, please step  
17 forward and identify yourself.

18 MR. BROADER:

19 Good morning. Jessie  
20 Broader. We represent Baker  
21 Hughes.

22 MS. FORD:

23 Jennifer Ford. Property tax  
24 manager for Baker Hughes.

25 MR. ADLEY:



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1           The first application shows  
2           an expansion for the  
3           manufacturing of oil field tools.  
4           I get that. I'm trying to find  
5           out the other four that are  
6           listed down that had no advanced  
7           notice. Were they all related to  
8           the first one, the expansion for  
9           the manufacturing of oil field  
10          tools.

11           MR. BROADER:

12           The one for Bossier,  
13          20120722, that the same site in  
14          Bossier that is related. The  
15          other three are at different  
16          sites.

17           MR. ADLEY:

18           Can you tell me -- well,  
19          there is actually four more. Can  
20          you just tell me what -- you have  
21          one, St. Martin, Terrebonne. St.  
22          Martin, Terrebonne and Bossier,  
23          so I assume the one for Bossier  
24          is the same manufacturing of oil  
25          tools. Tell me what the



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1 manufacturing is in Terrebonne  
2 and St. Martin.

3 MR. BROADER:

4 Just to clarify, the  
5 manufacturing that is going on in  
6 Bossier is the mud manufacturing  
7 facility that is only related.  
8 The investment that's being  
9 claimed is only related to the  
10 manufacturing operations at that  
11 site. The total investment was  
12 well over \$23 million.

13 MR. ADLEY:

14 Okay. Let me ask you a  
15 question. When you were here last  
16 time, you made that statement  
17 relative to the mixing, blending  
18 of mud, but your application says  
19 part of your manufacturing is oil  
20 field tools. So I'm trying to  
21 find out. I mean, I love the  
22 idea of 138 jobs, I just love it,  
23 but is it oil field tools or is  
24 it the blending of chemicals for  
25 mud. That is what I need to



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1 know.

2 MR. BROADER:

3 The site in Terrebonne is  
4 manufacturing of oil field tools.

5 MR. ADLEY:

6 So the one that says in  
7 Bossier for the manufacturing of  
8 oil field tools is not correct?

9 MR. BROADER:

10 That is correct. That is a  
11 correct statement.

12 MR. ADLEY:

13 I guess, staff, what I'm  
14 trying to find out is when we  
15 look at these things we believe  
16 everything that we see in here is  
17 true and correct, and obviously  
18 no one from LED, I guess, goes  
19 out there to find out if he is  
20 mixing up chemicals for mud or if  
21 he is manufacturing oil field  
22 tools. How do we deal with that?  
23 I mean, clearly the application  
24 says something other than what  
25 you say you are doing.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. BROADER:

2 This was something that was  
3 completed by the company  
4 themselves and I can only guess  
5 as to why it was completed that  
6 way, but I will say that there  
7 was a site visit by LED at the  
8 facility in Bossier, I believe  
9 Mr. Favaloro did that site visit  
10 and view the operations at the  
11 site.

12 MR. ADLEY:

13 Let me ask LED not to delay  
14 this one. How do you determine  
15 that the mixing of chemicals for  
16 mud for fracking is  
17 manufacturing. What brought you  
18 to that conclusion?

19 MR. WINDHAM:

20 Please step forward and  
21 identify yourself.

22 MR. FAVALORO:

23 My name is Frank Favaloro  
24 with LED business incentives. We  
25 do site inspections for



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1 industrial tax exemption to make  
2 sure that the sites we visit are  
3 putting in the components based  
4 on industrial tax exemption  
5 contract. I think I have done  
6 that, what's that, three years  
7 ago.

8 MR. ADLEY:

9 Did you review what they were  
10 manufacturing to say that they  
11 are a manufacturer.

12 MR. FAVALORO:

13 Yes.

14 MR. ADLEY:

15 And when you finished you  
16 came to the conclusion that the  
17 mixing of these chemicals they  
18 put together for mud to go in  
19 truck for fracking was  
20 manufacturing.

21 MR. FAVALORO:

22 As I recall, yes.

23 MR. ADLEY:

24 Thank you very much. I'm  
25 going to move to approve all of



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1 Baker Hughes applications knowing  
2 that they were prior to, I guess,  
3 the 6-24 deadline, but to say to  
4 the Board that someone ought to  
5 probably take a second look at to  
6 insure that what we are calling  
7 manufacturing in all cases is  
8 manufacturing. I move for  
9 approval of those and then ask  
10 that we take the last one after  
11 that.

12 MR. WINDHAM:

13 Mr. Cheng, can you read those  
14 numbers.

15 MS. CHENG:

16 20100679, Baker Hughes  
17 Oilfield Operations, Inc.

18 20120719, Baker Hughes  
19 Oilfield Operations.

20 20120723, Baker Hughes  
21 Oilfield Operations, Inc., dba  
22 Completions & Fishing.

23 20120724, Baker Hughes  
24 Oilfield Operations, Inc., dba  
25 Completion & Fishing.



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1           And 20120722, Baker Hughes  
2           Oilfield Operations, Inc.  
3           MR. WINDHAM:  
4           Is there a second to the  
5           motion? Seconded by Mr. Carmody.  
6           Representative Carmody. Any  
7           discussion from the public? Any  
8           questions, comments, observations  
9           by the Board members? Yes, Mr.  
10          Richard.

11          MR. RICHARD:  
12          Just for the point of  
13          clarity, on the agenda, the ad  
14          valorem tax relief for these 14  
15          renewals that's indicative of  
16          five years or ten years?

17          MS. CHENG:  
18          That's ten years.

19          MR. RICHARD:  
20          Even though it's a renewal  
21          for five years?

22          MS. CHENG:  
23          Yes, sir. That's how our  
24          system generates it because it  
25          hasn't been updated to reflect



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1 the changes from the Executive  
2 Order.

3 MR. RICHARD:

4 So moving forward with as we  
5 discussed earlier, the new  
6 agendas will also reflect the  
7 more accurate yearly projection  
8 possibly, the annual -- the  
9 amount of ad valorem tax relief  
10 will be broken down in as a more  
11 detailed manner.

12 MS. CHENG:

13 Yes, sir.

14 MR. RICHARD:

15 Thank you.

16 MR. WINDHAM:

17 Any additional comments from  
18 the Board? All in favor indicate  
19 with aye.

20 ALL BOARD MEMBERS:

21 Aye.

22 MR. WINDHAM:

23 All opposed with a nay?

24 Motion carries.

25 MR. ADLEY:



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1           Mr. Chairman, I move  
2 favorable on Kennedy Rice Dryers  
3 as it was part of that group that  
4 was committed in the past. I  
5 just want someone from LED to  
6 explain the reasoning behind a  
7 rice dryer being manufacturing.

8           MR. WINDHAM:

9           Could someone from LED come  
10 and talk about rice drying as a  
11 manufacturing process.

12          MS. CHENG:

13          They indicated a 311.

14          MR. WINDHAM:

15          Someone from Kennedy here?  
16 Please step forward. Describe  
17 the process.

18          MR. OLDHAM:

19          Good morning. My name is  
20 Marley Oldham.

21          MR. WINDHAM:

22          Say that again.

23          MR. OLDHAM:

24          Marley Oldham, O-L-D-H-A-M.  
25 Oldham. I am Vice President and



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1 general manager of Kennedy Rice  
2 Dryers and Kennedy Rice Mill.

3 MR. BOLTON:

4 I'm Wes Bolton, the inhouse  
5 CPA for Kennedy Rice Dryers and  
6 Kennedy Rice Mill.

7 MR. WINDHAM:

8 Please describe the process  
9 and why it's manufacturing.

10 MR. OLDHAM:

11 A large majority of rice that  
12 we bring in comes in from the  
13 field. It's high moisture. Has  
14 to be cleaned. So what we do is  
15 we dry it, we clean it. We make  
16 it a processible product for the  
17 rice mill. So we're changing  
18 what the state is when we get it  
19 what state it's in and making it  
20 where it can be used in a rice  
21 mill and thus step forward to  
22 complete.

23 MR. WINDHAM:

24 Does anyone have any  
25 questions?



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1 MR. ADLEY:

2 It's not what I think most of  
3 us view as typical manufacturing  
4 no differently than making a cup  
5 of coffee. The change of  
6 structure or cement truck, but I  
7 appreciate. I move favorable.

8 MR. WINDHAM:

9 Is there a second on the  
10 motion? Motion made by Mr. Adley.  
11 Seconded by Representative  
12 Carmody. Yes. Please. Secretary  
13 Allen.

14 MR. ALLEN:

15 I will comment to Mr. Richard  
16 that the proximity to markets is  
17 a huge issue in agriculture  
18 production, and the fact that  
19 Kennedy Mill in Morehouse Parish  
20 is there means that it has  
21 dramatically changed the value of  
22 the land in close parishes to  
23 Kennedy Mill and the rice dryers.  
24 I know that because I have land  
25 that they have reassessed this



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1 year and the taxes are going up,  
2 so I can assure you that if the  
3 sheriff or the School Board were  
4 here they would testify that this  
5 is one of the most valuable  
6 operations in that rural part of  
7 north Louisiana, and just the --  
8 I wish we all knew more about  
9 every single product -- every  
10 single company that comes for  
11 these exemptions before us. It  
12 would be valuable to all of us to  
13 know. From personal knowledge I  
14 know about the quality of this  
15 company and the impact they are  
16 having in the agricultural  
17 community in north Louisiana.

18 MR. WINDHAM:

19 Thank you, Secretary Barham.  
20 I know that from my experiences  
21 with LED, Board members are all  
22 welcome on site visits. I know  
23 the companies would welcome the  
24 Board member from their area and  
25 may live in that area to go along



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 on a site visit with them so that  
2 they can see what happens and how  
3 it happens. I found it  
4 fascinating over my 30 years of  
5 doing government the different  
6 processes and industries that we  
7 have in the state. We truly have  
8 a gem out there with these  
9 industries.

10 Did we pass a motion? No.  
11 Motion and second. Mr. Richard.

12 MR. RICHARD:

13 I certainly appreciate Mr.  
14 Barham's comments. I'm not sure  
15 why he directed them at me, but  
16 we certainly know that all  
17 government entities rely on  
18 property taxes that our business  
19 partners work hand in hand with  
20 us, and I think that's the goal  
21 of this whole process, and with  
22 that being said, I would like to  
23 thank you guys for coming down  
24 all of the way from Morehouse  
25 Parish today. We were hoping to



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1 see every business represented in  
2 meeting room today.

3 MR. OLDHAM:

4 We're glad to be here, and  
5 thank you for your consideration.

6 MR. WINDHAM:

7 Thank you very much. With  
8 that, is there any further  
9 discussion from the public?

10 MS. CHENG:

11 I do also want to mention  
12 that they have the next code that  
13 begins with a 31, which means the  
14 workforce commission has  
15 designated them as a  
16 manufacturer.

17 MR. WINDHAM:

18 Thank you. Do we need to  
19 read their numbers out?

20 MS. CHENG:

21 Sure.

22 MR. ADLEY:

23 I wanted you down here to see  
24 if you talked like Mr. Barham.

25 MR. OLDHAM:



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1           We have a striking  
2       resemblance.

3           MR. BARHAM:

4           He is another fellow that  
5       doesn't have an accent.

6           MS. CHENG:

7           20110818, Kennedy Rice Mill,  
8       LLC dba Kennedy Rice Mill.

9           And 20120536, Kennedy Rice  
10      Dryers, LLC.

11          MR. WINDHAM:

12          All right. Thank you, Ms.  
13      Cheng.

14          All in favor indicate with an  
15      aye.

16          ALL BOARD MEMBERS:

17          Aye.

18          MR. WINDHAM:

19          All opposed with a nay?  
20      Motion carries. Thank you.

21          MS. CHENG:

22          101 renewals that are being  
23      presented today.

24          MR. WINDHAM:

25          Thank you. I believe Mr.



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1 Adley would like to group them in  
2 some distinct areas maybe to  
3 speed this along.

4 MR. ADLEY:

5 Did we prepare a list from my  
6 meeting yesterday from the  
7 grouping?

8 MS. CHENG:

9 We did. I have one of these  
10 that the company would like to  
11 defer. That would be 20081170,  
12 Air Liquide Large Industries U.S.  
13 LP. The very first one.

14 MR. ADLEY:

15 I am sorry. I was not  
16 listening.

17 MS. CHENG:

18 20081170, Air Liquide Large  
19 Industries U.S., LP.

20 MR. WINDHAM:

21 So, with that, Mr. Adley, if  
22 you can describe what you are  
23 grouping together and why you are  
24 grouping together.

25 MR. ADLEY:



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1 I am not for sure I'm  
2 following. Staff, whoever put  
3 together this list can you step  
4 up here with me and let's make  
5 sure that we've got them  
6 together.

7 We tried to group them by  
8 large companies that had multiple  
9 applications so that we can take  
10 each one of them separately, and  
11 then I think we tried to group  
12 them by those things that in  
13 their description appeared to be  
14 either maintenance or we didn't  
15 know for sure.

16 MS. CHENG:

17 So all of the ones that you  
18 believe are maintenance or we are  
19 not sure about are the last ones  
20 on the list starting with Afco  
21 Industries, Inc.

22 MR. ADLEY:

23 Starting with which one?

24 MS. CHENG:

25 It's on the third page.



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1 MR. ADLEY:

2 Starting with Afco.

3 MS. CHENG:

4 Yes, sir.

5 MR. ADLEY:

6 Let me move for approval of  
7 that list first beginning with  
8 Afco Industries members on the  
9 third page of that handout all of  
10 the way, I assume, to the bottom.

11 MS. CHENG:

12 Those are the maintenance  
13 ones.

14 MR. ADLEY:

15 The reason -- are those the  
16 ones that you had listed, sir, as  
17 maintenance that we discussed  
18 yesterday?

19 MR. FAVALORO:

20 Yes, sir.

21 MR. ADLEY:

22 That doesn't mean they are  
23 maintenance, it means that when  
24 we read from their application  
25 there was no way to know for sure



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1 if it was maintenance or  
2 additions or exactly what it was.  
3 Under the current rules,  
4 maintenance was allowed so it  
5 didn't make really any difference  
6 whether they were very clear or  
7 not, but before the rules allowed  
8 it, I broke all of them down just  
9 for you to be able to see  
10 maintenance will not be allowed  
11 in the future with the new rules.  
12 There is a very good possibility  
13 that this minute applications  
14 that you are looking at today may  
15 never be here again if we adopt  
16 those new rules. Now, some of  
17 these in here may be some  
18 expansion but we don't know that.  
19 I do know that they complied  
20 with the current rules and  
21 current law and that's why I  
22 wanted them separated out, but I  
23 want you to see of that 100 plus  
24 over half of them come to us with  
25 an explanation that you don't

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1 have a clue really what they are,  
2 and very well could be  
3 maintenance, and if that is the  
4 case with the adoption of the new  
5 rules going forward, that entire  
6 group would be probably removed  
7 from this agenda. That's why I  
8 wanted you to see it in that  
9 fashion.

10 So with that said, that group  
11 beginning with Afco, down, I  
12 would ask for a favorable  
13 approval of that group.

14 MR. WINDHAM:

15 Is there a second to the  
16 motion? Seconded by  
17 Representative Broadwater. A  
18 couple of questions, I believe,  
19 about the process first. Mr.  
20 Miller.

21 MR. MILLER:

22 I just need to abstain on the  
23 vote for 20120352. Elmer Candy  
24 Company located in the great  
25 Parish of Tangipahoa.



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1 MR. WINDHAM:  
2 So that's from Afco forward.  
3 Do we want to do this in-globo?  
4 Are you making a motion to move  
5 that in-globo?

6 MR. ADLEY:  
7 From Afco down to take that  
8 group in-globo and move for  
9 approval.

10 MR. WINDHAM:  
11 Second by Representative  
12 Broadwater. Any objection? Any  
13 comments from the public  
14 regarding the renewals? Those  
15 renewals? All in favor indicate  
16 with an aye.

17 ALL BOARD MEMBERS:  
18 Aye.

19 MR. WINDHAM:  
20 All opposed with a nay?  
21 Motion carries.

22 MR. ADLEY:  
23 Now I would ask if we could  
24 take those large companies and  
25 group them together so that we



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1 can begin to deal with them and  
2 Dow Chemical being the first, in  
3 your group on the first page of  
4 your list. I will come back to  
5 the individual if I can. Can  
6 someone roughly explain to us  
7 what Dow Chemical has done.

8 MR. WINDHAM:

9 Is there a representative  
10 from Dow Chemical? Please step  
11 forward and identify yourself.  
12 Ms. Cheng, can you read the  
13 numbers?

14 MS. CHENG:

15 Yes. It's 20091059, 062293A,  
16 20110028, 2010, 1004, 20080938B,  
17 and 20100819, and they are all  
18 Dow Chemical Company.

19 MR. ADLEY:

20 Just to be helpful for the  
21 record, this list that we all  
22 have, that is what we are talking  
23 about now, those that deal with  
24 Dow Chemical. Ma'am, my only  
25 question to you is I noticed in



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 all of these were there any jobs  
2 created? I kept just saying zero  
3 to zero to zero, and that being  
4 the case, why is this not just --  
5 was it maintenance? Was it  
6 expansion? What was it?

7 MR. WINDHAM:

8 Ma'am, please identify  
9 yourself, please.

10 MS. DAIGLE:

11 My name is Roma Daigle. I'm  
12 a tax manager for Dow Chemical.  
13 In reference to the projects that  
14 are on the list, it may have had  
15 zero on it, but if you see the  
16 renewals of each one of these, it  
17 shows you the actual facility  
18 increase. We did have a segment  
19 of a business that was sold, but  
20 that those employees went to the  
21 new business, and in the  
22 paperwork it shows you that those  
23 employees still exist and that we  
24 did have increases to the  
25 facility for each one of these



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1 projects.

2 MR. WINDHAM:

3 Any additional questions for  
4 Ms. Daigle?

5 MR. ADLEY:

6 No. I am not understanding.  
7 Staff, why the zero?

8 MS. CHENG:

9 The jobs created at the  
10 initial application, and then  
11 when you go to the renewal data  
12 summary, that would show the jobs  
13 that were lost because of part of  
14 the business that was sold, and  
15 that's going to be on the second  
16 part of it in the summary.

17 MR. ADLEY:

18 Be helpful. I think in the  
19 future on our summary sheet on  
20 the front that we --

21 MS. CHENG:

22 We don't want the information  
23 from the initial application.

24 MR. ADLEY:

25 If there is some job



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1 creation, we need to see it, and  
2 I'm not so sure I see any even  
3 written in the second page.

4 MS. DAIGLE:

5 We went from 1388 and then  
6 when we -- the 189 went to the  
7 new company, so if you net that  
8 out, and then we went to 2 -- 12  
9 -- 49 was an increase, so I think  
10 42 -- let's see. 22 new jobs.

11 MR. ADLEY:

12 Why would not be listed on  
13 the first page? I mean, if they  
14 created new jobs, I just -- what  
15 happens is I get phone calls, and  
16 I'm not sure everybody else does,  
17 we print the agenda of the  
18 website, they see this on the  
19 sheet, and all they see is no  
20 jobs.

21 MS. CHENG:

22 This is information from the  
23 application that was filed five  
24 years ago.

25 MR. ADLEY:



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1           And there were no jobs  
2 promised five years ago?

3           MS. CHENG:

4           That's what this application  
5 says.

6           MR. ADLEY:

7           And they were not required  
8 to?

9           MS. CHENG:

10          Correct.

11          MR. ADLEY:

12          Mr. Chairman, I move for  
13 approval of -- at the appropriate  
14 time for those by Dow Chemical.

15          MR. WINDHAM:

16          Is there a second on the  
17 approval for Dow Chemical?  
18 Seconded -- motion made by Mr.  
19 Adley. Seconded by  
20 Representative Broadwater. Any  
21 additional comments from the  
22 public? Any questions from the  
23 Board members? All in favor  
24 indicate with an aye.

25          ALL BOARD MEMBERS:



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1           Aye.

2           MR. WINDHAM:

3           All opposed with a nay?

4           Motion carries. Thank you. Next

5           one I believe we do will be

6           Exxon.

7           MR. ADLEY:

8           Yes. Exxon. The only

9           question that I had on Exxon they

10          showed zero jobs also.

11          MR. WINDHAM:

12          Someone from Exxon here?

13          MR. ADLEY:

14          The summary says startup new,

15          and then it says, plan additions.

16          I guess that's from 2011. It's

17          the same explanation?

18          MS. CHENG:

19          Yes, sir.

20          MR. ADLEY:

21          That shows zero because it

22          wasn't --

23          MS. CHENG:

24          It wasn't our requirement to

25          report any new jobs even if they



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1 had new jobs, so it was probably  
2 not included on the application  
3 at the time.

4 MR. ADLEY:

5 So the renewal of the  
6 application does not create any  
7 jobs?

8 MS. CHENG:

9 That's not -- that's not a  
10 requirement on the --

11 MR. WINDHAM:

12 Ma'am, please identify  
13 yourself.

14 MS. CARGILE:

15 I am Stephanie Cargile. I am  
16 the public affairs manager with  
17 ExxonMobil.

18 MR. WINDHAM:

19 Mr. Adley, do you have some  
20 questions for Ms. Cargile?

21 MR. ADLEY:

22 No. I think the staff's got  
23 it. No requirements for jobs,  
24 and so we just doing the renewal  
25 because that is what Louisiana



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1 said that it would do. Bear in  
2 mind for everyone here to  
3 understand the new rules once  
4 adopted will not give any  
5 renewals outside of three years  
6 with a capital of 80 percent, and  
7 there will certainly be job  
8 requirements. I move for  
9 adoption of Exxon.

10 MR. WINDHAM:

11 Motion by Mr. Adley.

12 Seconded by Representative  
13 Carmody. Any additional comments  
14 from the public? Please step  
15 forward and identify yourself.  
16 Thank you, Ms. Cargile.

17 MS. CARGILE:

18 Thank you.

19 MS. WASSAM:

20 Good morning. Kathy Wassam  
21 again. I'm speaking as a  
22 resident of East Baton Rouge  
23 Parish. Someone who just voted  
24 and we had two taxes on our  
25 election ballot and we will have



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1 another taxes on our December  
2 ballot. Exxon has been here  
3 since 1909, Secretary Pierson,  
4 and I just wonder how long we are  
5 still going to keep supporting  
6 this large multination interest  
7 as we go and ask citizens to  
8 continue to vote for taxes for  
9 our council on aging, taxes for  
10 schools, taxes for our libraries,  
11 taxes for our parks, and all to  
12 renewals, so I think -- I think I  
13 looked at it and I think it's  
14 over \$20 million, \$21 million in  
15 industrial tax exemptions that  
16 can certainly be used by East  
17 Baton Rouge Parish especially  
18 when we -- I understand we will  
19 be looking at our green light  
20 program which is furnished it for  
21 -- to help our roads and our  
22 traffic congestion in East Baton  
23 Rouge Parish.

24 I understand from the  
25 Executive Order that these will



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1 be approved, but our School  
2 Board, our sheriff's, our parish  
3 in general could certainly use  
4 this income to help support the  
5 parish instead of going back  
6 continually, continually to  
7 citizens and asking them for more  
8 tax money. Thank you.

9 MR. WINDHAM:

10 Thank you, Ms. Wassam.  
11 Please step forward and identify  
12 yourself and address the Board.

13 MS. CARGILE:

14 It's Stephanie Cargile again.  
15 Like Kathy said, I do agree that  
16 we need to support our schools,  
17 and that's something that  
18 ExxonMobil as a company has hold  
19 very dear over most of the  
20 centuries that we've been located  
21 here. Recently this year I just  
22 wanted to share we announced 17  
23 schools in the general area in  
24 Louisiana we'll be part of the  
25 \$13 million grant from the



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1 company to further their stem  
2 education. Just this week we  
3 announced \$100,000 is going to be  
4 the East Baton Rouge school  
5 system, but more importantly I  
6 just wanted to put these renewals  
7 in perspective for you, so when  
8 you look at actual ad valorem tax  
9 relief for our Baton Rouge  
10 facilities, these renewals  
11 represent about \$1.3 million a  
12 year. Now, each of those years  
13 our company in the greater Baton  
14 Rouge area, all five of these  
15 facilities that are up for  
16 renewals, they are paying about  
17 \$36 million in property tax. So  
18 in East Baton Rouge Parish right  
19 now, we represent about eight  
20 percent of the city's property  
21 tax, we are the largest property  
22 taxpayer and in West Baton Rouge  
23 I think we are the second largest  
24 taxpayer in the parish, so this  
25 investment I think we're



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1 continuing to invest in our Baton  
2 Rouge facility, so for the long  
3 term we can continue to build the  
4 tax base and give back to the  
5 community.

6 MR. ADLEY:

7 Just by any chance, does  
8 Exxon pay inventory taxes?

9 MR. JEFF:

10 Hi. This is Jeff Coxski.  
11 Government relations. Yes, we  
12 do.

13 MR. ADLEY:

14 Do you get a credit for that?

15 MR. JEFF:

16 I believe we do, but I am  
17 told that our -- we pay more in  
18 -- I am sorry, we pay more in  
19 corporate income and franchise  
20 taxes than we do in credits.

21 MR. ADLEY:

22 My question is what I'm  
23 trying to get from the staff is  
24 that I thought the legislature in  
25 the last session, and those of



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1 you that voted on that you might  
2 chime in here. I'm trying to  
3 draw from memory, but I thought  
4 it said that if you got the  
5 inventory credit and you got the  
6 industrial credit you can only  
7 take one or the other. Am I  
8 wrong about that?

9 MR. BROADWATER:

10 Senator Ward's bill.

11 MR. JEFF:

12 It was until 10 and it was  
13 amended so that the business --  
14 the business community was okay  
15 with it. I don't think it was --  
16 the way it passed the house --  
17 well, finally passed was a way it  
18 was introduced in the senate.  
19 I'm at a deficit.

20 MR. WINDHAM:

21 Ms. Mandi.

22 MS. MITCHELL:

23 Yes. Very briefly. What the  
24 legislation ended up is that if a  
25 company has an active exemption



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1 contract the company can no  
2 longer receive the refundable  
3 portion of the inventory tax  
4 credit, so it started out as what  
5 you mentioned is a company can  
6 only get one or the other, but  
7 through the legislative process  
8 and through various amendments,  
9 the way that it came out was that  
10 a company that has an active  
11 industrial tax exemption can no  
12 longer receive the refundable  
13 portion of the inventory tax.

14 MR. ADLEY:

15 The question is do you  
16 receive the refundable portion or  
17 not.

18 MR. JEFF:

19 As I understand it is the  
20 short answer is I'm not sure.  
21 I'm telling you the aggregate  
22 that we pay in excess our  
23 corporate income and franchise  
24 taxes --

25 MR. ADLEY:



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1 I just want to make it clear  
2 that based on what I just heard  
3 and based on what the legislature  
4 did there would be no refundable  
5 credit to you because you are  
6 taking the ITEP. That's a  
7 correct statement.

8 MR. JEFF:

9 Yes, sir. I mean, to your  
10 point one of the reasons we did  
11 want to come up here was to  
12 explain the integrated nature of  
13 our operations that we do have  
14 several different operations in  
15 the state, in the metro Baton  
16 Rouge area, so when you ask  
17 specific questions about who is  
18 paying inventory taxes, who is  
19 getting inventory tax credit, I  
20 can't give you the simplest of  
21 answers at this moment.

22 MR. WINDHAM:

23 Any additional questions?

24 Any questions? Mr. Richard.

25 MR. RICHARD:



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1           Good morning. Thank y'all  
2           for being here. Certainly I want  
3           to acknowledge the support and  
4           the partnership with the local  
5           school systems in this EBR metro  
6           area.

7           In regards to the  
8           applications, have you had  
9           conversations with parish  
10          government officials informally  
11          or formally about these requests.

12          MS. MITCHELL:

13          We have talked to our East  
14          Baton Rouge Parish quite often.  
15          We meet with their finance  
16          director on a regular basis. We  
17          have not talked about these  
18          specific ITEP application  
19          renewals that we are talking  
20          about today, but we have talked  
21          about a lot of the projects in  
22          the capital investment that are  
23          included in these renewals.

24          MR. RICHARD:

25          Thank you. Thank you.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. JEFF:

2 There was a bit of  
3 uncertainty how these were being  
4 to be treated, so that's --

5 MR. RICHARD:

6 I am not referring to the  
7 Executive Order whatsoever. Just  
8 have you had a conversation with  
9 your parish President, your  
10 School Board superintendent,  
11 CFO's your sheriff about these  
12 applications whereby therefore  
13 going their local taxes that  
14 support basic services to invest  
15 with you as a business partner in  
16 East Baton Rouge and west Baton  
17 Rouge.

18 MS. MITCHELL:

19 Our conversations with the  
20 school Board and with the city  
21 continue to be very robust and  
22 even with our law enforcement,  
23 and we will be talking to them  
24 more about the actual  
25 applications that come up for



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1 sure.

2 MR. RICHARD:

3 Good. Thank you. Thank you.

4 MR. WINDHAM:

5 Mr. Miller.

6 MR. MILLER:

7 When Exxon has multiple  
8 locations throughout the country  
9 when you are -- Exxon's  
10 evaluating where to add a new  
11 process or upgrade a process, are  
12 these incentives taken into  
13 consideration and is that part of  
14 the determining factor if you  
15 expand Baton Rouge or are you  
16 expanding in Texas.

17 MS. MITCHELL:

18 Absolutely. It's always been  
19 an important factor in the  
20 decisions that we've made, and  
21 one example that I can share is  
22 if you guys saw yesterday they  
23 announced our aviation lubricants  
24 site in Port Allen started up and  
25 that was a huge project where



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1 Louisiana was in competition  
2 actually with New Jersey, and  
3 when we went back to the company  
4 to look at the different  
5 locations, ITEP was one of the  
6 considerations for that project,  
7 so it did figure into the  
8 business environment and the tax  
9 reliefs that was going to be  
10 available for the project.

11 MR. JEFF:

12 I think we had 15 refineries  
13 that we compete against  
14 internally and three dozen  
15 chemical plants we compete with  
16 internally, and just since our  
17 earnings came out today, I think  
18 it's important to note that as  
19 you take a look at our  
20 ExxonMobil's U.S. operations they  
21 represented about a little over  
22 six percent of the company's  
23 earnings. I think the reference  
24 was that we were a global, a  
25 global company, and if you took a



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 look at the numbers, 93 percent  
2 of our earnings came from outside  
3 of the United States, so I think,  
4 you know, putting a little bit of  
5 context about who we are and what  
6 we are and what we're up against  
7 when we're competing internally  
8 and against our competitors for  
9 capital expenditure, operating  
10 expenditure, our payroll here is  
11 over half a billion -- nearly  
12 half a billion dollars a year,  
13 just our payroll, and also while  
14 I'm up here I do want to  
15 reference conversations we've had  
16 that you have been focusing on  
17 head counts, jobs, so we've had  
18 discussions with some about you  
19 need -- we would appreciate it if  
20 you would consider also the  
21 changing nature of our  
22 operations. We have our -- I put  
23 it in three: ExxonMobil employee  
24 -- we have ExxonMobil employees  
25 and we also have --



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1 (Microphone not working).

2 MR. ADLEY:

3 If you paid your taxes, we  
4 could have lit you up.

5 MR. JEFF:

6 We appreciate the  
7 consideration during the rules  
8 committee to take a broader look  
9 at the full -- the full context  
10 of what we bring as far as  
11 ExxonMobil jobs, permanent  
12 contractors as well as the  
13 construction workers that are  
14 working on the projects, so  
15 there's three numbers there.  
16 Stephanie, our total numbers is  
17 about.

18 MS. MITCHELL:

19 It's a little bit over six  
20 thousand total folks, and what  
21 Jeff is referring to is  
22 contractors. Those are permanent  
23 contractors, so those are onsite  
24 contractors that have permanent  
25 jobs.



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1 MR. CARMODY:

2 Could you repeat those three  
3 things for Senator Adley.

4 MR. JEFF:

5 So what we are looking at are  
6 head counts. We are real focused  
7 on jobs and retention of jobs.  
8 Sometimes, and I can't even say  
9 it's about us, but you might see  
10 the company employee head count  
11 go down, but at the same time  
12 there's nothing in the data that  
13 I see necessarily that reflects  
14 permanent contractor jobs and  
15 then on top of that you have the  
16 specific projects. There are  
17 construction jobs related to the  
18 project in the capital investment  
19 here, so the term "temporary"  
20 gets thrown around, so that is  
21 why we are trying to let people  
22 know that permanent contractor  
23 employees that you see at our  
24 facilities, those are real jobs.  
25 They are not temporary. The



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1 skill press people that were  
2 training in our community  
3 colleges they would be very  
4 surprised to know that somebody  
5 is thinking that those are only  
6 temporary.

7 So I think just to broaden  
8 this and the document you have in  
9 front of you is more robust 360  
10 view of our economic impact in  
11 the community and we wanted to --  
12 sometimes we get so narrowed down  
13 on some of these things that we  
14 can't -- we are so focused on the  
15 trees you don't see the forest.

16 MR. WINDHAM:

17 Thank you, Mr. Copski.

18 MR. CARMODY:

19 I think you make a good point  
20 and I think it's something that  
21 we need to be looking at as a  
22 state, and that is individual  
23 industry and businesses the  
24 nature of how they do what they  
25 do in order to turn a profit



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1 changes with technology, and if  
2 the bottom line is jobs, I  
3 appreciate that. Being a public  
4 servant I want to make sure we  
5 have employment for our people  
6 but there also got to be some  
7 consideration given to the fact  
8 that there are no buggy whip  
9 factories left in Louisiana  
10 because people don't use horse  
11 drawn conveyance, correct? And  
12 so I think that that's another  
13 thing that we need to be thinking  
14 about, though, as a Commerce and  
15 Industry Board is that some of  
16 these applications that are made  
17 for consideration for relief of  
18 taxes have to do with the fact  
19 that they are trying to maintain  
20 their competitiveness not only in  
21 Louisiana and United States but  
22 also internationally, and so I  
23 think you brought up a very good  
24 point and I just wanted again to  
25 reiterate that I think there are



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1 many factors that we need to be  
2 considering. I know the Governor  
3 takes all of those under  
4 consideration as he has these on  
5 his desk, but thank you.

6 MR. WINDHAM:

7 Thank you, Representative  
8 Carmody. Representative  
9 Broadwater.

10 MR. BROADWATER:

11 As you mention, there's other  
12 criteria other than just pure  
13 head count and the thought in my  
14 head that my guess is probably a  
15 fourth element there, I know you  
16 have seen it from companies in  
17 the district that I represent,  
18 they plan on creating X number of  
19 jobs, and as it turns out, they  
20 may not reach that benchmark, may  
21 miss it by two or three, but they  
22 find they are able to create jobs  
23 that have an average annual  
24 payroll that far exceeds what  
25 they were expecting, so they



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1 create a greater quality job, and  
2 one thing that I would encourage  
3 because I probably won't be  
4 invited back to sit as a proxy  
5 after today, that the Board  
6 consider as well not just a raw  
7 head count because if you create  
8 a raw head count of 20 new jobs  
9 but their jobs that pay a rate  
10 that the individual can't live on  
11 but instead you create 15 new  
12 jobs but they are jobs where the  
13 folks are self sufficient and  
14 they are a living wage that that  
15 is just as important or even if  
16 we don't create a single new job  
17 but because of the investment  
18 we're able to lift what we were  
19 able to deliver to the existing  
20 employees. You don't have a  
21 single new nose there but you  
22 improve the life of every one of  
23 those employees that remained  
24 employed there, so I encourage  
25 you to look beyond just counting

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1 noses.

2 MR. WINDHAM:

3 Thank you, Representative  
4 Broadwater.

5 I believe there is a motion  
6 on the floor and I believe it's  
7 been seconded to accept the  
8 applications for renewal by  
9 Exxon. I believe they've been  
10 read. No. Please read it.

11 MS. CHENG:

12 20101140, ExxonMobil  
13 Corporation dba ExxonMobil Corp  
14 (Chemical).

15 20101141, ExxonMobil  
16 Corporation (Lubes).

17 20101142, ExxonMobil  
18 Corporation (Plastics).

19 20101137, ExxonMobil  
20 Corporation (Polyolefins).

21 20101138, ExxonMobil  
22 Corporation (Refinery).

23 MR. WINDHAM:

24 Thank you. All in favor all  
25 indicate in an aye.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 ALL BOARD MEMBERS:

2 Aye.

3 MR. WINDHAM:

4 All opposed with a nay?

5 Motion carries. Mr. Pierson.

6 MR. PIERSON:

7 I want to, on behalf of the  
8 Governor and the citizens thank  
9 you for your continued investment  
10 and confidence in Louisiana,  
11 particularly in this region, but  
12 we know we are in competition  
13 both internally and externally  
14 for the capital investments that  
15 you have that you are able to  
16 deploy. We know we are in  
17 competition for some of those  
18 right now today that we'll  
19 continue to have some  
20 conversations on. We are  
21 including those local parish  
22 officials in those conversations,  
23 and, again, thank you for more  
24 than 6,800 employees and  
25 contractors that reside here and



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1 the annual contribution of \$491  
2 million in payroll that you bring  
3 to the table. It's important for  
4 us, you heard previously that  
5 more than \$33 million in annual  
6 taxes being paid, so to rebate a  
7 portion of that seems like a good  
8 deal to me and we'd like to do  
9 more of it.

10 MR. WINDHAM:

11 Thank you, Mr. Copski and Ms.  
12 Cargile. All right. The next  
13 section you would like to cover,  
14 Mr. Adley.

15 MR. ADLEY:

16 Can we take up Gulf Island  
17 and we'll come back to the  
18 individuals and knock them out.

19 MR. WINDHAM:

20 Do we have representatives  
21 from Gulf Island present?

22 MR. ADLEY:

23 There are three of those and  
24 one is a marine fabrication and  
25 different LLC. Anybody here for



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1     them? Just for the staff because  
2     they are a part of your prior  
3     commitment, I remove approval.  
4     But can you ask them for me,  
5     contact them at some point and  
6     just ask them what did they do  
7     when they just say capital  
8     improvements, what that is so we  
9     at least have some record of it.

10    I move for approval of Gulf  
11    Island those three ITEP requests.

12           MR. WINDHAM:

13           Is there a second? Second  
14    made by Mr. Williams. Motion  
15    made by Mr. Adley. Any discussion  
16    made by the Board.

17           MR. RICHARD:

18           Just a question. They were  
19    notified that these applications  
20    were on the agenda today?

21           MS. CHENG:

22           Yes, sir. They were.

23           MR. WINDHAM:

24           Any addition questions?

25           MR. RICHARD:



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1           No one here from that  
2           company.

3           MR. WINDHAM:

4           All in favor indicate with an  
5           aye.

6           ALL BOARD MEMBERS:

7           Aye.

8           MR. WINDHAM:

9           All opposed with a nay?  
10          Motion carries. Do we need to  
11          read those numbers into the  
12          record.

13          MS. CHENG:

14          20091178, Gulf Island Marine  
15          Fabricators, LLC.

16          20101104 and 20091177A, Gulf  
17          Island LLC.

18          MR. WINDHAM:

19          Have all been approved with  
20          the preceding actions.

21          Mr. Adley, which group would  
22          you like to do next.

23          MR. ADLEY:

24          Marathon.

25          MR. WINDHAM:



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1           Is there a representative for  
2   Marathon Petroleum in the  
3   audience?

4           MR. ADLEY:

5           I move for approval but that  
6   I need to know when you talked  
7   about to comply with refinery MA  
8   CT11 standards, I don't know what  
9   that is. I need to know if that  
10   is an environmental issue or not.

11          MR. CRUSACK (PH):

12          Hi. My name is Steven  
13   Crusack. I work for Marathon  
14   Petroleum and the MACT actually  
15   stands for the maximum achievable  
16   control technology and it's for  
17   regulatory purposes.

18          MR. ADLEY:

19          Is it environmental or not?

20          MR. CRUSACK:

21          It is not.

22          MR. PIERSON:

23          Is it safety?

24          MR. CRUSACK:

25          It's more safety based.



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1 MR. ADLEY:  
2 Thank you very much.  
3 MR. WINDHAM:  
4 Any additional questions by  
5 any of the Board members? Motion  
6 has been made by Mr. Adley to  
7 approve the ones by Marathon,  
8 which Ms. Kristin will read for  
9 us.

10 MS. CHENG:  
11 20090050, 20101213, 20101214,  
12 20101215, 20101217, 20101224  
13 Marathon Petroleum Company, LP.

14 MR. WINDHAM:  
15 Is there a second for the  
16 motion to approve these?  
17 Seconded by Ms. Atkins. Any  
18 additional discussion from the  
19 Board? All in favor indicate  
20 with an aye.

21 ALL BOARD MEMBERS:  
22 Aye.

23 MR. WINDHAM:  
24 All opposed with a nay?  
25 Motion carries.



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1 I think too all of the people  
2 in the audience and I think the  
3 message will get out that when  
4 these applications are filled out  
5 in the future, no matter what  
6 kind of application it is, please  
7 describe what you do, how you did  
8 it, what the equipment is without  
9 acronyms and make it clear so the  
10 Board members can understand what  
11 they are looking at.

12 Mr. Adley, next group.

13 MR. ADLEY:

14 Union Carbide. They had two  
15 applications and it was for an  
16 addition to the facility with  
17 zero jobs, and so I just want a  
18 clarification. You want to come  
19 tell me, ma'am. If you added to  
20 the facility but created no jobs,  
21 I am just curious what that was.

22 MR. WINDHAM:

23 Representative from Union  
24 Carbide, please.

25 MS. DAIGLE:



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1           Rema Daigle, Dow Chemical tax  
2 manager. Again, we had 40 new  
3 jobs for these two projects.

4           MR. ADLEY:

5           How many?

6           MS. DAIGLE:

7           40.

8           MR. ADLEY:

9           So why are they not listed.

10          Wait a minute, you have a second  
11 one that list -- well, both of  
12 them list zero.

13          MS. CHENG:

14          That was because it was from  
15 the original application when  
16 jobs were not a requirement and  
17 it was not listed on the original  
18 application.

19          MR. ADLEY:

20          So this addition created 40.

21          MS. DAIGLE:

22          The two that you have on here  
23 together they created 40 and that  
24 was put on the renewal  
25 application.



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1 MR. ADLEY:  
2 I would suggest to the staff  
3 we really ought to see that.  
4 Going backwards five years and  
5 ten years in time doesn't help  
6 us. I move for approval, Union  
7 Carbide.

8 MR. WINDHAM:  
9 Ms. Cheng, can you read those  
10 out.

11 MS. CHENG:  
12 It actually is shown on the  
13 renewal summary that the first  
14 year they had 971 jobs and  
15 currently they have 1011, so the  
16 creation of new jobs is shown.

17 MR. ADLEY:  
18 Okay. Thank you.

19 MS. CHENG:  
20 20100941 and 20100820, Union  
21 Carbide Corporation.

22 MR. ADLEY:  
23 The spreadsheet shows the  
24 jobs?

25 MS. CHENG:



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1 Yes, sir. The summary sheet  
2 shows it on the back.

3 MR. WINDHAM:

4 Mr. Adley makes the motion to  
5 approve for Union Carbide and  
6 seconded by President Miller.  
7 Any further discussion regarding  
8 Union Carbide? We read the  
9 numbers. Yes. Mr. Bagger.

10 MR. BAGGER:

11 This is again a question  
12 going forward. They have several  
13 applications all of which have  
14 the same jobs differential of 40  
15 and that does show the creation  
16 of jobs, 40 jobs, but it's not  
17 that each one of those created 40  
18 jobs, and does that delineating  
19 which projects created the jobs  
20 or if they are taken into their  
21 entirety?

22 MR. ADLEY:

23 I think, Mr. Broderick, as  
24 you know from all of the  
25 conversations we've had, once we



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1 adopt, hopefully today, the new  
2 rules going forward, you will  
3 have that before you where we  
4 don't have it now is what I think  
5 the new rules will do.

6 MR. WINDHAM:

7 Mr. Adley, one challenge with  
8 that will be even if they are  
9 aggravated for one program, if  
10 there are multiple programs, if  
11 you are not familiar with the  
12 intricacies of it, you may  
13 presume that jobs that are put on  
14 an Enterprise Zone Program  
15 application can be added to the  
16 jobs of an industrial tax  
17 exemption program or Quality Jobs  
18 or whichever ones are applying  
19 and if you don't know the  
20 intricacies you just can't make  
21 that presumption, so you have to  
22 be very careful when numbers just  
23 get combined because it's not  
24 always accurate.

25 MR. ADLEY:



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1           Moving forward, there will be  
2           an Exhibit A and B in all of  
3           these applications from local  
4           government and LED and it will  
5           show you the jobs and the salary  
6           and what they've been paid.

7           MR. BAGGER:

8           This gets into the  
9           intricacies of it in applications  
10          that creates jobs -- one  
11          application that creates jobs,  
12          the same jobs couldn't be  
13          attributed to another  
14          application.

15          MR. ADLEY:

16          No. I don't think it will  
17          be, but we are grouping them  
18          together today because the  
19          current rules didn't require any  
20          jobs whether it be one of them  
21          might have shown jobs, the other  
22          one was zero, it doesn't really  
23          make a difference. To keep our  
24          word we are moving forward with  
25          that.



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1           MR. BAGGER:  
2           This is more oriented toward  
3           the future and what you said is  
4           that there wouldn't be multiple  
5           applications each of which  
6           respectively would take credit  
7           for jobs that are repeated  
8           throughout there, and that's all  
9           I wanted to ask you.

10          MR. ADLEY:  
11          I can't imagine that  
12          happening.

13          MR. WINDHAM:  
14          Thank you, Mr. Bagger. Ms.  
15          Clapinski, please. Come forward  
16          and identify yourself if you  
17          haven't done so.

18          MS. CLAPINSKI:  
19          Danielle Clapinski, staff  
20          attorney LED.

21          I just want to clarify that  
22          applications are due within a  
23          certain amount of time that a  
24          piece or the entirety of the  
25          project is placed in service, so



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1 if you have things placed in  
2 service in stages, you are going  
3 to have multiple applications  
4 that can be for one project, and  
5 that one project is responsible  
6 for the totality of those jobs,  
7 so I just want to clarify that  
8 because that is an issue that you  
9 may see ongoing because there are  
10 deadlines. I believe  
11 applications are due nine days  
12 after placing service which  
13 means, I believe, is -- what's  
14 the term we use, operational or  
15 complete. Not operating, but  
16 operational, so if it's there in  
17 April.

18 MR. ADLEY:

19 I get that. I see that. But  
20 the difference will be where in  
21 the past you had all of the MCA's  
22 that would come in on the heels  
23 of some advanced notice is not  
24 going to be there anymore.

25 MS. CLAPINSKI:



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1 Correct.

2 MR. ADLEY:

3 You are going to get an  
4 advanced notice, you will know in  
5 advance exactly what you have in  
6 front of you.

7 MS. CLAPINSKI:

8 Yes, sir. I just wanted to  
9 clarify it still could be  
10 multiple contracts related to  
11 that one project.

12 MR. WINDHAM:

13 And also point out that an  
14 advanced notification is an  
15 estimate, so you don't know  
16 exactly what you are going to  
17 have in front of you.

18 MS. CLAPINSKI:

19 Correct.

20 MR. WINDHAM:

21 Thank you, Ms. Clapinski.  
22 Next group you would like to  
23 cover?

24 MR. ADLEY:

25 Agrillectric. Is that the



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1 next one?

2 MR. WINDHAM:

3 I believe we still have some  
4 at the top that were --

5 MR. ADLEY:

6 Go back to those if I can.  
7 I'm trying to get the groups or  
8 companies out of the way if  
9 that's possible. And then go  
10 back to the individuals.

11 MR. WINDHAM:

12 So we don't want to do all of  
13 the ones that had an advance in  
14 the original application and get  
15 those out of the way and then  
16 move on to --

17 MR. ADLEY:

18 I can do that.

19 MR. WINDHAM:

20 All right. So let's go back  
21 to those. Do you want to do those  
22 by group or remain in-globo?

23 MR. BROADWATER:

24 While you are looking at  
25 that, Mr. Chairman, I think we



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1 also are going to need a motion.  
2 There was a request that Air  
3 Liquide be deferred and at the  
4 appropriate timeline move to  
5 defer that one too.

6 MR. WINDHAM:

7 I will take that motion right  
8 now. Representative Broadwater,  
9 is there a second to deferring  
10 it. Ms. Cola seconded it. Is  
11 there any discussion on the  
12 deferral of Air Liquide? No.  
13 20081170.

14 All in favor indicate with an  
15 aye with a deferral.

16 ALL BOARD MEMBERS:

17 Aye.

18 MR. WINDHAM:

19 All opposed with a nay?

20 Motion carries.

21 MR. ADLEY:

22 The Brazos, I think is the  
23 next one. That shows the startup  
24 new with ten jobs. Is that from  
25 the past also?



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1 MS. CHENG:

2 Yes, sir.

3 MR. ADLEY:

4 Or is that with the renewal?

5 MS. CHENG:

6 That's -- that should be from

7 the past. The renewal

8 information is on the next sheet

9 where it says renewal data.

10 MR. ADLEY:

11 So four?

12 MS. CHENG:

13 Yes. Four new jobs have been

14 created since.

15 MR. ADLEY:

16 I move for approval of

17 Brazos.

18 MR. WINDHAM:

19 Please read the number into

20 the record, Ms. Cheng.

21 MS. CHENG:

22 20100916, Brazos Forest

23 Products, LP.

24 MR. WINDHAM:

25 Is there a second for that



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1 motion. Ms. Heather Malone.

2 MR. ADLEY:

3 Let me ask the staff, too,  
4 once you get this motion  
5 approved.

6 MR. WINDHAM:

7 All right. Is there any  
8 further discussion related to  
9 Brazos Forest Products. All in  
10 favor indicate with an aye.

11 ALL BOARD MEMBERS:

12 Aye.

13 MR. WINDHAM:

14 All oppose with a nay?  
15 Motion carries.

16 MR. ADLEY:

17 These four in that group,  
18 these were the ones that were  
19 creating some jobs, is that what  
20 was in your group there? What  
21 was in there?

22 MS. CHENG:

23 It just wasn't part of a big  
24 company group, that's why they  
25 are --



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1 MR. ADLEY:

2 Okay. I got it. The next  
3 one -- let me, if I can, did  
4 Cleco have -- they are in the  
5 next group. Cleco Power; the  
6 product -- the only question that  
7 I have just so we can get this  
8 into the record today and I won't  
9 have to do it again when we get  
10 to the rest of Cleco, someone  
11 explain to me what you -- how you  
12 came to the conclusion of  
13 manufacturing. I want to know  
14 what you brought together and  
15 what you changed created  
16 electricity. Thank you.

17 MR. WINDHAM:

18 Is there a representative  
19 from Cleco? Please step forward  
20 and describe your manufacturing  
21 process.

22 MR. ADLEY:

23 The reason I'm asking that  
24 question is because a number of  
25 people ask about how it got on



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1 the list and I'm not sure myself,  
2 so I am going to give you an  
3 opportunity to just tell us.

4 MR. BROADWATER:

5 And if staff could identify  
6 what their next code is as well,  
7 please, if they have it.

8 MS. CHENG:

9 I believe it begins with a  
10 22, 22112.

11 MR. WINDHAM:

12 Please identify yourself.

13 MR. MIKE:

14 Mike with Cleco's tax  
15 department.

16 (Unidentified individual):  
17 Manager of taxes with Cleco.

18 MR. ADLEY:

19 I'm not sold for sure but the  
20 code is going to apply into the  
21 future. The kind of code that we  
22 will be refining the definition  
23 of manufacturing, but just share  
24 with us, if you will.

25 MR. MIKE:



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1           We take several raw materials  
2           that could be fuel source, could  
3           be natural gas, petticoat,  
4           lignite, coal, also we have other  
5           raw materials we have imported  
6           into the plant, into the plant  
7           site the manufacturing facility.  
8           We then have to -- for instance,  
9           coal comes in very large clumps.  
10          We have to take that and then run  
11          it through a pulverizer to then  
12          change the form of that coal to a  
13          very fine mist, almost like  
14          talcum powder. The talcum powder  
15          is then run through a boiler  
16          where it is used as a fuel  
17          source, and there are several  
18          different methods. You have one  
19          where you take the fuel source  
20          and boil water and run it through  
21          a turbine. The steam is produced  
22          and run through a turbine which  
23          then spins the rotor which  
24          contains the copper wires inside  
25          the magnet which then produces or

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1 manufactures the electricity.  
2 There is another process where  
3 the direct heat from the fire is  
4 used to run the spin the rotor,  
5 and, again, within the copper  
6 wire magnet to manufacture the  
7 electricity. So we clearly take  
8 raw materials and bring it into  
9 the site, change that and then  
10 change the form into the final  
11 product, which is electricity.

12 MR. ADLEY:

13 Thank you. I will move for  
14 approval of Cleco.

15 MR. WINDHAM:

16 Any other questions by the  
17 Board members? Motion has been  
18 made by Mr. Adley to approve the  
19 single number.

20 MS. CHENG:

21 20080295, Cleco Power, LLC.

22 MR. WINDHAM:

23 Application. Is there a  
24 second. Second by Ms. Malone.

25 MS. CHENG:



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1 Did you skip C&C Marine and  
2 Repair?

3 MR. WINDHAM:

4 We did. We did. All in  
5 favor of approving this Cleco  
6 application as just read out the  
7 number please indicate with an  
8 aye.

9 ALL BOARD MEMBERS:

10 Aye.

11 MR. WINDHAM:

12 All opposed with a nay?  
13 Motion carries.

14 MR. ADLEY:

15 Mr. Chairman, if I can, I  
16 will move for approval of those  
17 that are remaining on the -- on  
18 this list of advanced  
19 notification filed with the  
20 original application.

21 MR. WINDHAM:

22 All right. The motion has  
23 been made to approve these  
24 in-globo. I don't believe you  
25 will need to read them out since



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1 they are going in-globo. Is  
2 there a second? Second by  
3 Representative Broadwater. Thank  
4 you very much.

5 Any discussion from the  
6 public? Any discussion by  
7 members of the Board? All in  
8 favor indicate with an aye.

9 ALL BOARD MEMBERS:

10 Aye.

11 MR. WINDHAM:

12 All opposed with a nay?

13 Motion carries.

14 That moves us forward to the  
15 no advanced notification filed.  
16 How would you like these to be  
17 grouped, Mr. Adley?

18 MR. ADLEY:

19 One second. This begins with  
20 Agrillectric, 197, 198. I move  
21 to approve Agrillectric down to  
22 was Boise in this group.

23 MS. CHENG:

24 It's already approved.

25 MR. ADLEY:



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1           Let me move to approve  
2   Agrillectric Power, both of  
3   those, and let's take  
4   Agrillectric, C&C, Century down  
5   to Cleco, Dow, that group. I  
6   think we've heard -- is there any  
7   of those that we have not heard  
8   from?

9           MR. WINDHAM:

10          We have not heard from  
11   Century Marketing Solutions.

12          MR. ADLEY:

13          So can we take Agrillectric  
14   and C&C and move for approval of  
15   those and then take Century  
16   Marketing.

17          MR. WINDHAM:

18          So there is a motion to  
19   approve the three that Ms. Cheng  
20   will read out.

21          MS. CHENG:

22          20120197, Agrillectric Power  
23   Partners. And 20120198,  
24   Agrillectric Research Company.

25          And 20110736, C&C Marine and



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1 Repair.

2 MR. WINDHAM:

3 Are there any comments from  
4 the public? Any questions or  
5 comments from the Board? I am  
6 sorry. Is there a second?

7 Seconded by Ms. Malone. Any  
8 comments by the Board members?

9 All in favor indicate with an  
10 aye.

11 ALL BOARD MEMBERS:

12 Aye.

13 MR. WINDHAM:

14 All opposed with a nay?

15 Motion carries.

16 Is there a representative  
17 from Century Marketing Solutions?

18 If so, please step forward and  
19 identify yourself.

20 MS. MANN:

21 Melissa Mann, Director of  
22 Governing Affairs for Century  
23 Link.

24 MR. INGRAM:

25 Steven Ingram, property tax



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1 manager, Century Link.

2 MR. ADLEY:

3 Just tell me all that I saw  
4 was printed material. Just tell  
5 me what you manufacture.

6 MR. INGRAM:

7 Yeah. This is a commercial  
8 printing company that produces  
9 high end commercial printing  
10 materials. You take in raw  
11 materials such as paper goods and  
12 ink and you turn it into high end  
13 materials that you would mail out  
14 to customers or potential  
15 customers.

16 MR. ADLEY:

17 So give me an example of high  
18 end material.

19 MR. INGRAM:

20 Something you would receive  
21 in the mail from Century Link  
22 asking you to sign up for  
23 internet service.

24 MR. ADLEY:

25 A mail out of some kind.



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1 MR. INGRAM:

2 Yes. Or printed information  
3 that are bound and sent out.

4 MR. ADLEY:

5 I would move for approval, is  
6 that Century. Two applications.  
7 Move for approval of those two.

8 MR. WINDHAM:

9 Please read those for us, Ms.  
10 Cheng.

11 MS. CHENG:

12 20120613 and 20120611,  
13 Century Marketing Solutions.

14 MR. WINDHAM:

15 Seconded by Representative  
16 Carmody. Any further discussion?  
17 All in favor indicate with an  
18 aye.

19 MR. BARHAM:

20 Can I ask you one question,  
21 since we've got them here, what I  
22 read yesterday about the merger.

23 MS. MANN:

24 Yes, sir. As we said  
25 previously in that report, we



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1 cannot comment on speculation or  
2 rumor, but I will certainly keep  
3 this Board informed if there is  
4 any information.

5 MR. BARHAM:

6 Well, in a merger if it  
7 occurred -- well, we are not at  
8 risk of Century Link moving out  
9 of Louisiana, are we?

10 MS. MANN:

11 I really do not have any  
12 information to share at this  
13 point in time, but I will  
14 certainly keep this Board  
15 informed.

16 MR. BARHAM:

17 Pretty important to us.

18 MS. MANN:

19 We agree.

20 MR. WINDHAM:

21 Thank you, Ms. Mann. I am  
22 sorry. Ms. Millie Atkins.

23 MS. ATKINS:

24 I would like to be recused  
25 from voting on this, too.



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1 MR. WINDHAM:

2 All right. Ms. Atkins is  
3 recusing on this vote. Second by  
4 Representative Carmody.

5 Are there any additional  
6 comments from the Board? All in  
7 favor indicate with an aye. I am  
8 sorry. Please step forward, sir.  
9 Identify yourself.

10 MR. CAGE:

11 Yes. Good afternoon. My name  
12 is Edward Cage with Together  
13 Louisiana.

14 Just wanted a little  
15 clarification. It sounds like  
16 Century Link is printing, taking  
17 paper in and, for lack of a  
18 better term, just making it look  
19 pretty. Does this fit the  
20 definition of manufacturing going  
21 forward with the amended  
22 Executive Order? And, if so, how  
23 does it just printing and making  
24 paper look pretty.

25 MR. ADLEY:



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1 I think it's the  
2 determination that the Board has  
3 to make going forward, but the  
4 definition of manufacturing has  
5 always been nearly the same. We  
6 make it a little more strict  
7 going forward. I'm not so for  
8 sure in that it will be mass  
9 production or it will be  
10 production based upon an order.  
11 For instance, you take someone  
12 who is a ship builder, they don't  
13 just mass produce ships, they get  
14 an order for it and they go build  
15 one that complies. I'm not for  
16 sure that this will into the  
17 future, but I think it's an issue  
18 that the Board will have to  
19 determine whether or not they  
20 believe that as a manufacturer.

21 MR. CAGE:

22 Thank you.

23 MR. WINDHAM:

24 Thank you, Mr. Cage. Any  
25 additional comments from the



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1 public? Comments from the Board?  
2 All in favor of the motion  
3 indicate with an aye.

4 PARTIAL BOARD MEMBERS:

5 Aye.

6 MR. WINDHAM:

7 All opposed with a nay?

8 Motion carries.

9 MR. ADLEY:

10 I move for approval then for  
11 those following Cleco and Dow in  
12 that we heard from all of them  
13 and move for favorable approval  
14 of that group and then be able to  
15 bring up Foster that we have not  
16 heard from.

17 MR. WINDHAM:

18 So you are approving in-globo  
19 all of the remaining Cleco's and  
20 Dow in-globo?

21 MR. ADLEY:

22 Yes.

23 MR. WINDHAM:

24 Is there a second to that  
25 motion? Seconded by President



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1 Miller.

2 Are there any comments from  
3 the public regarding Dow or  
4 Cleco? Any comments from the  
5 Board members? All in favor  
6 indicate with an aye.

7 ALL BOARD MEMBERS:

8 Aye.

9 MR. WINDHAM:

10 All opposed with a nay?  
11 Motion carries.

12 Next one we'll take up will  
13 be Foster Poultry Farms. Is  
14 there a representative from  
15 Foster Poultry Farms? Can you  
16 read those into the record.

17 MS. CHENG:

18 20120332 and 20120333, Foster  
19 Poultry Farms.

20 MR. WINDHAM:

21 So there is no one  
22 representing Foster Poultry Farms  
23 in the audience today.

24 MR. ADLEY:

25 Staff, tell me what they



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1 manufacture.

2 MS. CHENG:

3 Chicken.

4 MR. ADLEY:

5 They don't manufacture  
6 chickens. I don't think they do  
7 that.

8 MS. CHENG:

9 They have chickens and I  
10 think they process to where  
11 you --

12 MR. ADLEY:

13 Process.

14 MS. CHENG:

15 Yes.

16 MR. ADLEY:

17 Barham, you want to tell us  
18 how to process a yard bird.

19 MR. BARHAM:

20 I never had a processor,  
21 Senator.

22 MR. ADLEY:

23 And, so, do they take it from  
24 life to dead, is that how they  
25 change it?



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1 MS. CHENG:

2 We just did a site inspection  
3 on this one, so I believe  
4 Danielle -- Ms. Clapinski can  
5 tell you.

6 MR. WINDHAM:

7 It's not a pretty sight.

8 MS. CLAPINSKI:

9 Back in, I believe, April of  
10 2016, the Quality Jobs  
11 administrator and myself visited  
12 Foster Farms and saw their  
13 process, so it does come in  
14 clucking and -- it comes in  
15 clucking and it goes through the  
16 whole process. There is --  
17 obviously they put it out of its  
18 misery and -- I won't go through  
19 the whole process, but they  
20 defeather, they cut it up. There  
21 is further processing for chicken  
22 nuggets and chicken patties and  
23 all kinds of other products and  
24 there is also packaging and  
25 getting ready for sale as well.



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1 MR. ADLEY:  
2 Move for approval for dead  
3 chickens.

4 MR. WINDHAM:  
5 Motion by Mr. Adley to  
6 approve Foster Poultry Farms for  
7 approval. Is there a second?  
8 Seconded by Mr. Moller. Any  
9 further discussion. All in favor  
10 indicate with an aye.

11 ALL BOARD MEMBERS:  
12 Aye.

13 MR. WINDHAM:  
14 All opposed indicate with a  
15 nay. Motion carries.

16 Next one we have on are  
17 Louisiana Plastic Industries.

18 MR. ADLEY:  
19 The only question I have --  
20 is anybody here from that  
21 company?

22 MR. WINDHAM:  
23 Louisiana Plastic Industries,  
24 is there a representative from  
25 them in the audience?



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1 MR. ADLEY:  
2 The description they  
3 polyethylene blown film for use  
4 of multi-wall bag, and I don't  
5 know what that is. I was just  
6 curious what it was.

7 MS. CHENG:  
8 Probably like a ziploc bag.

9 MR. ADLEY:  
10 But this would be supplies  
11 for manufacturing, is that what  
12 this would be? Used in a  
13 manufacturing process. That's  
14 what I'm trying get to. Okay.  
15 I'm favorable.

16 MR. WINDHAM:  
17 All right. Is there a second  
18 for Louisiana Plastic Industries?  
19 Seconded by the Mayor Brasseaux.  
20 Any additional questions or  
21 comments from the Board members?  
22 All in favor indicate with an  
23 aye.

24 ALL BOARD MEMBERS:  
25 Aye.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. WINDHAM:  
2 All opposed? Motion carries.  
3 Next one you have is four by  
4 Rain CII Carbon, LLC. Are there  
5 any representatives from Rain CII  
6 Carbon?

7 MR. ADLEY:  
8 The only question that I had  
9 when I was reading their  
10 application if there is somebody  
11 here that it talks about boil  
12 level control and shatter box.  
13 I'm trying to find out if that,  
14 too, was part of maintenance or  
15 not or if that was a replacement.  
16 What is that?

17 I only bring that up -- I  
18 hate to drag us through all of  
19 this but I bring that up as we  
20 are going forward it's not going  
21 to work. These kinds of  
22 explanations are not going to  
23 work. They are working now  
24 because we committed to them in  
25 the past, but at least from the



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1 Governor's perspective that is  
2 not going to work. Somebody is  
3 going to have to tell us what  
4 they did and why they did it and  
5 the jobs. I move approval.

6 MR. WINDHAM:

7 Is there a second for the  
8 approval of Rain CII. And  
9 seconded by Representative  
10 Broadwater. Any additional  
11 comments from the Board members?  
12 Questions? Motion carries.

13 Next one we have is Sapa  
14 Extrusions.

15 MR. BROADWATER:

16 Mr. Chairman, while we are  
17 doing that, I know that Senator  
18 Adley may have additional  
19 questions and I don't want to  
20 deprive him of that opportunity,  
21 but I do think the Board has made  
22 a pretty clear point that things  
23 may change going forward, and if  
24 -- in the interest of time  
25 because I think I've got



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1 somewhere to be Sunday, I would  
2 like to make a motion in-globo  
3 for the rest of them for  
4 approval, but I don't mean to  
5 deprive --

6 MR. WINDHAM:

7 We only have three days left.

8 MR. ADLEY:

9 That's all we have left. Go  
10 on with your motion and be fine  
11 with me.

12 MR. BROADWATER:

13 Okay. All right. Okay.

14 MR. WINDHAM:

15 Anyone from Sapa Extrusions  
16 in the audience? No  
17 representatives. Sapa  
18 Extrusions. Can you describe  
19 what they do. Read the number at  
20 least. We'll get started while  
21 Mr. Adley gets organized.

22 MS. CHENG:

23 20120441, Sapa Extrusions,  
24 LLC.

25 MR. WINDHAM:



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1 We'll take Representative  
2 Broadwater's in-globo's move for  
3 those next three. Can you read  
4 all three of them for us.

5 MS. CHENG:

6 20120441, Sapa Extrusions,  
7 LLC.

8 20110906, Schambough  
9 Investments, LLC.

10 And 20120046,  
11 Schoeller-Blackmann Energy  
12 Services, LLC.

13 MR. WINDHAM:

14 Thank you very much. Is there  
15 a second to the in-globo second?  
16 Seconded by Mr. Richard. Any  
17 additional comments or questions  
18 by the Board members? By the  
19 public? All in favor indicate  
20 with an aye.

21 ALL BOARD MEMBERS:

22 Aye. All opposed with a nay?  
23 Motion carries.

24 Now we will move to five late  
25 renewal requests which were



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1 deferred.

2 MR. ADLEY:

3 Before we go to those two, we  
4 ask you for -- there's a couple  
5 of people there that have not  
6 been to our meetings before. On  
7 late renewals, what are our  
8 options.

9 MS. CHENG:

10 You can either approve the  
11 five year renewal going back from  
12 when their initial contract  
13 expired. You can approve it with  
14 a penalty or you can deny the  
15 request for renewal. And in the  
16 rules it says that the terms of  
17 the contract may be reduced by  
18 one year for each calendar month  
19 or a portion thereof that the  
20 renewal is filed late.

21 MR. ADLEY:

22 Is there anything in the  
23 current rule that allows for the  
24 reduction of the percentage.

25 MS. CHENG:



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1           The Board may impose any  
2 other penalties for late renewals  
3 submission that it deems  
4 appropriate.

5           MR. ADLEY:

6           So you can approve, reject or  
7 reduce the number of years you  
8 can get, is that -- that's the  
9 three options; is that correct?

10          MS. CHENG:

11          Yes.

12          MR. ADLEY:

13          Thank you.

14          MS. CHENG:

15          Before we start, 20140939 and  
16 20140960, CARBO Ceramics, Inc.  
17 would like to be deferred to  
18 December.

19          MR. WINDHAM:

20          Motion made by President  
21 Miller. Is there a second to  
22 defer the two referenced?

23          Seconded by Representative  
24 Broadwater. All in favor indicate  
25 with an aye.



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1 ALL BOARD MEMBERS:

2 Aye.

3 MR. WINDHAM:

4 All oppose with a nay?

5 Motion carries. Those two are  
6 deferred.

7 Please proceed, Ms. Cheng.

8 MS. CHENG:

9 20091227, Georgia Pacific  
10 Consumer Operations, LLC. The  
11 initial contract expired on  
12 12-31-15. They requested late  
13 renewal on 6-16 of 2016.

14 MR. WINDHAM:

15 Is there a representative  
16 from Georgia Pacific in the  
17 audience? If so, please step  
18 forward. Identify yourself.

19 MR. GUIDRY:

20 Thank you, Mr. Chairman,  
21 members of the Board. My name is  
22 George Guidry. I am in the  
23 company's public sector. I  
24 represent GP in this matter, and  
25 with me is Patty Brass, who is



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1 public affairs manager at Georgia  
2 Pacific.

3 MR. WINDHAM:

4 And this was deferred from  
5 maybe two meetings ago.

6 MS. CHENG:

7 One meeting.

8 MR. WINDHAM:

9 I am sorry. One meeting.

10 Please explain why you were late  
11 and why this Board should not  
12 penalize you in the fullest.

13 MR. GUIDRY:

14 Let me make the explanation  
15 and explain. All I will start is  
16 saying that we take  
17 responsibility for this. We are  
18 the contract holder and I think  
19 contract holders do have  
20 responsibility for requesting  
21 renewals and getting those  
22 applications in. I will say for  
23 the explanation is that prior to,  
24 I want to say, sometime maybe in  
25 2014, the usual and customary



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1 practice is for LED staff to  
2 spend you a letter letting you  
3 know that your contract was up  
4 for renewal and also including a  
5 renewal contract in there for  
6 execution. You would execute it  
7 and send it back with your  
8 application payment.

9 Sometime in 2014 that  
10 changed. We are aware that an  
11 e-mail blast was sent out from  
12 the department letting contract  
13 holders know that would no longer  
14 be the case. That no contract  
15 would be mailed out except upon  
16 execution, so it was entirely up  
17 to the contract holder to make  
18 the application and follow it up  
19 with the contract.

20 Unfortunately, the person with GP  
21 that had always done this was no  
22 longer with the company, and,  
23 therefore, they did not -- we did  
24 not get that e-mail. When it was  
25 discovered about the middle of



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1 2015 that the contract had  
2 expired we contacted LED and  
3 said, hey, what is there that we  
4 can do. We were advised that we  
5 could go ahead and apply for  
6 renewal but there was no  
7 guarantee that it would be  
8 renewed. That was done and it  
9 was done quite quickly. It takes  
10 a couple of weeks for a check to  
11 come out of GP. I think we knew  
12 about this in mid-May. By June  
13 16th, the department had our  
14 check and our application.

15 I want to emphasize that is  
16 not an excuse, that is just  
17 telling you what happened.

18 MR. WINDHAM:

19 Thank you. Please,  
20 Representative Carmody.

21 MR. CARMODY:

22 Thank you. I wanted to direct  
23 a question to Secretary Pierson,  
24 and I see, I guess, in the past  
25 there was an e-mail sent to



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1 recipients to exemption, and are  
2 we no longer contacting them or  
3 is that now to be done by hard  
4 mail or how do we correct the  
5 situation because -- and I  
6 appreciate the responsibility is  
7 on the recipients to make sure  
8 they are compliant, but are we  
9 still trying to formally contact  
10 these persons and let them know  
11 that your --

12 MR. PIERSON:

13 We do use methodologies by  
14 which to reach out. Would you  
15 please respond.

16 MS. CHENG:

17 Yes. Previously we would  
18 send all of the renewal  
19 documentation, renewal contract  
20 and they would return it to us.  
21 Now we do send them a letter when  
22 they filed their Affidavit of  
23 final cost and project completion  
24 report stating the date that they  
25 need to file the renewal by and



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1 that they are supposed to request  
2 it from us at that point.

3 MR. CARMODY:

4 Thank you.

5 MR. WINDHAM:

6 Thank you. Any additional  
7 questions or --

8 MR. ADLEY:

9 Now, just -- George, as much  
10 as I hate to say it, at least  
11 from the Governor's office our  
12 position is very clear on this  
13 issue, the ITEP is for your  
14 benefit. It's your benefit, and  
15 you are not filing for it. As  
16 you said, clearly does not fall  
17 upon us, and we have only four  
18 choices now I have been told. We  
19 can defer. We can accept. We  
20 can reject or we can shorten the  
21 term. This one falls outside of  
22 the normal agreement that the  
23 state made that you would get  
24 these renewals provided that you  
25 did certain things and you didn't



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1 do what you needed to do to get  
2 that renewal. So at least  
3 knowing that the Governor's  
4 office wants to put an 80 percent  
5 cap on all renewals, I think is  
6 fair, at least from our  
7 perspective, to reduce the length  
8 of this renewal term that would  
9 at least equate to that number,  
10 which would reduce it by one  
11 year. And at some point I would  
12 like to make a motion to do that.

13 MR. RICHARD:

14 That's a motion, I'll second  
15 it.

16 MR. WINDHAM:

17 Motion made by Mr. Adley and  
18 seconded by Mr. Richard, I  
19 believe. Any additional  
20 questions, comments, comments  
21 from the public regarding this  
22 application or this situation?

23 MR. PIERSON:

24 The staff, we've had similar  
25 circumstances in the past.



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1 MS. CHENG:

2 We have always accepted late  
3 renewals, yes, sir.

4 MR. ADLEY:

5 I think we've turned some  
6 down since we have been on the  
7 Board.

8 MS. CHENG:

9 I think so, yes. But  
10 previously we accepted the  
11 applications is what I'm saying.  
12 I'm not saying that y'all  
13 approved them necessarily.

14 MR. PIERSON:

15 There was a scale of amount  
16 of time lapsed between the  
17 renewal period, did I hear one  
18 month per or words to that  
19 effect?

20 MS. CHENG:

21 Yes. In the rules it states  
22 that it may be reduced by one  
23 year for each calendar month or a  
24 portion thereof that the renewal  
25 application is filed late.



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1 MR. PIERSON:

2 So that's in our current  
3 rules.

4 MS. CHENG:

5 In the current rules, yes,  
6 sir.

7 MR. PIERSON:

8 And what Senator Adley  
9 proposes is in compliance with  
10 our current rules?

11 MS. CHENG:

12 Because in the current rules  
13 it also states the Board may  
14 impose any other penalties for  
15 late renewal submission that it  
16 deems appropriate.

17 MR. ADLEY:

18 Just for what it's worth, I  
19 think that motion is absolutely  
20 more than fair compared on the  
21 absolute turning it down.

22 MR. PIERSON:

23 I simply ask the question --

24 MR. ADLEY:

25 Based upon what the Board has



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1 done in the past.

2 MR. PIERSON:

3 I think we have the question  
4 to be in compliance with our  
5 rules and to be consistent with  
6 the way the rules have been  
7 applied in the past.

8 MR. WINDHAM:

9 Any additional comments on  
10 the motion? All in favor indicate  
11 with an aye.

12 ALL BOARD MEMBERS:

13 Aye.

14 MR. WINDHAM:

15 All opposed with a nay?  
16 Motion carries. You will be  
17 reduced by one year of exemption.

18 MR. GUIDRY:

19 Thank you so much.

20 MR. WINDHAM:

21 Thank you, Mr. Guidry.

22 MS. CHENG:

23 The next one is 20110354,  
24 Flowers Baking Company in Baton  
25 Rouge.



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1 MR. WINDHAM:  
2 Is there a representative  
3 from Flowers Baking Company of  
4 Baton Rouge in the audience,  
5 please step forward.

6 MS. CHENG:  
7 Their initial contract  
8 expired on 12-31 of 2015, and  
9 they requested late renewal on  
10 June 20 of 2016.

11 MR. WINDHAM:  
12 Please identify yourself.

13 MR. KELLER:  
14 Aman Keller, superintendant  
15 of Flowers Baking Company of  
16 Baton Rouge.

17 MR. BROCK:  
18 Larry Brock, President of the  
19 bakery.

20 MR. WINDHAM:  
21 Please, Mr. Brock, describe  
22 your situation.

23 MR. BROCK:  
24 I have no idea why we were  
25 late. It was held by our



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1 corporate office and it just  
2 didn't get sent out in time, and  
3 we have no excuse and I'm not  
4 trying to make any.

5 MR. ADLEY:

6 How many months late was this  
7 one?

8 MS. CHENG:

9 Six.

10 MR. ADLEY:

11 Same as the last one? I would  
12 like to make the same motion that  
13 you reduce it by one year.

14 MR. WINDHAM:

15 The motion has been made by  
16 Mr. Adley that this contract  
17 renewal be reduced by one year.  
18 Seconded by Mr. Richard. Any  
19 additional comments from the  
20 public? Any additional comments  
21 by the Board? Representative  
22 Carmody.

23 MR. CARMODY:

24 Can you identify where your  
25 corporate headquarters are?



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1 MR. BROCK:  
2 Thomasville, Georgia.

3 MR. CARMODY:  
4 Thomasville, Georgia. Thank  
5 you.

6 MR. WINDHAM:  
7 All in favor indicate with an  
8 aye.

9 ALL BOARD MEMBERS:  
10 Aye.

11 MR. WINDHAM:  
12 All opposed with a nay?  
13 Motion carries. You have been  
14 penalized one year.

15 MS. CHENG:  
16 20110343, Oxbow Calcining.

17 MR. WINDHAM:  
18 Do we have anyone from Oxbow  
19 Calcining? Please step forward.

20 MR. ADLEY:  
21 And this one was five months  
22 late?

23 MS. CHENG:  
24 Yes, sir.

25 MR. WINDHAM:



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1 Please identify yourself and  
2 describe your situation.

3 MR. POSTLEWAIT:

4 I am David Postlewait. I am  
5 the plant manager of the Baton  
6 Rouge plant. This essentially is  
7 something that is handled by our  
8 corporate office in West Palm  
9 Beach, Florida. In this  
10 particular case, it was an  
11 oversight from the fact that the  
12 person in the tax department that  
13 normally handles that was out of  
14 work and away from the company  
15 for eight and a half months and  
16 came back. I will like to state  
17 that we did have two renewals  
18 that were submitted recently and  
19 in a timely fashion, so we  
20 recognize that oversight and  
21 corrected that. Going forward,  
22 we have developed through our  
23 internet process and calendar  
24 that will do a notification to  
25 the tax department and not just



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1 to a particular individual.

2 MR. WINDHAM:

3 Thank you. Any questions of  
4 Mr. Postlewait? Any questions of  
5 Mr. Postlewait?

6 MR. ADLEY:

7 No. I would like to make the  
8 same motion.

9 MR. WINDHAM:

10 Same motion is made for a  
11 four year renewal. Seconded by  
12 -- sorry. A motion was made by  
13 Mr. Adley. Seconded by Mr.  
14 Richard. Any additional questions  
15 or comments from the public?  
16 Comments from the Board? All in  
17 favor indicate with an Aye.

18 ALL BOARD MEMBERS:

19 Aye.

20 MR. WINDHAM:

21 All opposed with a nay?  
22 Motion carries. Thank you.

23 That passes -- those are the  
24 ones that have late renewal  
25 requests that were deferred from



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1 our previous meeting. Now we  
2 have in front of us four late  
3 renewal requests.

4 MS. CHENG:

5 We have four late renewal  
6 request but three of them would  
7 like to defer to December.  
8 20120375, CVD Incorporated.  
9 20110044 and 20110198 Voith Paper  
10 & Roll Systems, Inc. would like  
11 to be deferred until the December  
12 meeting.

13 MR. WINDHAM:

14 So the first one and the last  
15 two are requesting deferrals. Is  
16 there a motion to defer those  
17 three to the next meeting. Made  
18 by Ms. Malone. Is there a  
19 second? Representative Carmody.  
20 All in favor indicate with an  
21 aye.

22 ALL BOARD MEMBERS:

23 Aye.

24 MR. WINDHAM:

25 All opposed with a nay?



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1 Motion carries. Those three are  
2 deferred. Now we'll take up  
3 General Electric Company in Caddo  
4 Parish.

5 MS. CHENG:

6 20110338, General Electric  
7 Company. They initial contract  
8 expired on 12-31-15 and they  
9 requested late renewal on August  
10 5th of 2016.

11 MR. WINDHAM:

12 So that would be eight  
13 months, roughly. Is there a  
14 representative from General  
15 Electric Company?

16 MR. ADLEY:

17 Now, tell me what the  
18 difference is between these and  
19 the ones we just handled?

20 MS. CHENG:

21 Nothing except for the ones  
22 we just handled were previously  
23 scheduled on September's agenda.

24 MR. ADLEY:

25 This is for a five year



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1 period. This is a request for  
2 five years, right?

3 MS. CHENG:

4 It can be for five years.

5 MR. ADLEY:

6 And are the options the same  
7 here.

8 MS. CHENG:

9 Yes, sir.

10 MR. ADLEY:

11 Then I would like to make the  
12 same motion. This one was later  
13 than the others.

14 MR. WINDHAM:

15 All right. Mr. Adley makes  
16 the motion to restrict that this  
17 contract, this renewal contract  
18 by one year. Is there a second  
19 for that motion. Made by Mr.  
20 Moller. Motion is seconded. Any  
21 discussion from the public? Any  
22 additional discussion from the  
23 Board?

24 MR. RICHARD:

25 Just a quick comment. I



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1 failed to thank the  
2 representatives of the business  
3 entities that have afforded to to  
4 be here today, and unfortunately  
5 the one from General Electric is  
6 not here but they received the  
7 same penalty. Whatever that's  
8 worth.

9 MR. WINDHAM:

10 So noted. All in favor  
11 indicate with an aye.

12 ALL BOARD MEMBERS:

13 Aye.

14 MR. WINDHAM:

15 All opposed with a nay?

16 Motion carries.

17 Next we have 13 name changes.

18 MS. CHENG:

19 We have 13 changes in name.

20 Contract amendments.

21 Almatis Burnside, Inc.

22 Contract 20110680, 20120391,  
23 20141325, and 20150657 requesting  
24 to change their name to Almatis  
25 Burnside, LLC.



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1 MR. WINDHAM:  
2 Is there a motion to accept  
3 the changes for those contracts?  
4 Made by Mr. Coleman. Is there a  
5 second by Mr. Representative  
6 Broadwater. All in favor  
7 indicate with an aye.

8 ALL BOARD MEMBERS:  
9 Aye.

10 MR. WINDHAM:  
11 All opposed with a nay?  
12 Motion carries.

13 MS. CHENG:  
14 General Electric Company.  
15 070608, 20080652, 20090717,  
16 20100419, 20120412, 20130499,  
17 20140563 and 20160993 are wishing  
18 to change their name to General  
19 Electric Company to GE Grid  
20 Solutions, LLC in Caddo Parish.

21 MR. WINDHAM:  
22 All right. A motion is made  
23 by Mr. Miller to approve the name  
24 change for the General Electric  
25 Company contracts previously



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1 read. Is there a second by Ms.  
2 Malone. Any comments from the  
3 public? Comments from the Board?  
4 All in favor indicate with an  
5 aye.

6 ALL BOARD MEMBERS:

7 Aye.

8 MR. WINDHAM:

9 All opposed with a nay?

10 Motion carries.

11 MS. CHENG:

12 Hunt Forest Products, Inc.  
13 Contract 20160711 is changing its  
14 -- is requesting to change its  
15 name to Hunt Forest Products, LLC  
16 in Grant Parish.

17 MR. WINDHAM:

18 Is there a second to accept  
19 that motion -- accept that  
20 change. Yes. Ms. Cola.

21 Seconded by Representative

22 Broadwater, I believe.

23 Any comments from the public?

24 Any questions from the Board

25 members. All in favor indicate



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1 with an aye.

2 ALL BOARD MEMBERS:

3 Aye.

4 MR. WINDHAM:

5 All opposed with a nay?

6 Motion carries.

7 MS. CHENG:

8 We have two Change in

9 Location Only. Contract  
10 amendment request.

11 Gulf Island Marine  
12 Fabricators, LLC. Contract  
13 20091178 and 20111134. They are  
14 changing from 301 Bayou Dularge  
15 Road, Houma, Louisiana 70363 to  
16 301 Gulf Island Road in Houma,  
17 Louisiana 70363 in Terrebonne  
18 Parish.

19 MR. WINDHAM:

20 Is there a motion to accept  
21 the location changes. Made by  
22 Secretary Barham. Seconded by Mr.  
23 Williams. Any comments from the  
24 public? From the Board? All in  
25 favor indicate with an aye.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 ALL BOARD MEMBERS:

2 Aye.

3 MR. WINDHAM:

4 All opposed with a nay?

5 Motion carries.

6 MS. CHENG:

7 I have one request for

8 Partial Transfer from Premium

9 Products of Louisiana, Inc.

10 070154. Premium Products of

11 Louisiana, Inc. retains \$60,649

12 in Lafayette Parish and Mackenzie

13 Real Estate, LLC will be

14 receiving \$448,372 in Lafayette

15 Parish.

16 MR. WINDHAM:

17 Is there a motion to accept

18 the partial transfer of these

19 assets from one entity to the

20 other? Made by Ms. Atkins.

21 Seconded by Ms. Cola. Any

22 questions from the public?

23 Comments from the public?

24 Questions from the Board members?

25 All in favor indicate with an



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1 aye.

2 ALL BOARD MEMBERS:

3 Aye.

4 MR. WINDHAM:

5 All opposed with a nay?

6 Motion carries.

7 MS. CHENG:

8 We have two Cancellation of  
9 Contract requests.

10 Dow Hydrocarbons and  
11 Resources. Contract 062154.  
12 Company requests cancellation in  
13 West Baton Bouge Parish.

14 MR. WINDHAM:

15 Are there any questions --  
16 motion -- moving along. Motion  
17 was made to accept the  
18 cancellation by Major Coleman.  
19 Mr. Coleman. Is there a second?  
20 By Ms. Heather Malone. Any  
21 comments from the public?  
22 Questions from the Board members?  
23 All in favor indicate with an  
24 aye.

25 ALL BOARD MEMBERS:



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1           Aye.

2           MR. WINDHAM:

3           All opposed with a nay?

4           Motion carries.

5           MS. CHENG:

6           We have St. Joe Brick Works,  
7           Inc. 20081184. And the company  
8           requests cancellation in St.  
9           Tammany Parish.

10          MR. WINDHAM:

11          We have a motion made by Mr.  
12          Miller to accept the  
13          cancellation. Seconded by Mr.  
14          Coleman. Any questions from the  
15          public? Comments? Questions  
16          from the Board members? All in  
17          favor indicate with an aye.

18          ALL BOARD MEMBERS:

19          Aye.

20          MR. WINDHAM:

21          All opposed with a nay?

22          Motion carries.

23          MS. CHENG:

24          Now we have the three appeals  
25          that were on the agenda in



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1 September. These are companies  
2 appealing for the decision of  
3 y'all's got cancelled. They are  
4 late contract renewal request.  
5 Two of them are wishing to defer  
6 to the December 20th meeting.

7 CARBO Ceramics and Hauser  
8 Printing.

9 MR. WINDHAM:

10 Which ones are --

11 MS. CHENG:

12 These are CARBO Ceramics.  
13 Contract 20110334 and 20110335.  
14 And Hauser Printing. Contract  
15 20110172. They are appeals.  
16 They want to defer them to  
17 December.

18 MR. WINDHAM:

19 So may I ask this: On the  
20 previous ones that deferred from  
21 the other meeting that came here,  
22 we restricted them by one year.  
23 These people are denying that we  
24 canceled theirs last time.

25 MS. CHENG:



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1           These were cancelled.

2           MR. WINDHAM:

3           These were cancelled last  
4 time.

5           MS. CHENG:

6           In June.

7           MR. WINDHAM:

8           So they are appealing that.

9           If we canceled them it's because  
10 they didn't show.

11          MR. COLEMAN:

12          All three of them?

13          MR. WINDHAM:

14          Two of them are asking for  
15 deferral.

16          MR. COLEMAN:

17          I know, but I am saying all  
18 three of them.

19          MS. CHENG:

20          Yes, all three are asking for  
21 the same reconsideration. Two  
22 are asking to be deferred to  
23 December.

24          MR. COLEMAN:

25          What I'm asking is --



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1 MR. WINDHAM:  
2 Any of the representatives of  
3 the companies here? Any of the  
4 reps here?

5 MS. CHENG:  
6 The representatives from  
7 Frymaster are here because the  
8 other two could not make it as  
9 they wanted to defer.

10 MR. WINDHAM:  
11 All right. Mr. Coleman.

12 MR. COLEMAN:  
13 I was trying to find out did  
14 we deny them because they weren't  
15 here. All three of them.

16 MS. CHENG:  
17 Yes, sir. That is what  
18 happened.

19 MR. WINDHAM:  
20 So the two that are  
21 requesting deferrals, is there a  
22 motion to defer them? Secretary  
23 Broadwater makes the motion to  
24 defer them. Is there a second to  
25 the deferral of those two?



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1 Representative Carmody seconds  
2 that. All in favor indicate with  
3 an aye for the deferral of those  
4 two.

5 ALL BOARD MEMBERS:

6 All opposed indicate with a  
7 nay. Those two are deferred. I  
8 believe Frymaster has a  
9 representative. If you will  
10 please step forward and identify  
11 yourself.

12 MR. BROADWATER:

13 Point of order on the appeals  
14 and not being familiar with your  
15 rules, is there some standard or  
16 review on the appeal that is  
17 different from the initial  
18 consideration or is it sufficient  
19 under the rules that someone can  
20 make a motion to reverse the  
21 earlier decision? I just want to  
22 know under the rules what the  
23 standard review is.

24 MR. WINDHAM:

25 Ms. Clapinski, I hope you can



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1 address that.

2 MS. CLAPINSKI:

3 Yes. Yes. The Board rules  
4 state that any action of the  
5 Board can be appealed to the --  
6 against the Board. There is not  
7 contained within those rules a  
8 standard or a standard appeal.

9 MR. BROADWATER:

10 OKAY. Thank you. That  
11 answers the question.

12 MR. WINDHAM:

13 Thank you. All right. So  
14 Frymaster. Yes. She needs to  
15 read your number in.

16 MS. CATON (PH):

17 My name is Sherri Caton and  
18 I'm the controller of Frymaster.  
19 I'm asking that you re-look at  
20 your opinion to deny that  
21 renewal, the late renewal. We  
22 had same circumstances as you  
23 heard described today. We did  
24 not get the e-mail telling us  
25 that we needed to do a renewal.



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1 The person that was doing the  
2 renewals left, so we had a  
3 personnel issue, and then when it  
4 came up for renewal, I wasn't  
5 able to come.

6 MR. WINDHAM:

7 How late was this renewal?

8 MS. CHENG:

9 I do not have the June agenda  
10 in front of me, but I can get it.

11 MS. CATON:

12 I think it was like three or  
13 four months.

14 MS. MALONE:

15 It was April. April 7th.

16 MR. ADLEY:

17 I think the Chairman made a  
18 valid point. In being fair we  
19 deferred all of those people were  
20 not here, as I remember it, but  
21 it is a late renewal. I would  
22 make the same motion for this one  
23 that we made by the others that  
24 we reduce it by one year. Assume  
25 the fact that she can come back



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1 on the agenda to denial based on  
2 what they told me.

3 MR. WINDHAM:

4 They had the opportunity to  
5 appeal it so they are appealing  
6 the denial. So I believe we have  
7 to reverse the denial first and  
8 then make a decision about what  
9 the penalty or benefits will be  
10 going forward.

11 MR. CARMODY:

12 I would make the  
13 recommendation the denial --  
14 (microphone off)

15 MR. WINDHAM:

16 Representative Carmody, the  
17 motion to reconsider the denial  
18 of Frymaster. Is there a second?

19 MR. BROADWATER:

20 Second.

21 MR. WINDHAM:

22 Seconded by Representative  
23 Broadwater. Any discussion? All  
24 in favor reconsidering the denial  
25 indicate it with aye.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 ALL BOARD MEMBERS:

2 Aye.

3 MR. WINDHAM:

4 All opposed indicate with a  
5 nay? Motion carries.

6 MR. ADLEY:

7 I move to reduce the renewal  
8 by one year.

9 MR. WINDHAM:

10 So the motion is made to  
11 reduce the renewal set by Mr.  
12 Adley. Seconded by Mr. Carmody.  
13 Any further discussion on the  
14 item? Mr. Richard.

15 MR. RICHARD:

16 Just for the sake of  
17 consistency it looks like we're  
18 backtracking on some things and  
19 we have members of the Board that  
20 fill in that weren't here in the  
21 past and that's just the way it  
22 works, but if we're shooting for  
23 consistency, General Electric and  
24 the four late renewals have no  
25 member present and we didn't take



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1 consistent action in that regard.

2 MR. WINDHAM:

3 I appreciate your position.

4 I believe that's where I was  
5 going with the deferrals of the  
6 two that are not here today with  
7 representation. In my opinion if  
8 you are going to do one then you  
9 should treat the rest of them  
10 fairly equally.

11 MR. RICHARD:

12 The meetings in which we  
13 denied renewal is the main  
14 reason, if I recall correctly, is  
15 that no representative was  
16 present.

17 MR. WINDHAM:

18 That is correct, to my  
19 recollection also, Mr. Richard.

20 MR. RICHARD:

21 So at the appropriate time I  
22 would like to revisit General  
23 Electric to be -- to provide a  
24 consistent penalty at that time  
25 if the Board sees fit, and I'm



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1 not sure how we do that.

2 MR. WINDHAM:

3 I can appreciate that and I  
4 will look to Ms. Clapinski  
5 possibly to describe what that  
6 process might be. But in front of  
7 us we have the motion, the  
8 second, the discussion. Any  
9 further discussion? All in favor  
10 of the one year restriction for  
11 the renewal for Frymaster please  
12 indicate with an aye.

13 ALL BOARD MEMBERS:

14 Aye.

15 MR. WINDHAM:

16 All opposed with a nay?  
17 Motion carries. Ms. Clapinski.  
18 She may have gone to make copies  
19 of a rule, so I will just wing  
20 this.

21 I believe we are going to  
22 reopen the consideration at Mr.  
23 Richard's request for the General  
24 Electric application for renewal  
25 which has been previously acted



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1 upon. Please describe again your  
2 position.

3 MR. RICHARD:

4 As I noted earlier for the  
5 sake of consistency, we are going  
6 through these agenda items and  
7 imposing the one year reduction.  
8 In the past couple of meetings  
9 since the new Board has been  
10 seated, the reason we just dealt  
11 with some other deferrals is  
12 because no representative of the  
13 business entity came before the  
14 Board and they were completely  
15 denied and they have the ability  
16 to come back before the Board and  
17 appeal that denial, and it  
18 appears as if we are moving in a  
19 direction of trying to be  
20 consistent as possible, and I  
21 appreciate that as a Board member  
22 of a Board that's learning its  
23 role and such an important role  
24 in dealing with huge amounts of  
25 money, and I think if we're going



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1 to be consistent I would divulge  
2 the Board in their discretion to  
3 revisit General Electric to  
4 provide a consistent penalty  
5 since they had no representative  
6 here.

7 MR. WINDHAM:

8 So you are making a motion to  
9 reconsider the General Electric  
10 action previously taken?

11 MR. RICHARD:

12 Yes, sir.

13 MR. WINDHAM:

14 And a second is made by  
15 President Miller. Is there any  
16 further discussion on the  
17 reconsideration of the action?  
18 All in favor of reconsideration,  
19 please indicate with an aye.

20 ALL BOARD MEMBERS:

21 Aye.

22 MR. WINDHAM:

23 All opposed with a nay? That  
24 motion carries.

25 And now we'll move on to the



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1 reconsideration.

2 MR. RICHARD:

3 The motion would be to deny.

4 MR. WINDHAM:

5 The motion to deny.

6 MR. RICHARD:

7 Renewal.

8 MR. WINDHAM:

9 Renewal of the General

10 Electric application number --

11 MS. CHENG:

12 20110338.

13 MR. RICHARD:

14 With the understanding that  
15 they have the opportunity under  
16 the current process that we  
17 follow to appeal that denial and  
18 come back before the Board as  
19 these others.

20 MR. WINDHAM:

21 Is there a second to that  
22 motion of denial?

23 MR. BARHAM:

24 As a substitute motion, I  
25 would propose that we defer a



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1 decision on General Electric and  
2 have the staff contact them and  
3 put them on the December agenda.

4 MR. WINDHAM:

5 All right. Thank you. There's  
6 been a motion and a deferral -- I  
7 am sorry. There's been a motion  
8 and a substitute motion. Are you  
9 willing to accept that substitute  
10 motion, Mr. Richard?

11 MR. RICHARD:

12 Yes.

13 MR. WINDHAM:

14 Is there a second? Seconded  
15 by Mayor Brasseaux. Is there any  
16 further discussion on the  
17 deferral of that application?  
18 All in favor indicate with an aye  
19 to defer action on that  
20 application.

21 ALL BOARD MEMBERS:

22 Aye.

23 MR. WINDHAM:

24 All opposed with a nay?  
25 Motion carries. Mr. Miller.



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1           MR. MILLER:  
2           Just to clarify a little bit  
3           and agree with Mr. Richard, I  
4           think this is very important  
5           business, and to show up it means  
6           a lot to us that it's important  
7           to you, but if you are going to  
8           file a late renewal application  
9           and in June we turn down three,  
10          at least, for late, that -- make  
11          sure you guys come. It's  
12          important to be here, especially  
13          if you are going to be late.  
14          Thank you.

15          MR. WINDHAM:  
16          Thank you very much, Mr.  
17          Miller.

18          MS. CHENG:  
19          And this concludes the  
20          Industrial Tax Exemption Portion  
21          of the agenda.

22          MR. WINDHAM:  
23          All right. The next item on  
24          the agenda are Approval of Rules  
25          to be submitted by the rules



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 committee of this body. However,  
2 we are waiting for the rules to  
3 be copied for us, and in light of  
4 that fact, we need a five minute  
5 break. Is there a motion to  
6 adjourn on recess for five  
7 minutes but you have to come back  
8 because we have to maintain a  
9 quorum. Motion is -- motion for  
10 a break is made by Ms. Atkins.  
11 Seconded by Mr. Williams. All in  
12 favor of taking a break for five  
13 minutes indicate with an Aye.

14 ALL BOARD MEMBERS:

15 Aye.

16 MR. WINDHAM:

17 With a nay indicate you are  
18 opposed. Motion carries.

19 (Whereupon a break was  
20 taken.)

21 MR. WINDHAM:

22 Everyone gather back. Make  
23 sure we have a quorum Do we need  
24 to do a roll call on that. I  
25 don't think so. We have 15.



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1 Before we proceed with the rules.  
2 All right. So we have two  
3 documents. Last meeting we  
4 approved the continuation of the  
5 exemption of Lake Providence. We  
6 asked for letters of support. We  
7 have two of those letters. Is  
8 that all of the letters we should  
9 have or should we have more.

10 MR. BLUNT:

11 Dennis Blunt with Phelps  
12 Dunbar. We have additional  
13 letters that we understand are  
14 headed our way. One that we know  
15 of is the sheriff, but in light  
16 of the fact that we thought it  
17 best to be here with what we have  
18 in light of the approval and make  
19 certain that we were very  
20 appreciative of the approval  
21 granted by the Board, we wanted  
22 to make certain that we got you  
23 what we could and when we could.

24 MR. WINDHAM:

25 Thank you very much. The Town



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1 of Lake Providence in support of  
2 the project and support of the  
3 operation as well as the Town of  
4 Lake Providence.

5 MR. ADLEY:

6 Can I help here just a  
7 minute. That those two letters  
8 were helpful, but when we say  
9 governing authority we mean the  
10 parish, the sheriff and the  
11 School Board in addition to any  
12 municipality that falls within  
13 that particular task and  
14 authority.

15 MR. BLUNT:

16 Understood. And I think the  
17 sheriff is coming and we are  
18 further reaching out to the  
19 superintendent, but what I also  
20 mentioned that the note from the  
21 City of Lake Providence makes  
22 mention of the fact that in 2013  
23 as a result of this project the  
24 East Carroll Parish School Board  
25 was able to provide the largest



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1 bonus to its employees in the  
2 history of the district, so --

3 MR. ADLEY:

4 So it won't be hard to get a  
5 letter from them?

6 MR. BLUNT:

7 Should not.

8 MR. WINDHAM:

9 Does anyone have any other  
10 questions of these letters or of  
11 these representatives -- ma'am,  
12 if you could state your name.

13 MS. HINTON:

14 My name is Rebecca Hinton.

15 MR. WINDHAM:

16 Rebecca --

17 MS. HINTON:

18 Hinton.

19 MR. WINDHAM:

20 And you are with the company?

21 MS. HINTON:

22 I'm with Phelps Dunbar on  
23 behalf of the company.

24 MR. WINDHAM:

25 All right. Thank you. Any



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1 questions? Introduce these into  
2 the record, Melissa. That will  
3 be great. Thank you very much.  
4 Have a great afternoon.

5 With that we're going to move  
6 to the presentation of the rules.  
7 I would like to thank all of the  
8 -- Oh, I am sorry. Ma'am, please  
9 come forward.

10 MS. CARLSON:

11 My name is Laney Carlson.  
12 I'm with Together Louisiana, and  
13 we just want to make a comment  
14 about the myriads request. Our  
15 leaders in Lake Providence has  
16 been meeting both with the  
17 superintendent and the police  
18 jury. They were not aware of the  
19 exemptions and we are of the  
20 understanding that they don't  
21 support them. The jury has taken  
22 out a loan to do improvements on  
23 the port. They are stuck for  
24 that loan. They are being --  
25 myriad is being exempted from



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1 property taxes, which means they  
2 are losing money on that. It's a  
3 double whammy to one of the  
4 poorest parishes in the country.

5 MR. WINDHAM:

6 Does anyone have any  
7 questions? Thank you, ma'am.

8 All right. Now we will move  
9 on to the discussion of the  
10 rules. I would like to thank the  
11 rules committee members for all  
12 of their hard work that has been  
13 put into this. I would  
14 definitely like to thank the  
15 staff for all of the hard work  
16 that they have put into this  
17 process, and with that, I will  
18 let Mr. Adley describe the  
19 proposed rules.

20 MR. ADLEY:

21 Members of staff has passed  
22 out to you a copy of what would  
23 be the rules. I thought the  
24 easiest way to handle this if I  
25 could tell you what we are going



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1 to try to do here. I will just  
2 kind of walk through for you what  
3 is in the new rules. Once we've  
4 adopted those -- LED has asked me  
5 for, I think there's three  
6 changes that we plan to make,  
7 once these are adopted so I can  
8 amend the ones we've adopted.

9 Mr. Broadwater, I think, has one  
10 for clarification that will help  
11 clarify some of our language, and  
12 once we adopt the first set and  
13 get the amendments on, we'll have  
14 that behind us. Then we have to  
15 deal with the general rules for  
16 LED that deals with two issues  
17 that will ask you for your  
18 approval. It make engage a little  
19 more transparent than what it is  
20 today.

21 MR. WINDHAM:

22 If I may, the process-wise,  
23 we're going to approve the rules  
24 then as submitted and recommended  
25 from the rules committee. Then



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1 those three amendments, four  
2 amendments can be made after  
3 those rules are approved as  
4 opposed to doing it the other way  
5 around. Mr. Broadwater.

6 MR. BROADWATER:

7 Before there is a vote on the  
8 adoption of the rules, will the  
9 public be provided an opportunity  
10 to comment?

11 MR. WINDHAM:

12 Absolutely.

13 MR. ADLEY:

14 Maybe I left something out.  
15 This is -- I mean, you can allow  
16 the public comments you want, but  
17 this has to go through the  
18 Administrator Procedures Act, so  
19 there is going to be a lot of  
20 comments. The final adoption of  
21 these rules will not occur until  
22 sometime late January or February  
23 once you get through that process  
24 and it goes back to the necessary  
25 legislative bodies that then



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1 review the rules and then back to  
2 the Governor's office, so we have  
3 to get them into play with  
4 whatever we adopt here today and  
5 then begin that Administrator  
6 Procedures Act.

7 MR. BROADWATER:

8 Forgive the lawyer coming out  
9 in me, but we also have to comply  
10 with the open meetings law that  
11 requires that you have public  
12 comment before any vote is made  
13 on the agenda item. I just want  
14 to make sure we don't run afoul  
15 of that in the process.

16 MR. ADLEY:

17 That's fine. So if I can,  
18 I'm going to begin -- let me just  
19 go through the list of the  
20 changes that were made. The  
21 Rules Committee did a lot of  
22 work, and I'm really proud of  
23 what they have done.

24 There is a requirement for  
25 jobs in the new rules and there



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1 is a def -- there will be a  
2 definition and requirements of  
3 what the jobs are. Jobs will be  
4 new, not previously within the  
5 state. They will be permanent  
6 but there will be no specified  
7 term. They will be permanent.  
8 They will be full time 30 hours  
9 or more. This will be employed  
10 directly or through their  
11 contract or affiliate. They will  
12 be filled by domicile residents  
13 and when we change it, we will  
14 make it a moment to make that  
15 clear that they're residents  
16 within 60 days. That will allow  
17 time for those companies that  
18 come here to locate so that  
19 whoever is working with them can  
20 become a resident. There will be  
21 local input. There will be ITEP  
22 for environmental requirements.  
23 The MCA's will be gone. They  
24 will all be advanced notice  
25 except for special circumstances



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1 that deal with the retention of  
2 jobs.

3 There will be a stricter  
4 definition of maintenance and  
5 maintenance capital so that we  
6 get a clearer understanding of  
7 what is actually being done.

8 There will be a clearer  
9 definition of manufacturing and  
10 what is integral to that  
11 manufacturing. Late filings will  
12 be penalized. There will be a  
13 return on investment report with  
14 every filing so that we can see  
15 the value attached to that  
16 particular request.

17 There will be some added  
18 transparency in the next set of  
19 rules, talk about the  
20 broadcasting live stream of all  
21 of these meetings. And new  
22 contracts will not exceed five  
23 years with an allowable up to 100  
24 percent with local government  
25 having the authority to establish



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1     how much of that local -- that  
2     100 percent they want to give  
3     away.

4             The renewals will not exceed  
5     three years with a cap of 80  
6     percent with local government  
7     allowing themselves to decide how  
8     much of the 80 percent they want  
9     to give away. There will be an  
10    Exhibit A and Exhibit B. A is  
11    with LED and B is with local  
12    government. Those two exhibits  
13    basically will give out the  
14    number of jobs and the payroll  
15    created or maintained. They will  
16    give the term of the exemption,  
17    as I said the five percent. The  
18    hundred percent, they will give  
19    the term for the renewal. They  
20    will give the percentage of  
21    property exempted. There will be  
22    penalty provisions and a  
23    statement of return on investment  
24    all in that exhibit.

25            Now, with guidance from LED,



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1     there will be an Exhibit B for  
2     local government that requires  
3     resolution from the parish, the  
4     school board and the sheriff and  
5     municipalities impacted. The  
6     number of -- in that exhibit will  
7     be the number jobs and the  
8     payroll required. The term of  
9     the exemption and the percentage  
10    of the property to be exempted.

11         Now, the salary and the  
12    payroll are in those exhibits  
13    because in the original rule that  
14    we adopted tied it back to some  
15    federal website or something that  
16    we received testimony on it that  
17    said that was really not  
18    available. Now, we'll make that  
19    change once we get these adopted.  
20    But that is basically the change  
21    that you have by going line by  
22    line through these rules. Those  
23    are the changes that you will be  
24    looking at with these rules.

25         MR. WINDHAM:



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1           Are there any questions by  
2 any of the Board members? Has  
3 everyone had a chance to review  
4 these rules?

5           MR. CARMODY:

6           I definitely don't want to go  
7 line by line, but I do want to  
8 make sure that we at least cover  
9 the high points regarding the  
10 definitions. Please, sir.

11          MR. WINDHAM:

12          Mr. Adley.

13          MR. ADLEY:

14          Yes, sir. The word  
15 "establishment" was used  
16 throughout those rules and it  
17 never had been defined before,  
18 and we defined it as a economic  
19 unit at a single physical  
20 location. We took the word  
21 "maintenance capital" the biggest  
22 change there, the old rules had  
23 maintenance capital  
24 environmentally required capital  
25 upgrades and replacement parts



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1     except those replacements  
2     required and rehabilitation  
3     restoration of an establishment  
4     shall not qualify for the ITEP.  
5     What we added to that is that in  
6     the rehabilitation or restoration  
7     of an establishment to conserve  
8     as nearly as long as possible the  
9     original condition. We want to  
10    make sure that whatever they were  
11    doing it wasn't just the same.  
12    You are adding to it. And that  
13    was the major change.

14         And then, let's see,  
15    integral. The definition for  
16    integral used to be essential or  
17    fundamentally required in order  
18    to conduct the manufacturing  
19    operation at a manufacturing  
20    establishment. That, to us, was  
21    very vague. Now integral simply  
22    says required to make whole the  
23    product being produced.

24         The reason for that was is  
25    that in a lot of the discussion



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1 we had, front office work, for  
2 instance, cutting payroll checks  
3 or doing whatever has been  
4 subject to the ITEP, this would  
5 remove that to make it clear that  
6 it's only dealing with that part  
7 that is making the product whole.  
8 Some people said, you know, you  
9 got to have a computer on the  
10 production line. Well, this  
11 would apply to that. This part of  
12 that integral part of making it  
13 whole, and so we did make that  
14 change.

15 On manufacturing what we put  
16 was working where it used to say  
17 working raw materials in and the  
18 wear suitable for use which gives  
19 new shapes, qualities, blah,  
20 blah, blah. We would now say  
21 working new raw materials by  
22 means of mass production and  
23 machinery. Once we adopt these  
24 we will go back to that  
25 definition to add -- make it

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1 clear by means of mass production  
2 or custom fabrication and  
3 machinery. Because there are  
4 those people who are in  
5 manufacturing that manufacture  
6 once they received the -- ship  
7 builders, pipe suppliers and the  
8 like, we would make that change.

9 I think those are the major  
10 changes in definitions that we  
11 have made.

12 MR. CARMODY:

13 Can I ask a question. Under  
14 this new definition of  
15 manufacturing, the gentleman, I  
16 believe, that was explaining to  
17 us how they manufactured  
18 electricity. If you were  
19 crushing a hydrocarbon product  
20 into basically powder or vapor is  
21 that now going to be considered  
22 manufacturing?

23 MR. ADLEY:

24 As I remember what he said,  
25 he takes coal, takes natural gas,



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1     burns it, he takes -- changes  
2     that substance into creating  
3     electricity. My personal view is  
4     that you can clearly say that's  
5     manufacturing. On the other hand  
6     you can say it's not what we  
7     typically view -- it's not making  
8     a widget, for instance, but I  
9     believe working raw material by  
10    means of mass production or  
11    custom fabrication and machinery,  
12    the Board obviously would have to  
13    make that decision, but it sounds  
14    like to me it will fall within  
15    those guidelines.

16           I will tell you when it comes  
17    to electricity one of the things  
18    that is really intriguing about  
19    trying to deal with that is that  
20    when -- they go get their  
21    electric rates, the oil taxes and  
22    everything they pay is worked  
23    into the rates for the consumer.  
24    So my guess is over time people  
25    realize that, you know, maybe we



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1 give them this it may cut the  
2 cost over here. I don't know  
3 that was in the decisionmaking,  
4 but I think the Board will have  
5 to make that determination. But  
6 based on the way he explained it,  
7 it may very well fit.

8 MR. CARMODY:

9 That might be right. In  
10 thinking of other ways, people  
11 manufacture electricity, I guess  
12 solar panels would be one way  
13 they generate electricity, and  
14 I'm not sure that --

15 MR. ADLEY:

16 The only change from what the  
17 current law is is by means of  
18 mass production or custom  
19 fabrication and machinery. Those  
20 are the only new words.  
21 Everything else is the same.

22 MR. CARMODY:

23 Thank you, sir.

24 MR. WINDHAM:

25 Any other questions?



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1 MR. BARHAM:

2 I heard you ask the question  
3 when we talked about the rice  
4 mill and you were saying -- my  
5 question is are you manufacturing  
6 anything. Would an agriculture  
7 rice mill be considered mass  
8 production using that commodity?

9 MR. ADLEY:

10 I think the catch phrase or  
11 custom fabrication probably fits  
12 them, it sounds like, because  
13 what happens is they are  
14 seasonal. It is not day in and  
15 day out. It's based on orders  
16 that they received. Based on  
17 that it sounds like they fit,  
18 Robert. I don't know that. I  
19 think the Board clearly can make  
20 that call, but the only words  
21 changing again are by means of  
22 mass production or custom  
23 fabrication and machinery.

24 MR. BARHAM:

25 Well, my only concern is



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1 custom fabrication that implies,  
2 to me, that you are creating a  
3 new and different product. You  
4 are modifying grain as you  
5 process it through a rice mill  
6 but you are not fabricating a new  
7 product, and I certainly wouldn't  
8 -- I don't want to inadvertently  
9 step into our agriculture  
10 commodities and by definition  
11 rule out cotton gin, warehouse,  
12 rice mill that deal with those  
13 commodities because they were not  
14 fabricating a new product.

15 MR. ADLEY:

16 I got it. But that's an or.  
17 It doesn't have to fit  
18 fabrication. It can be mass  
19 production. I mean, I assume  
20 it's mass production. If it's  
21 manufacturing, I assume it is. I  
22 mean, I'm not -- I can't argue  
23 the point to --

24 MR. BARHAM:

25 I certainly want it to be



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1 considered manufacturing.

2 MR. ADLEY:

3 I am sorry?

4 MR. BARHAM:

5 I certainly want it to be  
6 considered manufacturing.

7 MR. ADLEY:

8 Well, at the end of the day  
9 this entire group will have to  
10 make that call. I don't care how  
11 many times we swap the words  
12 around and change them around, at  
13 the end of the day that's what's  
14 going to have to happen. I can  
15 tell you I haven't come here for  
16 the purpose of saying it's not.  
17 I haven't. We just try to come  
18 up with what we thought were  
19 clear, and I will tell you, these  
20 definitions the way we got to  
21 them we basically went to  
22 business dictionaries to take  
23 their definitions and create them  
24 and put them into -- into the  
25 rules. And I will say through



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1 the Administrator Procedures Act  
2 there will be lots of opportunity  
3 for people to review and make  
4 suggestions.

5 MR. WINDHAM:

6 Speaking of the Administrator  
7 Procedures Act, Danielle, can you  
8 tell us what our timeline and  
9 process is for this Board.

10 MS. CLAPINSKI:

11 Sure. So it's -- (microphone  
12 making loud noise)

13 MR. WINDHAM:

14 I have shut you down.

15 MS. CLAPINSKI:

16 Okay. So assuming that the  
17 rules are approved today by the  
18 Board, we have to get a fiscal  
19 and economic impact statement  
20 from the fiscal office.  
21 Generally they require that it be  
22 received the request for that by  
23 the 20th of the month following  
24 publication, so I don't know that  
25 we will make November publication



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1 as we are at the -- beyond that  
2 date. If we do not make the  
3 November publication then you  
4 would have a December 20th notice  
5 of intent published. That would  
6 put a public hearing at the very  
7 end of January where we would  
8 receive public comments during  
9 the period from written comments  
10 from publication to the public  
11 hearing date as well as take oral  
12 testimony or oral comments at the  
13 actual public hearing. Those  
14 comments then have to be vetted  
15 whether we intend to make any  
16 changes based upon those. The  
17 Board has the obligation to  
18 promulgate the rules for this  
19 program, so I believe that those  
20 comments would have to come back  
21 to the Board for approval of  
22 whether or not we could -- or  
23 whether you want it to make any  
24 additional changes.

25 That Board meeting following



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1 the public hearing will be in  
2 February. Once we decide if you  
3 do not want any further changes,  
4 then you have you got to notify  
5 the oversight committees, which  
6 are the two commerce committees.  
7 They have 30 days from the date  
8 of notification in order to call  
9 their own public hearing or  
10 hearing, whatever you would like  
11 to call that, and they either  
12 approve or disprove the rules.  
13 If we make substantive changes to  
14 the rules, based upon comments  
15 received at the end of June, we  
16 start over. Either with the  
17 potpourri that explain the  
18 changes and there's a second  
19 public hearing again or you go  
20 all of the way back to the NOI  
21 process. Whichever you go  
22 time-wise, I don't think it makes  
23 any difference.

24 MR. WINDHAM:

25 Thank you. Any other



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1 questions or comments on the  
2 rules as presented now? Ms.  
3 Malone.

4 MS. MALONE:

5 From a local standpoint, I  
6 was going to ask a few things.  
7 So based on the rule changes, if  
8 the locals agree to a five year  
9 renewal term that would not be  
10 granted?

11 MR. ADLEY:

12 I didn't hear you. Can you  
13 get closer to that thing for me.

14 MS. MALONE:

15 If the locals wanted a five  
16 year renewal at one hundred  
17 percent they would not be  
18 granted?

19 MR. ADLEY:

20 No. It would be capped at 80  
21 percent.

22 MS. MALONE:

23 Okay. The other question that  
24 I had, if all of the local  
25 governing bodies listed did not



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 agree it has to be all of them.  
2 So, for example, if the parish  
3 government, the municipal  
4 government and the sheriff all  
5 agree but the School Board did  
6 not want their taxes to be abated  
7 or exempt, rather, it just would  
8 be a no go. It's an all or  
9 nothing?

10 MR. ADLEY:

11 No. It's just like when I was  
12 in business, I got tax notices  
13 from every different body and  
14 they were all different and I  
15 paid them accordingly. If I am  
16 in industry looking to locate in  
17 a parish and I meet with LED and  
18 they have sales to East Baton  
19 Rouge Parish and they get over  
20 there and the School Board says,  
21 look, I'm only willing to give  
22 you 50 percent of what I got.  
23 The rest of them say, I'm willing  
24 to give you one hundred percent,  
25 and the business says, I'm still



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1 willing to go in there then he  
2 will pay that property tax to the  
3 School Board but he won't pay  
4 with the other says, so it's not  
5 an all or nothing where they all  
6 have to agree.

7 MS. MALONE:

8 But I believe the rule states  
9 "and" so we --

10 MR. ADLEY:

11 Show me where you are reading  
12 from. Maybe I can help.

13 MS. MALONE:

14 So, on -- let's see. D2 for  
15 Exhibit B.

16 MR. ADLEY:

17 No. I think the "and"  
18 applies. I do. I think if you  
19 follow it down, let's see, down  
20 into B, each one of them will be  
21 able to layout exactly what they  
22 want.

23 MS. MALONE:

24 In their own resolution.

25 MR. ADLEY:



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1 I'm sorry?

2 MS. MALONE:

3 In their resolution.

4 MR. ADLEY:

5 In their what.

6 MS. MALONE:

7 Resolutions.

8 MR. ADLEY:

9 Yes.

10 MS. MALONE:

11 And then my last question on

12 E2A, it talks about --

13 MR. WINDHAM:

14 What's the subject?

15 MS. MALONE:

16 E2A.

17 MR. ADLEY:

18 Which section?

19 MS. MALONE:

20 Sorry. 503. It talks about

21 preventing relocation to another

22 state or country. Again, on the

23 local level if they wanted to

24 capture job retention to keep a

25 company from relocating to



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1 another parish, would they be  
2 allowed to consider job retention  
3 for that?

4 MR. ADLEY:

5 You are under 503E?

6 MS. MALONE:

7 2A.

8 MR. ADLEY:

9 2A, to prevent relocation to  
10 another state or country.

11 MR. BROADWATER:

12 Her question is what about if  
13 a company wants to leave Caddo  
14 Parish and come to Tangipahoa  
15 Parish, like they are going to  
16 want to, there is no incentive  
17 for the state to move parish to  
18 parish.

19 MR. ADLEY:

20 No. I don't think that's what  
21 it means, but I will tell you  
22 industry is going to make a  
23 decision on parishes they want to  
24 go to based on what parishes  
25 offer.



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1 MS. MALONE:

2 Right. Right. In this  
3 particular section it talks about  
4 being able to use job retention  
5 as a reason to approve the  
6 application, and it says to  
7 prevent relocation to another  
8 state or country, but can the  
9 locals use job retention in -- in  
10 the application to keep them in  
11 their parish instead of new jobs.

12 MR. ADLEY:

13 I think this is talking about  
14 the Board if I read E correctly.  
15 Applications which provides the  
16 new manufacturing establishment  
17 for which provide for an addition  
18 two of the manufacturing  
19 establishment with the creation  
20 of new jobs or compelling reasons  
21 for the retention of existing  
22 jobs shall be favored by the  
23 Board.

24 Don, let me ask you, as you  
25 are putting together these



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1 exhibits, does this fall inside  
2 one of these exhibits or is this  
3 strictly here for the Board?

4 MR. PIERSON:

5 In-globo we wouldn't  
6 incentivize a company move from  
7 one parish to another parish as a  
8 state exemption. On the local  
9 level where these taxes belong to  
10 the taxpayers of each parish, I  
11 think they could and they will  
12 compete with each other by what  
13 they submit as part of proposals  
14 either for recruitment or  
15 retention. Again, it's just  
16 exercise in Exhibit B, the local  
17 voice, what they are willing to  
18 do.

19 MR. BROADWATER:

20 I think your point is well  
21 taken in that all of these  
22 changes that have started over  
23 the last couple of months have  
24 all been based on what the impact  
25 is to these local governing



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1 bodies and the taxes that they  
2 are relying on, and if the job  
3 retention criteria is only  
4 whether that company is going to  
5 leave the state or leave the  
6 country but you don't allow them  
7 to submit this application in  
8 order to try to keep them in that  
9 parish then you are defeating the  
10 very thing you are trying to  
11 accomplish by giving the locals  
12 some control over their tax  
13 dollars. To me, it makes sense.  
14 I think she raised a very good  
15 point that there needs to be --  
16 if you are going to let the  
17 parishes compete and have more  
18 say over their tax dollars then  
19 give them a chance to defend it  
20 and complete if one is going to  
21 woo it away from the other, which  
22 really gets to the question of  
23 whether or not this ought to be a  
24 purely local consideration  
25 considering we are dealing with



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1 local tax dollars and one of the  
2 states involved in it.

3 MR. ADLEY:

4 Richard, where are you at?  
5 Richard House. Let me make sure  
6 that Mr. Broadwater, as I'm going  
7 through this going back to the  
8 advanced notification and then I  
9 drop down where it's relief or  
10 MCA -- what is this particular  
11 piece here under E? Application  
12 provides new manufacturing for  
13 addition -- are you following  
14 this conversation?

15 MR. HOUSE:

16 As I understand the  
17 conversation, the hypothetical  
18 situation is that a facility is  
19 located in parish A. Parish B,  
20 and, I guess in parish A it has  
21 -- it doesn't have full exemption  
22 or, I mean, I'm trying to figure  
23 out exactly where this comes into  
24 play.

25 MR. WINDHAM:



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1 I can describe situations  
2 where it's happened in the past.  
3 For one reason or another a  
4 facility becomes unproductive in  
5 a certain parish so then it has  
6 to look around and say, okay, I  
7 can go move my facilities to  
8 Alabama or Mississippi or I can  
9 relocate in another parish in the  
10 State of Louisiana, so they are  
11 going to go build a new facility  
12 or construct something new or  
13 create a new establishment, so in  
14 order to retain the jobs maybe  
15 the locals may want to say, wait,  
16 we'll give you a tax break on the  
17 new facilities in order to keep  
18 you here in our parish as opposed  
19 to having you go down there. It  
20 could happen like that. I mean,  
21 is that generally what I'm  
22 describing?

23 MS. MALONE:

24 Right. Correct. So if they  
25 were to stay in their current



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1 parish they may not create any  
2 new jobs but they would retain  
3 the jobs that they had, but if  
4 they are move to a new parish,  
5 they may create new jobs.

6 MR. HOUSE:

7 Well, it depends again on how  
8 you define new jobs because  
9 generally we have defined new  
10 jobs as new jobs within the  
11 state. So they may not be  
12 creating new jobs in the new  
13 parish. As new jobs in the state  
14 if you have 200 people employed  
15 in parish A and you are going to  
16 end up with 200 people employed  
17 in parish B, you haven't really  
18 created new jobs in the state.  
19 The other issue, of course, is  
20 that you might have a new  
21 facility without new jobs in that  
22 new parish and you are not  
23 retaining jobs; whereas in the  
24 old parish you have -- you would  
25 probably have to have some type



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1 of an addition or improvement or  
2 something that might more likely  
3 than not fall within the  
4 definition of manufacturing and  
5 then you could claim that there  
6 is a compelling reason to keep  
7 these jobs in that parish, and I  
8 know that the -- you know, if you  
9 can claim there is a compelling  
10 reason to keep them in Baton  
11 Rouge rather than Shreveport or  
12 vice versa you can probably claim  
13 there is a compelling reason to  
14 keep them out of Dallas or Fort  
15 Worth. So I don't know that  
16 we've exactly reached that point  
17 in time. It seems -- I  
18 understand where you are coming  
19 from, it's a very good question,  
20 but as you saw from some of the  
21 dexterity from some of the  
22 answers here today, I think we  
23 can probably get to where you  
24 want to go as long as we are  
25 talking about something that is



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1 in the best interest of the  
2 state.

3 MR. ADLEY:

4 I remember when this was  
5 presented to us, I think the  
6 language to present relocation to  
7 another state, I think in that  
8 committee we added "or country"  
9 for some reason is what I  
10 remember. That was the only real  
11 change I remember.

12 Is the issue about  
13 incentivizing somebody to move  
14 from one parish to another? Is  
15 that what the issue is?

16 MR. PIERSON:

17 To me. I don't mean to  
18 interrupt, but, okay, so move  
19 across parish lines you will not  
20 be eligible for Quality Jobs.  
21 You will not be eligible for the  
22 Enterprise Zone. You will not be  
23 eligible for any state sponsored  
24 programs, but what we're back to  
25 is the jurisdiction of the locals



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1 and their determination as to  
2 whether they want to incentivize  
3 said proposed move. And then  
4 they would bring an application  
5 before this Board seeking that  
6 tax exemption. And, you are  
7 right, that this state doesn't  
8 have a dog in this fight so why  
9 are we even in the room, but  
10 we're in the room because the  
11 whole program is created within  
12 the constitution and the two  
13 gateways are this Board and the  
14 Governor's desk, so I think that  
15 hypothetical is unlikely that it  
16 will come about because when you  
17 take the other incentives off the  
18 table, it doesn't make much sense  
19 to make a move like that. But  
20 it's in the realm of possibility.

21 MR. BROADWATER:

22 Right. It's in the realm of  
23 possibility because businesses  
24 don't move only because of tax  
25 incentives but also quality of



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1 education, the K-12 system and  
2 they move based upon effective  
3 tax rates within a given parish.

4 MR. PIERSON:

5 Utilities rates. Lots of  
6 reasons.

7 MR. BROADWATER:

8 Right. All of those reasons,  
9 which could be a compelling  
10 reason, and if you are dealing  
11 with a company that has been in  
12 existence in the parish for 20  
13 years or 30 years and their  
14 equipment is old and getting to  
15 the point of needing replacement  
16 and they are having trouble  
17 developing a skilled workforce  
18 because of the education system  
19 but parish B says you come here  
20 and we have a chance possibly to  
21 give you the following  
22 incentives, there would be an  
23 incentive, but I can understand  
24 parish A saying, wait a minute,  
25 we need to keep you here because



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1 if you leave and we lose that tax  
2 base then you are really going to  
3 finish off the rest of our K  
4 through 12 education system and  
5 our tax base, and so you are  
6 effectively by giving those  
7 locals involved in this  
8 discussion creating that type of  
9 competition between parishes, and  
10 I think that's the right thing to  
11 do. I think we ought to be  
12 giving the school boards and the  
13 local parish government some say  
14 in that because I think that  
15 competition will be a positive  
16 thing, but I think that point is  
17 very well taken and it absolutely  
18 could happen.

19 MR. ADLEY:

20 Maybe I can add some comfort.  
21 I don't know if I'm headed in the  
22 right direction or not.

23 So you know, we are the only  
24 state in America, in America that  
25 does it the way we do. Every



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1 state in America has locals  
2 involved as you are looking at  
3 it. Now, what invariably  
4 happens, at least when I'm doing  
5 my research and looking at Texas,  
6 they went out as individual local  
7 entities by themselves and  
8 created reasonable economic  
9 districts, and inside those  
10 districts is how they kind of  
11 worked themselves, which is not  
12 prohibited here, but that's what  
13 they did. Now, I don't know what  
14 they did in Alabama or Arkansas,  
15 but I can just tell you that  
16 every state in America does it  
17 that way. And if the way we were  
18 doing it really worked they would  
19 all be here, but they are not,  
20 and so the Governor is absolutely  
21 adamant about the local  
22 government involvement.

23 MR. BROADWATER:

24 So we're clear, Mr. Adley, I  
25 don't think either I or Ms.



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1 Malone were suggesting otherwise.  
2 I think what we are saying is  
3 this was -- maybe we weren't  
4 including the locals enough to  
5 give them the authority to say  
6 it's not just about retention of  
7 jobs in the state but retention  
8 of jobs in my parish in Caddo  
9 Parish because they want to move  
10 to Jefferson Parish because of  
11 effective tax rate or education  
12 system. We weren't arguing to  
13 exclude the locals. I think what  
14 was being argued here is give the  
15 locals even more authority.

16 MR. ADLEY:

17 In your view, the language  
18 that says state and country, you  
19 should add the word "parish" with  
20 that? Is that what you are  
21 saying?

22 MR. BROADWATER:

23 I think that's the point.

24 MR. ADLEY:

25 Then, Don, is there a reason



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1 not to do that?

2 MR. PIERSON:

3 No. I don't think that we  
4 would have a reason to prohibit  
5 it. Again, we look at it as the  
6 local resource. Some parishes  
7 have deal closing funds, some  
8 have half cent for economic  
9 development. It just depends on  
10 the tenor of the specific parish  
11 and their local elected  
12 officials, and that's where that  
13 authority should appropriately  
14 reside, and that's what Exhibit B  
15 does in my mind.

16 MR. BROADWATER:

17 Also to be clear, just so you  
18 know, E2 provides discretion  
19 there to this Board. It says  
20 that these may be considered. So  
21 there is not a mandatory  
22 application, but I do think it  
23 does provide some additional  
24 flexibility if you have different  
25 parishes competing.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. ADLEY:

2 Well, the reason we're before  
3 you is is that if we can adopt  
4 this set of rules, I can tell  
5 you, as I've said before, I've  
6 already got four amendments that  
7 we're going to accept, this would  
8 be the 5th that we would put on  
9 to this before we take up the  
10 amendments that deal with the  
11 Board and the broadcasting and so  
12 forth, so what I would ask of you  
13 is sitting here to tell you that  
14 we would not object, I wouldn't  
15 object, and I don't think the  
16 Governor would object. I know he  
17 is not objecting to the three  
18 amendments that LED has offered.  
19 No one -- Mr. Broadwater, you  
20 have and you have, and so if we  
21 can get these adopted, I got to  
22 have something to make those  
23 amendments to and I can't do it  
24 until that's why this is first.  
25 I can't make those amendments



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1 until I get a document to work  
2 with.

3 MR. HOUSE:

4 Could I add one thing. That  
5 this is a statewide Board. I  
6 hadn't really thought about your  
7 example and I understand the  
8 concern. There are other means  
9 to reach the considerations that  
10 you are talking about such as  
11 payments in lieu of taxes that  
12 really don't have anything to do  
13 with this Board, and while  
14 certainly you can put some things  
15 in the rules that aren't going to  
16 turn our world upside down, but  
17 it still is somewhat inconsistent  
18 with many of our other programs  
19 that rely upon statewide jobs for  
20 the count. It's inconsistent  
21 with our many cooperative  
22 endeavor agreements, so the Board  
23 is -- Secretary Pierson has  
24 expressed our position and the  
25 Board is free to do what it



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1 wishes, but whether this is  
2 necessary or whether this is  
3 something that this Board is ever  
4 really going to be called upon to  
5 do is something you need to take  
6 into account.

7 MR. WINDHAM:

8 Mr. Miller.

9 MR. MILLER:

10 I would just like to say that  
11 as much as I'm more than ready to  
12 complete parish to parish, and we  
13 compete to anything with the  
14 rules or anything else, over the  
15 last ten years or so LED has  
16 promoted regionalism for economic  
17 development, and the only thing  
18 that I see here is we're going  
19 back to parishes competing one on  
20 one. I guess in theory we could  
21 get together and get together  
22 with the northshore parishes and  
23 make a region of our own and call  
24 it our own resolutions but we all  
25 stick together, we could make



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1 that happen. But we do want to  
2 look at that idea of statewide  
3 and regionally. We've done that  
4 for years and years, and  
5 Secretary Pierson, are we still  
6 sticking to the more regionalized  
7 economic development, statewide  
8 economic development or now just  
9 parishes?

10 MR. PIERSON:

11 We have to be effective on  
12 all of those levels, and certain  
13 programs thrive when they are  
14 worked that way. We'll be doing  
15 workshops regionally because we  
16 can get to eight regions easier  
17 than we can get to 64 parishes.  
18 There are parishes that do work  
19 for this state and there are  
20 those that do not. So from LED's  
21 perspective, we want to be  
22 responsive to our clients and to  
23 those parishes and for those that  
24 want to participate we want to be  
25 strong partners. Those who want



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1 to be left alone, we'll direct  
2 our resources elsewhere.

3 MR. BROADWATER:

4 If I could just respond. I am  
5 parish president. I understand  
6 your point, and you're right, but  
7 I think the point also still  
8 applies if you are talking about  
9 it compare it regionally. It  
10 still exists in the parish that  
11 is getting an exemption or is  
12 being affected by the taxes in a  
13 given parish, in a given region,  
14 so if you take the northwest  
15 region of the state versus the  
16 southeast region of the state,  
17 you still have the same impact.  
18 And I guess the point that Ms.  
19 Malone was making is give us a  
20 chance to compete and if this is  
21 one of the tools at our disposal,  
22 and the testimony was right that  
23 you do have other tools at your  
24 disposal; payment in lieu of  
25 taxes, etc., but I guess the



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1 point being made is why would we  
2 have that tool whenever our  
3 region is losing a business to  
4 Mississippi but not given that  
5 tool when they are moving 300  
6 miles from all cities in  
7 Louisiana to Plaquemines,  
8 Louisiana. I think it's still  
9 providing that region the  
10 opportunity to compete. Thank  
11 you.

12 MR. WINDHAM:

13 Mr. Richard.

14 MR. RICHARD:

15 Thank you. I think Exhibit B  
16 will work out the issues that we  
17 are talking about now, and  
18 there's many, many more variables  
19 that go into a project than just  
20 the K-12 system or just the ITEP  
21 program by itself, and I think  
22 we're focused on the rules for  
23 the ITEP program, and at the  
24 appropriate time I would offer a  
25 motion to move forward with the



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1 adoption of the rules with the  
2 three LED proposed amendments and  
3 the one amendment proposed by  
4 Representative Broadwater.

5 MR. WINDHAM:

6 All right. We'll entertain  
7 that at the appropriate time.

8 Are there comments from the  
9 Board members? I think it's --  
10 there aren't any from the Board  
11 members, we can open it up to the  
12 public for their opinions and  
13 positions on the rules that they  
14 -- as they are presented prior to  
15 the amendments being made.

16 Anyone else? Ma'am, please  
17 come forward. State your name  
18 and who you represent.

19 MS. CARLSON:

20 Again, my name is Lady  
21 Carlson. I represent Together  
22 Louisiana. I work in the  
23 northern and central parts of the  
24 state in some of the poorest  
25 areas of the country including



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1 Tensas, Madison and East Carroll.  
2 I also work in Caddo, Bossier,  
3 Ouachita, Webster and Rapides  
4 Parishes. With our delegation  
5 earlier were members of Rapides  
6 Parish police jury and some of  
7 our leaders from Rapides Parish,  
8 unfortunately they had to leave.

9 Many of these parishes are  
10 struggling financially and they  
11 are hurting for dollars, and we  
12 think that local input from local  
13 entities is essential. We can do  
14 things like put more money into  
15 workforce development, early  
16 childhood, roads and bridges,  
17 that these dollars impact us  
18 locally and that, again, there  
19 needs to be some local input.

20 Thank you.

21 MR. WINDHAM:

22 Thank you. Formally I have  
23 cards from three different groups  
24 to speak. Mr. Bob Adair, please  
25 come forward and speak. Please



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1 identify yourself.

2 MR. ADAIR:

3 Bob Adair. Thank you, Mr.

4 Chairman, and members of the

5 Board. I'm representing

6 Louisiana Oil and Gas

7 Association. I will be brief. I

8 only have -- we expressed

9 concerns about the rules and we

10 work with rules committee all

11 along and do appreciate that

12 opportunity.

13 I want to echo what

14 ExxonMobil said earlier about the

15 contract jobs. Contract jobs are

16 often permanent jobs but just not

17 employed with that company. For

18 example, even at my office that I

19 work at 100 feet for me are

20 contract people that I know all

21 of the time. I went to a baby

22 shower a month ago. Those are

23 permanent jobs with us. So that

24 is the same situation in

25 manufacturing plants, so I would



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1 urge you to consider contract  
2 jobs, and I'm not --

3 MR. ADLEY:

4 They are part of the rules.  
5 What you've asked for has been  
6 included under the job  
7 description. It's No. 4,  
8 employed directly or through  
9 contract labor or affiliates.

10 MR. ADAIR:

11 Okay. Sorry that I missed  
12 that.

13 MR. WINDHAM:

14 Now, that is not to say that  
15 there will be benefits for other  
16 programs because of those  
17 contracts jobs. It's only for  
18 qualification for this Industrial  
19 Tax Exemption Program.

20 MR. ADAIR:

21 Okay. Fair enough. The next  
22 point -- I only have three  
23 points, by the way.

24 The next point, real quickly,  
25 is the process. And I'm --



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1 particularly I noticed it because  
2 I chaired a property tax  
3 committee of the Texas taxpayers  
4 and research association, so I'm  
5 very familiar with the Texas  
6 system that we've talked about  
7 and I spoke before the SCR sticks  
8 Task force last week, and the  
9 current process -- and I realized  
10 the Executive Order has changed  
11 things so I'm not suggesting but  
12 just to give you an idea whereas  
13 we did have two what I call stop  
14 signs, which is the Board of  
15 Commerce and Industry and the  
16 Governor. We have now added  
17 three more to that.

18 MR. PIERSON:

19 They are not stop signs, they  
20 are gateways.

21 MR. ADAIR:

22 Okay. It's a pause in the  
23 process. It's going to take  
24 additional time. That's my  
25 point. So now there are now



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1 five, which is Exhibit A, Exhibit  
2 B and you are adding the  
3 Department of Revenue in there  
4 also as another check before it  
5 goes back, too. So, anyway,  
6 there's five there. In Texas,  
7 just a point of reference, the  
8 locals, this is no police  
9 controlled or schools, but with  
10 the locals it's one gateway.  
11 It's the county commissioners and  
12 the judge, and I recognize there  
13 are constitutional reasons why  
14 you are doing this here, but I  
15 was urging to be mindful of that  
16 as there should be  
17 accountability, I'm not asking  
18 for an easy path, but there  
19 should be a shorter term -- just  
20 be aware of the timeframe of the  
21 path, if you would, as we go  
22 through this, because as it looks  
23 now it looks like it will take  
24 significantly more time, which is  
25 significant time in the process,



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1 and, by the way, now -- I mean,  
2 previously the companies were  
3 reassured of the property tax  
4 exemption they can file after --  
5 after completion or within three  
6 months of completion. Now I  
7 think you'll be seeing an awful  
8 lot more of applications before  
9 an application -- I mean, the  
10 project is even approved by the  
11 company because they are going to  
12 want assurance of that exemption  
13 before they approve that project  
14 going forward, so -- so that's  
15 going to be a change.

16 MR. ADLEY:

17 That's clearly the purpose.

18 MR. ADAIR:

19 Okay.

20 MR. ADLEY:

21 I mean, it is the purpose --  
22 when we first got here in June  
23 what we saw was that the company  
24 can go up on the internet, fill  
25 out a form, go start work and



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1 guaranteed to get the exemption.  
2 The purpose is clearly what you  
3 just said, to insure that  
4 everybody sees, everybody knows  
5 it's totally transparent. I will  
6 just tell you comparing us to  
7 some states there's some states  
8 that do not allow one hundred  
9 percent at all and require a  
10 state statute to go get it.  
11 Louisiana, making the changes  
12 we're making still remains No. 1  
13 in America as the most  
14 advantageous place to be. It  
15 does, but these legislators  
16 sitting here, I think the one  
17 thing that we would agree upon I  
18 think is that we can look at our  
19 budgets and our state general  
20 fund and a majority of our  
21 budgets go to local government  
22 and it goes to local government  
23 because we've taken away all of  
24 their money, and if we've taken  
25 away from them then property



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1 taxes. We don't have a property  
2 tax. And all of my business  
3 friends constantly tell me, man,  
4 y'all better just let local  
5 government go. Leave us alone at  
6 the state level and do what we  
7 want to do. Well, here they are.  
8 And you are getting what you  
9 asked for, but my only advice, be  
10 careful what you ask for because  
11 it's here. And I got to tell  
12 you, I spent 30 something years  
13 sitting over in them halls with  
14 those guys and I know what you  
15 ask for.

16 MR. ADAIR:

17 I understand. And I'm never  
18 saying that property tax is the  
19 only consideration for location  
20 decisions. But it is a  
21 significant item. I advise on  
22 projects for refineries and other  
23 options in multiple states it  
24 goes in the economic model, so  
25 what I'm going to ask -- what is



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1 your-- as we call it P50, what is  
2 your percent would you estimate  
3 50 percent we are going to get  
4 it, 50 percent we're not. Before  
5 we're closer to one hundred  
6 percent, and I get your point  
7 that you are wanting to put more  
8 scrutiny in that, but I'm just  
9 saying early on I'm having to  
10 advise that there's less  
11 possibility, if any, depends on  
12 where you are, the location and  
13 in which parish.

14 MR. ADLEY:

15 I think that's a fair  
16 assessment. I do.

17 MR. PIERSON:

18 I would like to jump in here,  
19 too. We have a room full of  
20 stakeholders here. It's my  
21 belief that even though we have  
22 additional gates boxes to check  
23 right now, we are not  
24 significantly increasing time  
25 required to execute and give a



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1 response back to companies. I  
2 know we've got a bit of a  
3 learning curve here both at the  
4 parish level, and the economic  
5 development professional level,  
6 but I go back to a day when a  
7 local endorsement resolution was  
8 required to participate in the  
9 Enterprise Zone Program. I know  
10 that these connections get built.  
11 These relationships get built.  
12 Conversations happen, and an  
13 answer can come back, and this  
14 can be packaged, and there won't  
15 be a significant time required in  
16 addition to what we have today,  
17 and if this proves to not be true  
18 to my stakeholders then I want to  
19 hear about that coming back to  
20 me.

21 Again, learning curve to get  
22 this program adjusted and  
23 amended, but I don't buy into  
24 that it's going to create a  
25 significantly longer process.



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1 MR. WINDHAM:

2 Mr. Adair, your third point.

3 MR. ADAIR:

4 Real quick. It relates to  
5 where we are in the process and  
6 the APA, and it is my experience  
7 with rules in the past we  
8 certainly need to measure twice,  
9 if not once, and it seems that  
10 the rules committee has measured  
11 somewhat, but the full Board has  
12 not measured once completely. So  
13 I go -- I see the point where the  
14 economic development community  
15 needs some clarity and we're out  
16 catch going forward, but on the  
17 other hand I can see the need to  
18 make sure we get this right  
19 before it's published in the  
20 Louisiana Register; otherwise,  
21 you might have a restart later on  
22 as Ms. Clapinski mentioned. So  
23 I've taken enough time, I think.

24 MR. WINDHAM:

25 All right. Do any of the



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1 members have any questions of Mr.  
2 Adair?

3 MR. ADLEY:

4 I do want to give you some  
5 comfort. I met Don Pierson in  
6 1976 when he was an economic  
7 development director for the  
8 region of the area of the states.  
9 We didn't have any problem  
10 meeting, gathering, making  
11 decisions about what we would  
12 agree to. We didn't have any  
13 problem with that. We really did  
14 not. But to get it right, you  
15 have to start. It never gets  
16 right at the beginning. We found  
17 that out through the, I don't  
18 know, five, six meetings we had  
19 for hours on end. We finding that  
20 out now. Got three or four more  
21 amendments now. We are going to  
22 take those and start to process.  
23 We can't just sit here and say,  
24 oh, well, we didn't get it right  
25 again. That's what this is



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 about. It's before the whole  
2 Board now.

3 MR. WINDHAM:

4 Mr. Miller.

5 MR. MILLER:

6 I can tell you, too, with the  
7 parish presidents that we've met  
8 with, probably ten or 12, the  
9 majority of petrochemical  
10 quarter, each of us are all  
11 meeting with our school boards,  
12 our sheriff, our municipalities  
13 trying to explain to them our new  
14 process already and getting them  
15 on board to understand that we  
16 can have some generalized  
17 agreements on what we're willing  
18 to do so our economic development  
19 personnel can move forward and  
20 work with you guys and say, we  
21 know that you if you create jobs  
22 you are going to get this,  
23 whatever it happens to be, and so  
24 we're going to -- I think you  
25 will see the locals doing that



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1 very quickly and then if a job --  
2 if the project becomes real then  
3 we go back to the School Board  
4 for a vote, but they've already  
5 done it, they just have to ratify  
6 it. You go to the parish council  
7 and so forth and just get it done  
8 quickly.

9 So I feel confident that  
10 we're going to move it quickly.  
11 Just like Secretary Pierson said,  
12 the learning curve, that's just  
13 where we are right now, but we're  
14 getting there.

15 MR. ADAIR:

16 It's good to hear several  
17 comments. I'm just giving you  
18 the perspective that we're  
19 hearing a lot of anxiety. So  
20 thank you.

21 MR. WINDHAM:

22 Thank you, Mr. Adair. I  
23 believe next we have Jim  
24 Patterson. Mr. Patterson, please  
25 step forward and identify



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1 yourself.

2 MR. PATTERSON:

3 Thank you, Mr. Chairman,  
4 members of the committee. I am  
5 Jim Patterson with the Louisiana  
6 Association of Business and  
7 Industry.

8 With all due respect, Mr.  
9 Adley, we are not No. 1. We have  
10 done some things to our  
11 reputation in this state in the  
12 past year, and that was under the  
13 previous administration as well,  
14 legislatively as we wrote  
15 significantly our situation from  
16 a tax structure standpoint. Over  
17 the decades the legislature took  
18 actions that there were piecemeal  
19 to try and, if you would, lay  
20 asphalt over a very cracked tax  
21 structure foundation and it's not  
22 the best way to have done it but  
23 was the only political solution  
24 that we were able to come to.  
25 Given that in the past year, a



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1 lot of those patches have been  
2 unwound. We were essentially  
3 back in the position that we were  
4 previously and prior to the 1990s  
5 when we started to see some  
6 improvement in our posture from  
7 an economic development  
8 standpoint.

9 Louisiana's economy is in a  
10 decline at the moment. Number of  
11 reasons for that, but I suggest  
12 that we need to be very, very  
13 considerate and careful about the  
14 things that we do with this  
15 particular program because it is  
16 very, very critical to our  
17 economic development. I  
18 appreciate the remarks of  
19 Secretary Pierson and  
20 Representative Broadwater  
21 concerning the long term impacts  
22 of these companies that we have  
23 attempted to attract to our  
24 state. Those companies do a lot  
25 more than just simply generate



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1 taxes and paid wages to our  
2 workforces, they also contribute  
3 tremendously to the communities,  
4 to the non-profits, to the  
5 baseball teams. They are a very  
6 significant player in those  
7 communities in enhancing the  
8 quality of life. Ms. Wassam and  
9 the representatives from Together  
10 Louisiana talked about the lack  
11 of tax revenues coming from these  
12 companies. They are significant.  
13 They are significant revenues  
14 coming from these companies, but  
15 I would also add that the impact  
16 of any kind of a tax increase  
17 will be to the consumer price for  
18 the goods of the products that  
19 are generated by those companies.  
20 That means that the individuals  
21 they are advocating on behalf of  
22 are actually going to see a  
23 higher cost for the goods that  
24 they buy and a higher sales tax  
25 on those goods as a consequence



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1 of the price being higher.  
2 Companies will, to the extent  
3 that they can, factor that into  
4 their pricing. So we are not  
5 helping these individuals. In  
6 fact, I would argue that we are  
7 hurting most those individuals  
8 that are at least able because  
9 that is going to be happening  
10 through the sales tax and the  
11 cost of their goods and the  
12 property taxes which are  
13 generally made by the wealthy or  
14 property holders are going to, in  
15 large measure, be foregone.

16 I do think that there is  
17 something that I would like you  
18 to consider very, very seriously  
19 going forward and that is that if  
20 the Governor is intent upon, that  
21 has been indicated, locals having  
22 a say, then let us unfeather them  
23 let us not restrain them and say,  
24 no, you can only do 80 percent in  
25 the second term and you can only



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1 grant three years. How is it  
2 that they are able to make a  
3 determination for themselves in  
4 the first five years better than  
5 in the second five years. I  
6 would suggest that this is not  
7 necessarily achieving what has  
8 been indicated as the policy  
9 intent.

10 These are just some things  
11 that I wanted to, if you will,  
12 get off my chest, but I would  
13 point out to you some things  
14 within the rules that you might  
15 want to take a look at starting  
16 with 501B. There is a reference  
17 to Executive Order 1626, no  
18 reference to 1673. I'm not  
19 saying they necessarily have to  
20 be or should be, but I would  
21 suggest you might want to  
22 consider that.

23 MR. ADLEY:

24 Where are we at, 501B.

25 MR. PATTERSON:



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1           501B. About midway down in  
2 the paragraph this is just a  
3 specific reference to the  
4 Executive Order 1626 and not to  
5 1673. Seems to me it should be  
6 updated. To be fair, 1673 --

7           MR. ADLEY:

8           For what it's worth, I think  
9 what they did all of this  
10 language that you are looking at  
11 in black here with new language  
12 to us at our last meeting, and  
13 it's language that designated  
14 talk about going forward so that  
15 we guarantee what we did here  
16 today we would do, and I think  
17 that's why it's written that way.  
18 I do. That -- as a matter of  
19 fact if we weren't going to do  
20 what we did today we'd actually  
21 during the meeting at one point  
22 taken all of that out so that we  
23 would deal with everything that  
24 happened in the past in the same  
25 manner we would go forward, so we



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1 put that back in for the sole  
2 purpose, using Mr. House's  
3 language, to insure that going  
4 forward these rules go forward  
5 but all of the things that have  
6 been done in the past that we  
7 protect our word and that's why  
8 we done it that way and I think  
9 it does that.

10 MR. PATTERSON:

11 Again, maybe 1673, which was  
12 just issued on Friday, last  
13 Friday, a week ago, maybe it  
14 doesn't need to be included here  
15 but it seems to me that insofar  
16 as it sort of expands upon the  
17 first Executive Order it might  
18 appropriately be referenced here  
19 is all I'm suggesting.

20 MR. ADLEY:

21 You will also note that when  
22 we enforced there was reference  
23 to the Governor's office and we  
24 took all of that out so that he  
25 could put in the rules what was



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1 in that Executive Order. Now you  
2 got it in the rules. You got it  
3 in more places than just one. We  
4 are really comfortable with that.  
5 I felt good about that. We've  
6 done I think what you wanted done  
7 to insure what had been done  
8 before be protected.

9 MR. PATTERSON:

10 As I said, I merely want to  
11 bring it to your attention.

12 MR. ADLEY:

13 No. No. I got it.

14 MR. PATTERSON:

15 With regard to 502, the  
16 definition section, under jobs,  
17 respectfully I would suggest  
18 that, No. 1, where we use the  
19 word "new" is unnecessary and  
20 quite frankly may be problematic  
21 in that we are talking about  
22 jobs, here the definition of  
23 jobs, and there are more than new  
24 jobs involved in this particular  
25 set of rules. There are jobs



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1 that are retained. I would  
2 suggest that by just simply  
3 confined to the definition of  
4 "new", which we effectively do  
5 here, you are somewhat at odds  
6 with 503E where it references  
7 jobs that are new and jobs that  
8 are retained, and I suggest that  
9 simply removing it does not do in  
10 any way with what you are trying  
11 to accomplish here with regard to  
12 when the new job is involved and  
13 when the job is retained simply  
14 point out that if you just. Just  
15 simply start with you start out  
16 with permanent, that's certainly  
17 full time, that would apply, the  
18 job is retained, new jobs as well  
19 to suggesting that's a little  
20 more --

21 MR. ADLEY:

22 I don't think they are in  
23 conflict with each other but one  
24 is a separate section that deals  
25 with a separate issue, it does.



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1 The job issue is -- I have to  
2 tell you, Jim, this is -- this  
3 was core to everything that the  
4 Governor wants; jobs and local  
5 support. You heard us here today  
6 repeatedly taking up tax  
7 exemptions and no job  
8 requirements even in the  
9 beginning, and most of us, if I  
10 went back home to Bossier today  
11 and ask people, what do you think  
12 you get with the industrial  
13 taxers exemption and they are  
14 going to say jobs.

15 MR. PATTERSON:

16 With all due respect, Mr.  
17 Adley, the word "new," you are  
18 not doing violence to that. What  
19 we are trying to do is make sure  
20 that it is clear that, according  
21 to the two Executive Orders and  
22 frankly there in the rules that  
23 it is not just about new jobs, it  
24 is about jobs retained when the  
25 circumstances would apply in such



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1 cases.

2 MR. ADLEY:

3 I think we cover them both.

4 I do.

5 MR. BROADWATER:

6 If I can jump in, Mr. Adley,  
7 and I understand your point.

8 Seems to me y'all are saying the  
9 same thing. I think where Mr.  
10 Patterson is coming from is that  
11 while we do have an entire  
12 section dealing with retention,  
13 the part that he is talking about  
14 is the definitional section that  
15 applies to everything and every  
16 time you see the word "job" it's  
17 defined by that definition which  
18 includes the word "new" so it's  
19 impossible to retain a new jobs,  
20 so I think what he is saying if  
21 it fact it is for creation of a  
22 new job but in cases of retention  
23 it will be retention of a job,  
24 not -- they are in conflict.  
25 Y'all are saying the same thing,



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1 as I appreciate it, but you can't  
2 apply a definitional section to  
3 another place where it uses the  
4 word that's defined somewhere  
5 else that describes it as new. I  
6 think that's the point.

7 You can resolve that by  
8 defining existing job or  
9 eliminating the word "new" or put  
10 "new or retained" just so you are  
11 clear that the intent is to allow  
12 both.

13 MR. PATTERSON:

14 Correct.

15 MR. ADLEY:

16 If you can come up with some  
17 language that would be useful, we  
18 would certainly appreciate that.  
19 But I am going to tell you I  
20 believe we would fight with our  
21 heart and soul the removal of the  
22 word "new" because this is about  
23 -- if you got to come up with  
24 some definition to define what  
25 retention is, that's certainly



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1 one thing, but to remove the word  
2 "new" I think goes against  
3 everything the Governor has set  
4 out to do and what LED does.  
5 That's what they are trying to do  
6 is create new jobs for us.

7 MR. PATTERSON:

8 As Representative Broadwater  
9 has proposed is simply add or  
10 retain with the words previously  
11 existing in the state or  
12 something to that effect, I think  
13 you accomplish our mutual goal,  
14 but y'all can ponder on that for  
15 the moment and let me finish my  
16 remarks here.

17 The other thing that I would  
18 like to offer by way of  
19 suggestion, it was brought up at  
20 the conclusion of the rules  
21 committees meeting on Friday a  
22 week ago that we're requiring  
23 under the rules up to \$15,000 by  
24 way of a fee to be paid by the  
25 applicant, and we are now



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1 creating some new dynamics in  
2 this process to make these things  
3 that has been suggested with  
4 certainties before far less  
5 certain. Given the fact that we  
6 are asking for this significant  
7 fee, if in fact at the end of the  
8 day the application is not  
9 founded to be meritorious, it  
10 would seem not unreasonable to  
11 have in the rules a provision for  
12 a return of an amount less the  
13 administrative cost incurred by  
14 the department in the work of a  
15 processing that if in fact the  
16 application is not going to be  
17 granted. Those are my  
18 contributions for -- this would  
19 be 503F, by the way, I imagine.

20 Those are my contributions of  
21 ideas that I think, you know,  
22 ought to be looked at. I do  
23 believe that Mr. Adair made a  
24 good point about not necessarily  
25 needing to decide this today,



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1 take some time, consider some  
2 things and there may be some  
3 things that could have been  
4 missed. We've only had this  
5 document as it's being presented  
6 to you for a week and we already  
7 found a number of things that  
8 ought to be maybe looked at. My  
9 question is, you know, why does  
10 it need to go. You know, I heard  
11 what you said, Mr. Adley. I  
12 appreciate where you are coming  
13 from. I know you want to get the  
14 process started, but if we end up  
15 with something revealed during  
16 the course of the APA, which  
17 will, again, almost immediately  
18 after you-all were to pass this  
19 seems that it would be best that  
20 we try to capture this, you know,  
21 in a -- I don't know that you  
22 lose a lot by that two month  
23 period or period lost between now  
24 and the next meeting. Just a  
25 suggestion.

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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. ADLEY:

2 In fairness, I'm going to ask  
3 Mr. House to come and talk about  
4 this retaining idea. But I want  
5 to say this to you, this concept  
6 that we don't lose a lot, every  
7 time we delay -- let me tell you,  
8 we came in June and we were not  
9 going to renew any of these  
10 renewals without a cap. We  
11 listened to you. We made  
12 changes. Everybody never gets  
13 everything they want. None of us  
14 up here got everything we wanted  
15 in these rules, and no one will  
16 get all that they want, but that  
17 would be nice if you would at  
18 least say you listen to us, you  
19 didn't cap all of these renewals,  
20 you honored all of these other  
21 contracts that we came in here in  
22 June and said we were not going  
23 to do, but we listened to you and  
24 we listened to other members of  
25 the business community who were



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1 interested and we made that  
2 change. We made some substantial  
3 changes from where we started  
4 before we ever got to this table.  
5 I just think that the Board and  
6 the public needs to know that.  
7 It's not like we walked in here  
8 with a set of rules today and  
9 said, this is it, take it or  
10 leave it. This started back in  
11 June and there have been some  
12 substantial changes and give and  
13 take back and forth. We keep  
14 delaying just to be delaying to  
15 me doesn't make sense. Sometimes  
16 you do have to start. I still  
17 believe that. If I add the word  
18 "retain" in with "new," what --  
19 does that work or not work? I  
20 need to know. Is it workable,  
21 then let's get that done.

22 MR. HOUSE:

23 Yes, I believe it would be  
24 workable. I understand the point  
25 you were making, Mr. Adley, too,



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1 and we believe that was  
2 sufficient, but if it -- if it --  
3 it may clarify, I don't see that  
4 it harms by adding that.

5 MR. ADLEY:

6 So what we do is recommend,  
7 Jim, that once we get one adopted  
8 and we go through these four or  
9 five amendments we have, we will  
10 take that one and try to put that  
11 in there, too.

12 MR. PATTERSON:

13 Thank you, Mr. Adley. Thank  
14 you, Mr. Chairman.

15 MR. WINDHAM:

16 Anything else? Any questions  
17 of Mr. Patterson by any of the  
18 Board members? No.

19 MR. RICHARD:

20 Mr. Chairman, just a point of  
21 order as to where we are, do we  
22 have additional public comment  
23 cards?

24 MR. WINDHAM:

25 We do.



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1 MR. RICHARD:

2 So I had offered -- I said at  
3 the appropriate time I offer a  
4 motion to adopt the rules with  
5 the amendments that we have on  
6 the table at that time, I pull  
7 that back, but still offer the  
8 motion to adopt the rules and  
9 maybe we can deal with all of the  
10 amendments post adoption of the  
11 rules as being presented. I know  
12 we still have to go through  
13 public comments, but on the  
14 motion to adopt the rules.

15 MR. WINDHAM:

16 Well, I'm hesitant to not  
17 allow the public to have a --

18 MR. RICHARD:

19 Oh, that's what I'm saying. I  
20 get it.

21 MR. WINDHAM:

22 Okay. So now it's just a  
23 motion to adopt the rules at the  
24 appropriate time.

25 MR. RICHARD:



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1           And then we will deal with  
2           other amendments as deemed  
3           necessary.

4           MR. WINDHAM:

5           Thank you. Next I have  
6           Rhonda Reid Curriel. Please step  
7           forward and identify yourself and  
8           whom you represent.

9           MR. RICHARD:

10          Mr. Chairman, if I may before  
11          the public speaker starts, the  
12          proposals that we're hearing  
13          today, I think there was an  
14          opportunity to bring those during  
15          the rules committee process, if  
16          I'm not mistaken. The rules  
17          committee met several times.  
18          Anybody that was run by the open  
19          meetings law there was an  
20          opportunity to provide public  
21          comments and suggestions, I just  
22          hope we don't get into far down  
23          the road with amending, as Mr.  
24          Adley noted, in proposing  
25          amendment after amendment and we



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1 don't get to the point where we  
2 can adopt something to work with  
3 moving forward.

4 MR. WINDHAM:

5 Absolutely. Last time we  
6 spent seven hours here and we're  
7 getting close now.

8 MR. RICHARD:

9 Thank you.

10 MS. CURIEL:

11 Rhonda Reid Curiel my formal  
12 remarks on behalf the idea, I  
13 would like to state I live in  
14 Alexandria and I am a citizen of  
15 Rapides Parish and I will  
16 recognize that police juror  
17 Fountaine was here earlier, but I  
18 have confirmed from my own  
19 district juror that this issue  
20 has not been discussed formally  
21 at the police jury and at this  
22 time they do not have a comment  
23 on their position on this  
24 program.

25 MR. WINDHAM:



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 Thank you.

2 MS. CURIEL:

3 On behalf of idea which is --  
4 a professional trade association  
5 for economic development  
6 professionals in Louisiana, I  
7 would like to offer the following  
8 comments. Our organization is  
9 made up of persons who are  
10 employed by local government  
11 whether it's a city municipality,  
12 a parish and state government as  
13 well as regionals in private  
14 entities working in the area of  
15 economic development, so my  
16 comments come from a culmination  
17 of both public and private  
18 entities. The rules committee  
19 met five times as best that I can  
20 count. Not all meetings were  
21 noticed on the LED website. You  
22 can go back and see that there  
23 were several dates that there  
24 does not appear to be an agenda  
25 there. Additionally documents to



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1 be reviewed and for us to comment  
2 on, Mr. Richard, were not  
3 available prior to the meeting  
4 but were handed out during the  
5 meeting. Changes were made  
6 during the meeting which made it  
7 very difficult for some person to  
8 make comments. For myself, I  
9 found it difficult and I'm used  
10 to testifying in the legislature  
11 and having to make comments on  
12 the fly, which is one reason I'm  
13 glad we are having an extended  
14 period of public comments before  
15 you vote to adopt these rules.  
16 Because of that and because of  
17 discussion that you see amongst  
18 yourselves having just received  
19 these rules, we would like to  
20 suggest a delay. I would like to  
21 see you receive these rules as  
22 proposed from the committee and  
23 then vote to formally adopt them  
24 this December. That would give  
25 additional time for these

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1 necessary amendments that are  
2 popping up today to be  
3 considered. Each time I have read  
4 this document that I found on  
5 Tuesday, I found something new  
6 and discovered something new that  
7 wasn't issued for myself, and on  
8 my call on Thursday morning, my  
9 members alerted me to other  
10 issues.

11 One prime example can be  
12 found in the definition of wage,  
13 which is in section 502 of the  
14 proposed document. The  
15 definition of a job calls for  
16 established minimum wage to be  
17 paid. Wage is defined as box 1  
18 of the employees W2 for the  
19 taxable year. Well that in  
20 itself creates an issue. If you  
21 use the standard formula to  
22 convert an annual wage or annual  
23 income noted on a W2, which is  
24 income divided by 2080 hours, to  
25 get an hourly rate you are not



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1 getting a true hourly wage for  
2 that employee. That employee may  
3 have been at that company for one  
4 months, three months, five  
5 months. A W2 does not show the  
6 period of months that an employee  
7 worked. It does not show the  
8 number of hours during the week  
9 that an employee worked. It  
10 simply shows the amount of money  
11 that was paid to that employee by  
12 that company. It makes it  
13 extremely difficult to use that  
14 definition to determine if the  
15 wage paid, which is required  
16 under the definition of job, is  
17 in fact being met by the company.

18 Additionally, and I believe  
19 this is going to be met, this is  
20 going to be addressed with an  
21 amendment, the hourly rate is for  
22 manufacturing. If you going to  
23 file consistency I'm going to say  
24 we're doing what our neighbors do  
25 then let's do what our neighbors

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1 do. They require an hourly rate.  
2 It is the median wage pay within  
3 that county, for us it would be  
4 parish. It's not defined as  
5 manufacturing. When we do not  
6 have a minimum wage in Louisiana  
7 and I certainly don't want to  
8 discourage manufacturers  
9 whether they are large or small  
10 from locating in Louisiana  
11 because we are going to dictate  
12 the minimum manufacturing rate  
13 they must pay in order to have  
14 their jobs counted under this  
15 program. Within a manufacturing  
16 facility itself there is a range  
17 of wages paid and rates paid  
18 based on the position of that  
19 person.

20 MR. ADLEY:

21 Let me help you with that one  
22 before you get too far. One of  
23 the amendments that we have here  
24 today is removed by themselves,  
25 and I've said that several times,



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1 I think. I see you shaking your  
2 head in the back, Mandi, I think  
3 we did, we are removing that item  
4 because it falls under Exhibit A  
5 and B where the local governments  
6 and LED, they are going to  
7 agree. This is the pay scale.  
8 This is what people are going to  
9 pay. You won't have to go  
10 through some website and dig your  
11 way through it and try to figure  
12 it out. That came in public  
13 testimony at our last meeting,  
14 and we said we would get to the  
15 bottom of that and we did, and  
16 the amendment that I have when we  
17 finished adopting this initial  
18 set -- one of them is to delete  
19 line 7.

20 MS. CURIEL:

21 Does that also mean we can  
22 delete the definition of the word  
23 "wage?"

24 MR. ADLEY:

25 I am sorry?



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1 MS. CURIEL:

2 We can delete the definition  
3 of the word "wage" because it was  
4 only be defined in reference to  
5 No. 7.

6 MR. ADLEY:

7 Show me where you picking up  
8 the word "wage" again.

9 MS. CURIEL:

10 At the end of the definition,  
11 the word "wage" just above 503.

12 MR. ADLEY:

13 I am trying to find out if  
14 wage is here used for inside that  
15 Exhibit A or B. Richard, I need  
16 to know that.

17 MR. PIERSON:

18 It would likely be in both.

19 MR. ADLEY:

20 If it's in the two of them  
21 then I do need the definition.

22 MS. CURIEL:

23 My understanding is A and B  
24 delete the word "payroll", note  
25 "wage".



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1 MR. ADLEY:

2 You got something for me?

3 MS. MITCHELL:

4 Yes, sir. I am going to add  
5 an explanation for item No. 7 not  
6 making -- making it through the  
7 cutting floor at the very last  
8 meeting of the Board of Commerce  
9 and Industry Rules committee, so  
10 that is going to be addressed,  
11 and we also see no issue with  
12 removing the definition of "wage"  
13 because in Exhibit A which is the  
14 cooperative endeavor agreement in  
15 which the company is going to  
16 make certain commitments to the  
17 state and will be measured by  
18 that, and in Exhibit B, which is  
19 the resolution from the various  
20 local governing bodies, we  
21 represent -- we reference  
22 payroll, so the number of jobs  
23 that the company will commit to  
24 and the payroll that the company  
25 will commit to will be defined in



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1 those other two documents and the  
2 company will be held to that.  
3 And so in the proposed amendment,  
4 removing item 7 under that  
5 definition of job, would  
6 correspond with also removing the  
7 definition of wage within the  
8 rules.

9 MR. ADLEY:

10 Okay. I've added that to the  
11 list.

12 MS. MITCHELL:

13 Already on there.

14 MR. WINDHAM:

15 Anything else, Ms. Curiel.

16 MS. CURIEL:

17 Yes. I believe you've  
18 addressed one of our concerns,  
19 which was the addition by means  
20 of mass production and sharing  
21 with them that you are going to  
22 offer, which would protect our  
23 small manufacturers who do custom  
24 work they, do one or two or they  
25 do a short run or --



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1 MR. ADLEY:

2 We have agreed to do that.

3 MS. CURIEL:

4 -- they create specialized  
5 hand tools. We can appreciate  
6 the request to have all financial  
7 and incentive program noted on  
8 the advanced notification but we  
9 want to make certain that in  
10 going through the process and  
11 making our application that a  
12 company still would have the  
13 ability to change from Quality  
14 Jobs down to Enterprise Zone or  
15 either from Enterprise Zone back  
16 up to Quality Jobs once they have  
17 had a chance to visit with the  
18 department with respect to --  
19 their actual payroll and  
20 healthcare benefits. One reason  
21 people move down is because their  
22 healthcare benefit does not  
23 necessarily meet the requirement  
24 of QJ, and we don't want to  
25 prohibit that.



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1 MR. WINDHAM:  
2 Does that have anything to do  
3 with this program?

4 MS. CURIEL:  
5 It has nothing to do with  
6 this program, but the new --

7 MR. WINDHAM:  
8 Our goal is to get through  
9 this program.

10 MS. CURIEL:  
11 In the new proposed rules it  
12 says that all programs must be  
13 noted on the same advanced  
14 notification.

15 MR. WINDHAM:  
16 Ms. Clapinski.

17 MS. CLAPINSKI:  
18 That is language that is  
19 identical to language that is in  
20 our enterprise Zone, and I  
21 believe also our Quality Jobs  
22 rules as well. So all that is  
23 doing is making our programs  
24 consistent. We do allow a  
25 company to switch from Quality



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1 Jobs to Enterprise Zone so long  
2 as no benefits have been received  
3 at that time. If they determine  
4 that they do not meet the  
5 healthcare requirements and one  
6 of the other requirements under  
7 Quality Jobs, you cannot elect  
8 both Quality Jobs and Enterprise  
9 Zone on the same advance. I  
10 don't think -- it's already the  
11 department's practice. I don't  
12 necessarily think there needs to  
13 be any amendment made to that  
14 section of the rules, but that  
15 part of the rules is in there to  
16 be consistent with all of our  
17 programs. That's all.

18 MS. CURIEL:

19 Again, we wanted to make sure  
20 it wasn't prohibited.

21 MR. WINDHAM:

22 Thank you.

23 MS. CURIEL:

24 You heard a lot of discussion  
25 about exhibit B today and one of



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1 the issues concerning developers  
2 out in the field because there is  
3 still quite a bit of confusion  
4 and there's questions of if one  
5 of the three say yes and the  
6 other two say no, which way do we  
7 go. There's mention of four  
8 entities. We're not sure why the  
9 municipality would have to give a  
10 resolution if the project was not  
11 located within their borders, and  
12 then we have some parishes that  
13 are moving towards the review  
14 committee to where they would say  
15 yes or no and establish a matrix  
16 and then the question is, do they  
17 have the authority once the  
18 review committee is established  
19 by the local governing  
20 authorities to review the  
21 project, make the decision to say  
22 yes to you and deliver the  
23 Exhibit B or does that review  
24 committee have to go back to  
25 those representative entities and

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1     come back with three or four  
2     separate resolutions.  It's  
3     easier if we do what -- like they  
4     do in Alabama, which is all of  
5     the entities can elect to get the  
6     power to one entity.  It makes  
7     things move quicker.  And, Mr.  
8     Adley, I know you said you didn't  
9     know what the other states do,  
10    but just so you know in Alabama  
11    they do a backwards from us.  If  
12    the local government authority  
13    grants the property tax exemption  
14    when it's granted it also  
15    foregoes the state property tax  
16    that's imposed on the business  
17    for years one through ten.  If  
18    it's 11 through 20 because  
19    Alabama now goes to 20, which may  
20    be why they are successful in  
21    attracting and expanding their  
22    car manufacturing sites, each of  
23    those state and county have to  
24    chime in.

25           MR. ADLEY:



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1           That's a good point, and I'd  
2           ask you to go look at Alabama and  
3           their statutes and the caps that  
4           they put in that program before  
5           they put that in play. That we  
6           don't do here.

7           MS. CURIEL:

8           I would agree with that.  
9           Finally we have great concern  
10          including the exact term language  
11          from the Governor's latest  
12          Executive Order into the rules.  
13          I understand the reason it's  
14          being done is because these  
15          Executive Orders can be changed  
16          on when. However, if we are to  
17          get a large project or if local  
18          government sees there is such a  
19          huge benefit that they would like  
20          to do both five year terms at 100  
21          percent with that language in the  
22          rules they are prohibited.

23          MR. ADLEY:

24          That's correct.

25          MS. CURIEL:



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1           When it's in the rules it's a  
2 much longer process to repeal,  
3 but by leaving that with the  
4 Governor there is flexibility so  
5 that if we have a very large  
6 project, something equal or even  
7 larger, the Governor would have  
8 that flexibility to change what  
9 he does immediately unlike  
10 putting it in the rules and we're  
11 stuck here with whatever decision  
12 the committee has to make or  
13 Board has to adopt we have to go  
14 through APA.

15           MR. ADLEY:

16           From the Governor's  
17 perspective on the issue, we went  
18 through this discussion a lot of  
19 times, as we did the  
20 environmental issues that were  
21 brought up to us, to quote him,  
22 he is not going to support a ten  
23 year exemption at 100 percent. He  
24 is not going to do it, and his  
25 position after multiple meetings



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1 that we had going back and forth  
2 is exactly what you are looking  
3 at. And I'm going to do  
4 everything that I can to sell  
5 that position. I do believe that  
6 the 80 percent is exactly what  
7 ought to be done in the state  
8 because it guarantees into the  
9 future regardless of what local  
10 government does, I can tell you  
11 20 percent of the existing  
12 industrial tax exemption in this  
13 state exceeds \$500 million a year  
14 and it guarantees that money we  
15 can identify going back to them.

16 MS. CURIEL:

17 Mr. Adley, we respect the  
18 Governor's position but we also  
19 realize and know that this Board  
20 serves as an approval entity  
21 along the way and should stand  
22 separate from the Governor. The  
23 Governor has always had the right  
24 to refuse to sign a contract.  
25 It's not just because there's



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1     been an Executive Order now.  
2     He's always had the right to say  
3     at what levels and what terms he  
4     would sign those contracts, but  
5     this Board has, in the past, been  
6     one step in the approval process  
7     and has stood separate from the  
8     Governor's approval. You make a  
9     recommendation to him for his  
10    contract. You've alluded to the  
11    fact that this Board in the past  
12    to serve as a rubber stamp. By  
13    putting into the Executive Order  
14    -- I mean, into the rules  
15    everything from the Executive  
16    Order is there really a need for  
17    companies to come before you  
18    because staff is only going to  
19    move to the Board what complies  
20    with the rules.

21           MR. ADLEY:

22           I really like your point.  
23    You have really right hit a hot  
24    button with me because I believe  
25    this Board does have absolutely



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1 that authority to stand on its  
2 own, but what has been presented  
3 to us is that because prior  
4 administrations before us entered  
5 into agreements for five year  
6 deals subject to renewal by this  
7 Board, this Board, because people  
8 gave their word, has not been  
9 able to deal with that. At some  
10 point it has to be in writing, it  
11 does. That's the purpose of  
12 that.

13 MS. CURIEL:

14 And in doing so, are you now  
15 not just becoming a rubber stamp  
16 entity because you are complying  
17 and you are putting into rules  
18 exactly what the Governor wants.  
19 You are not standalone entity  
20 anymore. Those previous boards  
21 sat and reviewed. They took the  
22 recommendation of staff who had  
23 done all of the work in advance  
24 before they moved those contracts  
25 to that Governor's desk. Are you



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1 now saying we're not going to do  
2 anything unless it's in the  
3 Executive Order. I thank you for  
4 your time.

5 MR. WINDHAM:

6 Ms. Questions for Ms. Curiel  
7 by any members of the Board? Mr.  
8 Richard.

9 MR. RICHARD:

10 I certainly welcome  
11 entertaining the opportunity to  
12 model after Alabama in regards to  
13 education taxes.

14 MR. WINDHAM:

15 Thank you. Thank you, Ms.  
16 Curiel. Mandi, do you have a  
17 question or statement?

18 MS. MITCHELL:

19 There was a comment that the  
20 rules committee meetings were not  
21 properly noted and that is  
22 incorrect. I wanted to be on  
23 record that staff did follow the  
24 public meeting law requirements  
25 and properly noticing the rules



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1 committee meetings.

2 MR. WINDHAM:

3 Thank you. Are there other  
4 members from the public? I am  
5 sorry. I still got Michael  
6 Durisco with BRAC. Please come  
7 forward and identify yourself and  
8 address the committee or the  
9 Board.

10 MR. DURISCO (PH):

11 Michael Durisco, Baton Rouge  
12 Area Chamber. Mr. Chairman,  
13 members of the Board, thanks for  
14 giving me the opportunity to  
15 speak. I do want to touch upon  
16 that issue of the renewal  
17 restrictions, the three years and  
18 the 80 percent as Ms. Malone, who  
19 unfortunately had to leave, I  
20 thought she asked a great  
21 question, which is if there is a  
22 parish, if there are members of  
23 the individual local government  
24 authorities who would like for it  
25 to be five years, who would like



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1 for it to be 100 percent, do they  
2 have that opportunity. We have  
3 more than just a question about  
4 that provision in the proposed  
5 rules. We've got a strong  
6 concern about it. You know, just  
7 starting out, I do believe there  
8 has been a lot of tension  
9 expressed today between on the  
10 one hand wanting to make sure  
11 there is strong input and  
12 authorizations of the locals, and  
13 then on the other hand taking  
14 some of that away, and, you know,  
15 I would start for your  
16 consideration just looking at the  
17 provision in the constitution  
18 where it says, the exemption  
19 shall be for initial term no more  
20 than five calendar years and may  
21 be renewed for an additional five  
22 years. I want to point out I'm  
23 not a lawyer, I'm not a  
24 constitutional scholar. I would  
25 rather use Mr. Adley's litmus



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1 test from earlier today just  
2 using common sense, but when I  
3 see that it says may be renewed  
4 for an additional five years  
5 that's to me, the legislature and  
6 ratified by the people saying  
7 that option should exist. That  
8 option should exist by your  
9 action today of passing rules  
10 that take away that option, there  
11 is tension there. I would also  
12 point out another kind of form of  
13 tension in this proposed rule on  
14 the restriction of the renewal.  
15 One aspect of the Governor's  
16 Executive Order we support and it  
17 gets to that local component of  
18 this, one of the goals expressed  
19 in the EO is to authorize local  
20 governments to grant  
21 discretionary exemptions based on  
22 the attractiveness of a  
23 particular project, so, again, on  
24 the one hand you are trying, you  
25 are doing, I think, the right

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1 thing in granting that  
2 authorization to the locals, but  
3 the other hand is taking it away  
4 and against what I would consider  
5 the spirit at least of the  
6 constitution that says let's keep  
7 that option available for it to  
8 be five years or 100 percent, so  
9 I'm here actually today on behalf  
10 of BRAC to ask you not to include  
11 that provision in the rules that  
12 you adopt. I think there's  
13 tension with the constitution. I  
14 think there's tension with the  
15 Governor's Executive Order of the  
16 spirit of that local input, you  
17 know, to echo Representative  
18 Broadwater earlier, I'm not here  
19 to say anything against the local  
20 participation, I'm actually  
21 saying there should be more local  
22 participation in this regard.  
23 So, you know, that is my  
24 suggestion. BRAC's  
25 recommendation is, you know, we



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1 would ask that you remove that  
2 restriction or I could borrow  
3 from Mr. Richard's friendly  
4 amendments earlier today when he  
5 was asking companies seeking  
6 their exemptions to make sure  
7 they go back and speak to all of  
8 the local governing authorities  
9 in their respected parish, and  
10 Ms. Malone's question earlier,  
11 are you aware in any of the 64  
12 parishes are there any local  
13 government entities who would  
14 like to retain that option of the  
15 five years and the 100 percent  
16 because I don't know how you just  
17 take it away from them without  
18 asking them, but maybe you can  
19 save yourself talking to 250 to  
20 300 local governmental entities  
21 by just taking it out.

22 MR. WINDHAM:

23 Thank you, Mr. Durisco. Mr.  
24 Allen wants to ask you a  
25 question. I am sorry. Pierson.



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MR. PIERSON:  
I just want to make a  
commentary to follow Mr.  
Durisco's remarks on behalf of  
BRAC and we have heard this  
significantly across the board  
some concern about what we call  
the 53 now, but for the Board  
members who vote their own  
conscious, and Rhonda, in part,  
made this discussion, too, but  
for Board members who may not be  
as technically aware, if you want  
to go from Baton Rouge to  
Mississippi you can take I10 or  
you can take I-12. If you want  
an industrial tax exemption that  
takes the local revenues off the  
table, you can use the ITEP now  
for 53 but you also have the  
ability to affect the pilot that  
could provide that ten year or  
perhaps beyond that, so there is  
other methodologies, other  
technical ways to achieve this.



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1 By vetting the 53 in the rules we  
2 stay compliance with what the  
3 Governor is supporting and if we  
4 send things to his desk that he  
5 is not supporting, we've taken a  
6 lot of time out of the process  
7 and been unfair to people that we  
8 launch a document that we know is  
9 not going to get signed. It's  
10 just -- it doesn't work for me  
11 personally. I think we have got  
12 a pathway and you've got an  
13 alternate pathway, so while I  
14 respect what you are saying that  
15 the constitution would allow up  
16 to an additional five years at a  
17 time in these extraordinarily  
18 difficult fiscal challenges where  
19 a tax restructure that can take  
20 place next year in February, we  
21 hope that the legislature will be  
22 able to come forward with a  
23 restructured program. Mr.  
24 Patterson spoke to it previous.  
25 While this is a dial back, we've

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1 dialed back all of the other  
2 programs as well. So thank you  
3 for your thoughtful comments, but  
4 I did want the Board to be aware  
5 that these are other pathways  
6 that exist to achieve for the  
7 important major projects an  
8 extended tax exemption period.

9 MR. WINDHAM:

10 Representative Broadwater.

11 MR. BROADWATER:

12 I just wanted to speak in  
13 support of -- the secretary's  
14 reading. As I read that  
15 provision in the constitution,  
16 the thing that is interesting to  
17 hear and I can understand where  
18 the argument comes from but that  
19 the first period the constitution  
20 provides that the five years  
21 there is a cap, no more than five  
22 years, so initial term can be  
23 less. The second one says may be  
24 renewed for an additional five  
25 years, which frankly I think is



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1 sloppy drafting, with all due  
2 respect to the constitution  
3 indention that was there, or the  
4 legislators that probably screwed  
5 it up at a later date, but in any  
6 event, I think that Secretary  
7 Pierson's point is well taken  
8 that under the constitution it  
9 contemplates less than a ten-year  
10 period as being authorized. It  
11 just flips it from the way that  
12 we're doing it here, but I think  
13 ultimately it gets to the spirit  
14 of what is there, and so I am  
15 taking positions on this side but  
16 I want to be clear on this one, I  
17 think it actually is getting this  
18 one right and it's a defensible  
19 position.

20 MR. DURISCO:

21 Could I just respond. You  
22 know, I agree with you. I said I  
23 am not a legal or constitutional  
24 scholar. I think it's noteworthy  
25 that that second part of the



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1 sentence doesn't include the up  
2 to period. I read it as almost  
3 maybe not sloppy but it's just a  
4 common sense expression that it  
5 may go to five years, an  
6 additional five years. So I was  
7 just trying to express, you know,  
8 our concern and also, you know,  
9 acknowledge that there is some  
10 tension there. The Governor can  
11 say, and, you know, it's his  
12 authority to sign or not sign the  
13 contract, but at the same time  
14 there is an Executive Order where  
15 he has got a very expressed goal  
16 to authorize the locals to have  
17 that discretionary authority and  
18 the constitution therefore seems  
19 to say then the locals might have  
20 that option to go to five  
21 additional years, so it's a  
22 tension I think between goals  
23 here, and we would love it if in  
24 the capital region those parishes  
25 and those local government



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1 entities in the nine parish  
2 region be allowed to have what  
3 the constitution says is an  
4 existing option.

5 MR. BROADWATER:

6 I think your point is well  
7 taken. I think that if you and I  
8 were in court there would be no  
9 way for me to argue that you  
10 ought to be sanctioned for making  
11 an erroneous argument or  
12 misapplication of the law. I  
13 don't think it's abundantly clear  
14 there, but I certainly thought it  
15 was worth while to weigh in to  
16 say that I think their reading is  
17 fair as well. I think it can be  
18 taken either way.

19 MR. WINDHAM:

20 Thank you. Mr. Miller.

21 MR. MILLER:

22 And I am going to say that  
23 from the parishes side that we  
24 didn't have any input at all.  
25 It's very much welcomed. And



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1 granted we might want to be able  
2 to go to five. We know if we  
3 send it it's not going to be  
4 accepted and the worst thing that  
5 we can have which we know right  
6 now, the worst thing we apply  
7 right now is uncertainty, so we  
8 would in the rules have  
9 uncertainty from now on. At  
10 least in this case we know that  
11 we accept the five years for 100  
12 percent and then three years at  
13 80 percent it's going to be -- if  
14 the guidelines are met by Exhibit  
15 A and B it's going to be  
16 accepted, so that we're putting  
17 back in my mind some more  
18 certainty. And then we also have  
19 -- as Secretary Pierson said, we  
20 have the pilot. BRAC can do it.  
21 We can do it. The state can do  
22 it for that matter. They don't  
23 have to fool with us, so the  
24 pilot can be used in multiple  
25 opportunities if it's the right

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1 project. We don't all get what  
2 we want in here, but I think we  
3 are moving -- and the idea of  
4 holding up, I get it, but the  
5 uncertainty just continues. On  
6 June 24th I sat over there and  
7 the Governor was over there and  
8 this just creates so much  
9 uncertainly for us and that's the  
10 worst thing that we could do to  
11 business. We are trying to get  
12 to some certainty.

13 MR. DURISCO:

14 I appreciate that, and I  
15 referred to it kind of jokingly  
16 earlier with Mr. Richard's  
17 friendly amendments earlier  
18 today, but on a more serious  
19 note, I think it's important that  
20 there be consistency that, you  
21 know, when he makes his friendly  
22 amendment I think there's a  
23 serious aim in mind there which  
24 is to make sure we are -- I am  
25 sorry.



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1 MR. MILLER:  
2 He sets his limit. But this  
3 is the limit I'll do. Agree or  
4 disagree, he gets that  
5 opportunity that the Governor  
6 gets to say you get the local  
7 authority up to and that's what  
8 he did.

9 MR. DURISCO:

10 Sure.

11 MR. WINDHAM:

12 Anything else? Anyone else  
13 would like to ask Mr. Durisco any  
14 questions? Thank you very much  
15 for your comments.

16 Are there any other members  
17 of the public who would like to  
18 comment before actions are taken  
19 on these rules with the motion by  
20 Mr. Richard?

21 MR. MILLER:

22 I would like to add what  
23 Representative Broadwater said  
24 earlier, I just assume it all be  
25 local. Let us have it on many



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1 levels where the money comes back  
2 to the state, comes from the  
3 parish to the state and then back  
4 to the parish. I would much  
5 rather -- I mean, there's a whole  
6 lot of areas of the law that I  
7 would like for us to have  
8 complete control.

9 MR. WINDHAM:

10 Anything else, Mr. Adley?

11 MR. ADLEY:

12 No. If I could just summarize  
13 and ask that if you could take  
14 the motion and adopt the rules  
15 that we have in front of us,  
16 there's five or six amendments  
17 that we need to adopt on top of  
18 that to get them in the proper  
19 order that we agreed to do them.  
20 I know there is three from LED  
21 that we would take care of --  
22 that would take care of the wages  
23 and the hour things and a couple  
24 of other things. We'll take care  
25 of the issue raised about -- I



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1 think Jim you raised the issue  
2 about new and retention. We'll  
3 make sure we cover that. Mr.  
4 Broadwater's has got one of my  
5 commitment to you is to get all  
6 of those in place. What I'm  
7 going to ask, though, is if you  
8 adopt these rules so now there's  
9 a document that I can go to and  
10 say this is where the amendment  
11 is going to, you know where it  
12 is.

13 MR. WINDHAM:

14 Mr. Barham.

15 MR. BARHAM:

16 Mr. Adley, although I love  
17 you and respect you, I'm not  
18 going to vote for something until  
19 those amendments are on the  
20 instruments or not. And I take  
21 your pledge that you intend to do  
22 that, but I think you --

23 MR. ADLEY:

24 Mr. Barham, please bear with  
25 me. The difference between what



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1 you and I did when we were in the  
2 senate when we had some bill  
3 before us, we don't have anything  
4 before us. I need to get a  
5 document. I got to get these  
6 amendments to the current rules  
7 so I got a document in front of  
8 me so that you and I basically  
9 have a bill, and I'm telling you  
10 we're going to put all of those  
11 amendments in there, Mr. Barham.  
12 I don't have a document to put  
13 them into at this stage of the  
14 game.

15 MR. BARHAM:

16 But you are asking me to vote  
17 for a set of rules that there  
18 could be an amendment that's a  
19 killer before me, and so I would  
20 lose on the amendment but by  
21 extension I would have lost my  
22 vote because I voted for the  
23 rules.

24 MR. ADLEY:

25 I got you. Let me just



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1 clarify for you. There will be  
2 three amendments from LED. There  
3 will be one that -- under the job  
4 description that will say filled  
5 by Louisiana residents, domiciled  
6 or become a resident within 60  
7 days. They will delete line 7  
8 altogether. They will delete the  
9 definition of wage. We will add  
10 to the word "retained" at the  
11 request of Mr. -- or "retention"  
12 at the request of Mr. Patterson.  
13 I believe the amendment that Mr.  
14 Broadwater has clarifies the  
15 municipals -- the local  
16 governments that are involved,  
17 and the last one that I think we  
18 have is adding the word "parish"  
19 in with state and country; am I  
20 remembering that correctly?

21 MR. BROADWATER:

22 You are remembering that and  
23 the point was made, and though I  
24 believe that that is something  
25 that needs to be looked at, I'm



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1 going to withdraw that for this  
2 reason, and I do firmly believe  
3 what I told you, but if I add  
4 that amendment I'm going to  
5 create problems for you elsewhere  
6 and it's not my intention to try  
7 to mess up what you have. You  
8 have got in sections 513 a  
9 provision on relocation from  
10 parish to parish that is  
11 different and simply adding the  
12 word "parish" in 503E would mess  
13 up what you've already got on  
14 relocation elsewhere, and though  
15 I'm not crazy about it, I'm not  
16 here to make your life miserable.

17 MR. WINDHAM:

18 Mr. Broadwater, would  
19 changing that statement "and  
20 country" just to read "retention"  
21 cause problems?

22 MR. BROADWATER:

23 Here's -- and I'm going on my  
24 gut. I would have to study it  
25 and encourage you to look at your



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1 legal counsel.

2 The difference that you have  
3 in 503E is that you allow someone  
4 in an application to show that  
5 they are retaining jobs but they  
6 are applying for the entire five  
7 year period at the initial  
8 outset, but what we provide for  
9 in 513 on a relocation from  
10 parish to parish, you only allow  
11 them to get the unexpired  
12 consecutive years and so you  
13 would have a conflict, and I  
14 think 513, quite frankly, I don't  
15 like it. I would rather them be  
16 able to get the full amount, but  
17 if I had in the amendment we  
18 talked about earlier, I rectify  
19 13 and it's not my desire to give  
20 you a bunch of headaches.

21 MR. WINDHAM:

22 Thank you. That other  
23 amendment that I believe that we  
24 have, Mr. Adley, is the one  
25 concerning mass production.



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1 MR. ADLEY:  
2 Oh, yeah. We add to allow  
3 for custom fabrication.

4 MR. WINDHAM:  
5 To my eyes, the custom  
6 fabrication, if it's broad enough  
7 to cover the things where there  
8 are massive items such as Textron  
9 where they are building tanks  
10 or --

11 MR. ADLEY:  
12 All I can tell you, Mr.  
13 Chairman, that's the language  
14 came straight from LED.

15 MR. WINDHAM:  
16 All right. So that would be  
17 four amendments, then? No. It  
18 would still be three. Mr.  
19 Barham, are you comfortable?

20 MR. ADLEY:  
21 All I can tell you, Mr.  
22 Barham, every one of those we  
23 listed, we are going to support  
24 pass and I believe they will  
25 pass, and if they do not pass I



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1 will not move forward with it. I  
2 don't think you can ask for any  
3 more than that. I'm giving you  
4 my word. That's the best that I  
5 can do.

6 MR. WINDHAM:

7 Is there a second on Mr.  
8 Richard's motion to approve the  
9 rules as they are presented  
10 currently? Seconded by Mr.  
11 Moller.

12 Any further discussion from  
13 the public? Any further  
14 discussion from any of the other  
15 Board members? I assume a roll  
16 call vote will be appropriate.

17 MS. SORRELL:

18 Robert Adley.

19 MR. ADLEY:

20 Yes.

21 MS. SORRELL:

22 Robert Barham.

23 MR. BARHAM:

24 No.

25 MS. SORRELL:



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1 Representative Broadwater.

2 MR. BROADWATER:

3 Yes.

4 MS. SORRELL:

5 Millie Atkins is gone. Mayor  
6 Brasseaux.

7 MR. BRASSEAUX:

8 Yes.

9 MS. SORRELL:

10 Representative Carmody.

11 MR. CARMODY:

12 Yes.

13 MS. SORRELL:

14 Yvette Cola.

15 MS. COLA:

16 Yes.

17 MS. SORRELL:

18 Major Coleman. He is gone.

19 Heather Malone is gone. Ben

20 Hudson.

21 MR. HUDSON:

22 Yes.

23 MS. SORRELL:

24 Broderick Miller.

25 MR. MILLER:



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1           Yes.  
2           MS. SORRELL:  
3           Jan Moller.  
4           MR. MOLLER:  
5           Yes.  
6           MS. SORRELL:  
7           Don Pierson.  
8           MR. PIERSON:  
9           Yes.  
10          MS. SORRELL:  
11          Scott Richard.  
12          MR. RICHARD:  
13          Yes, ma'am.  
14          MS. SORRELL:  
15          Bobby Williams.  
16          MR. WILLIAMS:  
17          Yes.  
18          MS. SORRELL:  
19          Steve Windham.  
20          MR. WINDHAM:  
21          Yes.  
22          MR. ADLEY:  
23          If I can, the amendments -- I  
24          think it's --  
25          MR. WINDHAM:



1           Five.

2           MR. ADLEY:

3           Let's go through them.

4           MR. WINDHAM:

5           Motion passes.

6           MR. ADLEY:

7           The first amendment will be  
8           under the job description, item  
9           1, which say new and retained.

10          Sorry? New or retained. Under  
11          item 1. That would be the first.  
12          The second would be in item 6  
13          under jobs, which say, fill by  
14          Louisiana resident domiciled or  
15          become domiciled within 60 days.

16          MS. MITCHELL:

17          It's actually filled by  
18          strike through Louisiana  
19          residents and replace that with  
20          United States citizen domiciled  
21          in Louisiana, or who becomes  
22          domiciled in Louisiana within 60  
23          days after hire date. That is  
24          language exactly from our other  
25          programs.



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1 MR. WINDHAM:

2 That's good for you?

3 MR. ADLEY:

4 That's good. You would delete  
5 item 7. It would be gone, and  
6 along with item 7 you would  
7 delete reference to wage  
8 definition, you would delete  
9 that. And the 5th would be under  
10 manufacturing, it would say by  
11 means of mass production or  
12 custom fabrication and machinery;  
13 is that correct? And those are  
14 all five of them.

15 MS. MITCHELL:

16 That's correct.

17 MR. ADLEY:

18 And I would ask for adoption  
19 of those five.

20 MR. WINDHAM:

21 So Mr. Adley has made a  
22 motion to make those amendments  
23 to the rules that were just  
24 adopted. Is there a second?  
25 Seconded by Mr. Miller. Is there



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1 any discussion from the public  
2 concerning those amendments? Any  
3 discussion from any of the Board  
4 members concerning those  
5 amendments? All in favor indicate  
6 with a yay.

7 ALL BOARD MEMBERS:

8 Yay.

9 MR. WINDHAM:

10 All opposed with a nay?

11 Motion carries.

12 MR. ADLEY:

13 The last piece to the rules  
14 that we have was a change to the  
15 rules governing the meetings of  
16 the Board, which was in a  
17 separate section. I assume they  
18 all have a copy of this, do they?

19 MS. CLAPINSKI:

20 Yes, sir. It was handed out  
21 before the meeting began.

22 MR. ADLEY:

23 The meetings of the Board  
24 under section 107, the change to  
25 the current rule would be in 107C



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1 talking about what you published  
2 for the public before our  
3 meetings, the summary agenda for  
4 regular meetings to the Board  
5 shall be posted to the website no  
6 later than one week prior to the  
7 meeting when feasible.

8 MS. CLAPINSKI:

9 Yes, sir. And if I may, I  
10 apologize, but Together Louisiana  
11 came up during our break and  
12 asked us to make an additional  
13 change that I think we're  
14 comfortable with. I don't know  
15 if you want to consider that.

16 MR. ADLEY:

17 Let's get these two done and  
18 let us discuss that.

19 MS. CLAPINSKI:

20 Yes, sir.

21 MR. ADLEY:

22 That would be the first  
23 change. And the second change  
24 would be 107G talking about the  
25 meeting place and you would add



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1 language the Board of Commerce  
2 and Industry shall have its  
3 meetings and the meetings of its  
4 subcommittees broadcast via live  
5 stream when feasible except those  
6 meetings or discussions which are  
7 protected from public disclosure  
8 by Louisiana confidentiality  
9 laws. Those two changes to the  
10 general rules of the Board we  
11 would ask that you adopt those,  
12 and if you adopt those then we  
13 can find out what this last  
14 proposal is for the Board to  
15 decide. I will make a motion for  
16 the adoption of those changes.

17 MR. WINDHAM:

18 Mr. Adley makes the motion.  
19 Mr. Moller seconds the motion for  
20 those changes. Are there any  
21 comments from the public? Ms.  
22 Handley, please step forward and  
23 identify yourself.

24 MS. HANDLEY:

25 We did talk to LED and they



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1 were on board with us.

2 MS. CLAPINSKI:

3 This was before that.

4 MR. ADLEY:

5 We're not there yet. If you  
6 let us get this done and come  
7 back to you.

8 MR. WINDHAM:

9 Any other questions or  
10 comments for those two changes?

11 MR. BROADWATER:

12 I have one question. I  
13 realize that paragraph A says  
14 that all meeting are subject to  
15 open meetings law. I guess my  
16 question is and maybe the  
17 attorney for LED can weigh in,  
18 paragraph C, you add at the end  
19 of that amendment that the  
20 posting of the agenda would be  
21 when feasible. Is that compliant  
22 with open meetings law which  
23 generally requires a posting of  
24 the agenda.

25 MS. CLAPINSKI:



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1           No. So we will always post  
2 the agenda at least 24 hours  
3 ahead of time, which is in  
4 compliance with the open meetings  
5 law.

6           MR. BROADWATER:

7           You are going to try to get  
8 it within one week, if possible.  
9 Super. Great job.

10          MS. CLAPINSKI:

11          Yes, sir.

12          MR. WINDHAM:

13          Any other questions or  
14 comments regarding these two  
15 amendments to the general  
16 operating rules of this Board?  
17 All in favor indicate with an  
18 Aye.

19          ALL BOARD MEMBERS:

20          Aye.

21          MR. WINDHAM:

22          All opposed with a nay?  
23 Motion carries.

24          MR. ADLEY:

25          I assume there's one last



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1 issue to discuss.

2 MS. CLAPINSKI:

3 Yes, sir. It's on C where we  
4 made the changes. They wanted  
5 some clarification on what was  
6 included in the summary agenda,  
7 so the language as it would read  
8 now would say regular -- the  
9 Board may meet as often as it  
10 deems necessary provided there  
11 shall be not less than four  
12 regular meetings each year. The  
13 summary agenda and the summary  
14 tables on all applications on the  
15 agenda for the regular meetings  
16 of the Board shall be posted to  
17 the website no latter than one  
18 week prior to the meeting when  
19 feasible but no later than 24  
20 hours from when the Board --  
21 well, the Board packet, we may  
22 need to say that, the Board  
23 packet is provided to the Board.

24 MR. ADLEY:

25 Are you in agreement with



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1 that?

2 MS. CLAPINSKI:

3 Yes, sir. We are.

4 MR. ADLEY:

5 Then what I would suggest is  
6 make a motion now to delete the  
7 change we made in paragraph C and  
8 replace it with that language  
9 you've got written there.

10 MS. CLAPINSKI:

11 Yes, sir.

12 MR. ADLEY:

13 Does that get it done?

14 MS. CLAPINSKI:

15 Yes, sir.

16 MR. BROADWATER:

17 Can you read it one more  
18 time.

19 MS. CLAPINSKI:

20 Sure. The new language will  
21 now say, the summary agenda and  
22 the summary tables on all  
23 applications on the agenda for  
24 the regular meetings of the Board  
25 shall be posted to the website no



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1 later than one week prior to the  
2 meeting when feasible but no  
3 later than 24 hours from when the  
4 Board packet is provided to the  
5 Board. So the -- just for  
6 clarification so everybody  
7 understands what we are doing.  
8 The Board gets the hundreds and  
9 hundreds of pages. The summary  
10 agenda is what we have available  
11 to the public when you walk in.

12 MR. WINDHAM:

13 Shouldn't it say at least one  
14 week and then no later than?

15 MS. CLAPINSKI:

16 We can do that.

17 MR. WINDHAM:

18 You want it at least a week  
19 ahead of time but you don't want  
20 it any later than a day ahead of  
21 time.

22 MS. MITCHELL:

23 Well, 24 hours from the --

24 MR. WINDHAM:

25 Yeah.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MS. CLAPINSKI:

2 That's fine. Yeah.

3 MR. WINDHAM:

4 Because later and later don't  
5 make sense. Is that your motion,  
6 Mr. Adley. So move. Is there a  
7 second? Mr. Moller. Yes.

8 Absolutely. Thank you. Any  
9 further discussion on this item?

10 MR. ADLEY:

11 Yes. I do. Look, the  
12 members of this rules committee  
13 have met a number of times for  
14 lengthy meeting. I want to thank  
15 them for that. I want to thank  
16 all of you. You have been very  
17 patient. When the Governor  
18 started this process, it was -- I  
19 know it was totally different  
20 than anybody had ever seen  
21 before. The first meeting we had  
22 here Mr. Barham wanted to start  
23 meeting in the mornings because  
24 it lasted for seven and a half  
25 hours. This is one of the



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1 shorter ones we've had, Mr.  
2 Broadwater. You should feel  
3 blessed. I do want to thank you  
4 all of you, the Chairman, all of  
5 you for your patience. And we  
6 move forward with the AP rules  
7 and I want to plead with you, I  
8 believe we have time to get this  
9 posted by November 20th, I do.

10 MR. WINDHAM:

11 First we have to pass this  
12 motion.

13 MR. ADLEY:

14 I want to move to adjourn.

15 MR. WINDHAM:

16 We have to pass this motion  
17 first. All in favor of the motion  
18 regarding the general publication  
19 of the --

20 MS. CLAPINSKI:

21 General Board rules.

22 MR. WINDHAM:

23 General Board rules. All in  
24 favor indicate with an aye.

25 ALL BOARD MEMBERS:



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1           Aye.

2           MR. WINDHAM:

3           All opposed? Motion passes.

4           MR. BROADWATER:

5           Mr. Chairman, before you  
6 adjourn, will Mr. Adley let me  
7 offer my other amendment that got  
8 referenced earlier but we never  
9 took up?

10          MR. WINDHAM:

11          Absolutely.

12          MR. ADLEY:

13          What was it?

14          MR. BROADWATER:

15          This is just a suggestion.

16          MR. ADLEY:

17          This is your definition.

18          That's right. I apologize.

19          MR. BROADWATER:

20          That's right. And it's not  
21 critical. I think all throughout  
22 the rules you reference those  
23 three governmental entities that  
24 will always have to be consulted  
25 and the possibly of the 4th that



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1 may sometimes have to be  
2 consulted.

3 MR. ADLEY:

4 As I remember she had some  
5 language and I read the language  
6 and all it did was clarify that  
7 sheriff --

8 MR. BROADWATER:

9 What I'm suggesting is that  
10 while you have rules elsewhere  
11 that just refer to local  
12 governmental entities that you  
13 ought to include in the  
14 definition section the definition  
15 for local governmental entity and  
16 restate the language from where  
17 you have elsewhere that it would  
18 be defined as the parish  
19 governing authority, the School  
20 Board, the sheriff and any  
21 municipality in which the  
22 manufacturing establishment is or  
23 will be located and so you always  
24 know --

25 MR. WINDHAM:



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1           That's your motion?

2           MR. BROADWATER:

3           That's my motion. Yes.

4           MR. WINDHAM:

5           Is there a second?

6           MR. ADLEY:

7           Move to add that definition

8           and I second it.

9           MR. WINDHAM:

10          Any further discussion

11          regarding that, which is very

12          good clarification, I might add.

13          All in favor indicate with an

14          aye.

15          ALL BOARD MEMBERS:

16          Aye.

17          MR. WINDHAM:

18          All opposed with a nay?

19          Motion carries.

20          MR. ADLEY:

21          I now want to move for

22          adoption of the total set of

23          rules including that amendment.

24          I done it one more time to make

25          sure we get all the way in there.



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1 MR. BROADWATER:

2 I will second.

3 MR. WINDHAM:

4 Move by Mr. Adley. Seconded  
5 by Mr. Broadwater. All in favor  
6 with that motion indicate with an  
7 aye.

8 ALL BOARD MEMBERS:

9 Aye.

10 MR. WINDHAM:

11 All oppose with a nay?

12 Motion carries.

13 Now we have the last item on  
14 the agenda and that is the  
15 addressing of the commission and  
16 public by Secretary Don Pierson.

17 MR. PIERSON:

18 Thank you. I'll be brief.  
19 To our Stakeholders here, thank  
20 you for your patience with this  
21 process on all important day that  
22 we've wrapped up our draft set of  
23 rules. This effort began early  
24 in 2016 as directed by our  
25 Governor, and that became, as you



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1 know, far more intense on the  
2 24th of June, and the Governor  
3 remains committed to a livelier  
4 economy of our state, so there  
5 should be no question about that  
6 we're backing up in any way  
7 relative to this Executive Order  
8 and the implementation of these  
9 rules. LED will continue to  
10 aggressively build jobs in our  
11 state and will remain strong  
12 partners with this Board. Thank  
13 you to all of the Board members.  
14 Many of you jumped in to  
15 circumstances for more than what  
16 you anticipated when you raised  
17 your hand and volunteered for  
18 service here. We thank you for  
19 that. Thank you to the LED staff  
20 for the long hours of work that  
21 made these meetings possible and  
22 the program administration  
23 program possible, and certainly  
24 participation in the then rules  
25 committee process. Thank you

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1 Senator Robert Adley and the  
2 others that participate in the  
3 rules committee. Again, an  
4 enormous amount of work has gone  
5 into the product that we have  
6 today that is going to allow us  
7 to move forward.

8 LED remains proud and  
9 enthusiastic in our support of  
10 the Governor's Executive Order.  
11 It has brought accountability to  
12 the ITEP program. This is the  
13 for the first time. Local voice  
14 has been added. That's a very  
15 significant feature and has been  
16 added for the first time. We are  
17 prepared now to issue templates  
18 for Exhibit A and Exhibit B, and  
19 with the draft rules in hand, we  
20 will now begin to conduct  
21 workshops throughout the state  
22 and the various regions, not only  
23 with economic development  
24 partitioners and the various  
25 organizations but also with the



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1 elected officials on the School  
2 Boards, police jury, parish  
3 commissions and others, the  
4 sheriff's included.

5 This Board will continue to  
6 play a very important role in all  
7 of our work going forward. You  
8 are providing certainty, and as  
9 President Miller previously  
10 indicated, absolutely critical to  
11 our success in recruiting and  
12 retaining business. The same this  
13 Board will act and you've done it  
14 today with consistency. Again,  
15 that's another great element of  
16 the certainty that the Board can  
17 be counted on to act like  
18 assistant fashion in compliance  
19 with our rules and way we've  
20 treated each case in a similar  
21 fashion.

22 And, finally, allows us when  
23 you pass these tax exemptions on  
24 to the Governor's desk and he  
25 signs them, allows us to be



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1 competitive with other states and  
2 other jurisdictions. It's  
3 absolutely critical to our  
4 success. This program has long  
5 been the foundation of our  
6 competitive offers and it will  
7 remain that way and we thank you  
8 for the role that you play in  
9 that. Thank you for this time,  
10 and that concludes my remarks.

11 MR. WINDHAM:

12 Thank you, Mr. Secretary. I  
13 will entertain a motion for  
14 adjournment. Motion by everyone.  
15 Seconded by everyone else.  
16 Without objection, we are  
17 adjourned.

18  
19 (Whereupon the meeting was adjourned at 3:20  
20 p.m.)  
21  
22  
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25



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REPORTER'S CERTIFICATE

I, RACHEL TORRES-REGIS, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this testimony was taken, do hereby certify that Board of Commerce and Industry meeting was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

That I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board;

That I have no actual knowledge of



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1 any prohibited employment or contractual  
2 relationship, direct or indirect, between a court  
3 reporting firm and any party litigant in this  
4 matter nor is there any such relationship between  
5 myself and a party litigant in this matter. I am  
6 not related to counsel or to the parties herein,  
7 nor am I otherwise interested in the outcome of  
8 this matter.

9

10 Dated this 7th day of December, 2016.

11

12

13

14

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RACHEL TORRES-REGIS, CCR, RPR  
CERTIFIED COURT REPORTER

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