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MEETING MINUTES FOR  
THE BOARD OF COMMERCE AND INDUSTRY  
OF THE  
LOUISIANA ECONOMIC DEVELOPMENT CORPORATION  
HELD AT  
CAPITOL ANNEX BUILDING  
1051 NORTH 3RD STREET  
BATON ROUGE, LOUISIANA  
ON THE 21ST DAY OF OCTOBER, 2016  
COMMENCING AT 10:13 A.M.

REPORTED BY: ELICIA H. WOODWORTH, CCR



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1     **Appearances of Board Members Present:**

2     Robert Adley  
3     Rickey Fabra  
4     Manual "Manny" Fajardo  
5     Charles R. "Robby" Miller  
6     Jan Moller  
7     Ronnie Slone

8     **Staff members present:**

9     Eric Burton  
10    Kristen Cheng  
11    Danielle Clapinski  
12    Frank Favaloro  
13    Brenda Guess  
14    Richard House  
15    Mandi Mitchell  
16    Melissa Sorrell  
17    Anne Villa

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MR. ADLEY:

I'm going to ask everyone to please  
silence your cell phones.

Before we begin, let me get the  
Secretary to call roll.

MS. SORRELL:

Robert Adley.

MR. ADLEY:

Here.

MS. SORRELL:

Yvette Cola.

(No response.)

MS. SORRELL:

Major Coleman.

(No response.)

MS. SORRELL:

Rickey Fabra.

MR. FABRA:

Here.

MS. SORRELL:

Manny Fajardo.

MR. FAJARDO:

Here.

MS. SORRELL:

Robby Miller.



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1 MR. MILLER:

2 Here.

3 MS. SORRELL:

4 Jan Moller.

5 MR. MOLLER:

6 Here.

7 MS. SORRELL:

8 Daniel Schexnaydre.

9 (No response.)

10 MS. SORRELL:

11 Ronnie Slone.

12 MR. SLONE:

13 Here.

14 MS. SORRELL:

15 We have a quorum.

16 MR. ADLEY:

17 Members, we don't have minutes of the  
18 last meeting. That was a working session, so we don't  
19 have minutes to adopt.

20 I want to thank all of you, before we  
21 begin, for the work that you've done thus far. Today we  
22 do plan to begin the process of adopting some rules that  
23 we will present to hopefully the full Board next week.

24 As we've gone through this process and  
25 listened to what everyone has had to say, the Governor,



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1 too, has been listening, and as his representative of  
2 the Board, had multiple meetings with him and with LED  
3 and other concerned parties. The Governor has decided  
4 to make an amendment to his executive order.

5 Now, I have with us this morning Matthew  
6 Block, the legal counsel for the Governor's office.

7 Matthew, if you would come to the table.

8 Before we begin, I'm going to ask  
9 Matthew to identify himself and then explain the change  
10 that has been made and the reasons for that. And then,  
11 once that's over with, the Governor's office has sent me  
12 with some amendments to present to you hopefully that  
13 you will adopt. Once we have done that, then we would  
14 take up any amendments that the committee members  
15 themselves wish to consider.

16 Staff has told me there is one last  
17 amendment they think we need to discuss, and we will  
18 take that up. We will have public comments after the  
19 meeting, and the reason it will be after the meeting,  
20 once it goes to the full Board and gets adopted, it will  
21 go through the APA process. There will be multiple  
22 times for public comments and possible changes that  
23 could occur by then, and then, of course, public comment  
24 when it gets back to the legislature for the final  
25 adoption of the rules.



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1                   So with that, Matthew, please identify  
2 yourself and the floor is yours.

3                   MR. BLOCK:

4                   Thank you, sir.

5                   My name is Matthew Block. I am the  
6 Governor's executive counsel, and I appreciate this  
7 opportunity to come speak to you this morning about  
8 where we are or at least where the Governor's office is  
9 with relation to the ITEP program.

10                  As everybody knows, there's been an  
11 ongoing discussion about this program and the conditions  
12 under which the Governor would approve ITEP projects,  
13 and in particular of discussion in the last several  
14 months has been the discussion of what would be done  
15 with renewals for projects that previously existed and  
16 previously were approved. And I know at the last  
17 meeting of the Board, all of the renewals were deferred  
18 because I think there was some question about what were  
19 the Governor's intentions with those renewals, so I'm  
20 going to clarify that this morning.

21                  When I spoke with this committee several  
22 months ago, one of the things that I mentioned and that  
23 I think everybody agrees with is that a critical  
24 component to this program is stability and  
25 predictability so that everybody can be sure of what the



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1 rules are not just going into the program, but as they  
2 move through the program and they go through their  
3 renewal process. And what -- while the constitution  
4 sets out this procedure where both the Board and the  
5 Governor are to approve of ITEP contracts, that should  
6 not be something where at every stage there is  
7 uncertainty as to whether a contract will or will not be  
8 approved. That while that may be the procedure that was  
9 set up in the constitution, I don't think anybody  
10 believes that that's the best way for this program to be  
11 handled, that at every board meeting and every time  
12 there's a project submitted to the Governor, nobody  
13 knows whether it's going to be approved or not. So that  
14 was the intention of the Governor's executive order on  
15 June 24th, which was to set forth, "These are their  
16 conditions under which I will approve or not approve the  
17 existing ITEP applications and new ITEP applications,"  
18 to provide some guidance so there would not be  
19 uncertainty as to what his intentions were.

20 It turns out that as we sort of  
21 suspected at the time that this would not have been the  
22 final word on this, and obviously one of the issues that  
23 has been developed and is one that needs to be addressed  
24 and the issue of renewals. The Governor has had,  
25 personally and with his staff, had many different



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1 meetings and conversations and discussions about how  
2 exactly to process and to determine, how to handle  
3 existing renewals, and they're two competing issues that  
4 were under consideration.

5           The first is that the Governor just  
6 believes that the constitution says what it says and  
7 that it is not a 10-year, 100-percent tax exemption.  
8 The constitution provides that it's two five-year  
9 periods or at least up to two five-year periods, and the  
10 Governor believes that the constitution means what it  
11 says and that there should be some consideration for the  
12 terms of the constitution. What the Governor also  
13 believes and understands to be the case is that, at  
14 least as this program has operated up to the beginning  
15 of this administration, there were some promises that  
16 were essentially made to the industry about what the  
17 renewal process would look like and that LED would  
18 support and continue to support renewals. So long as  
19 the applicant met their conditions under their initial  
20 contract, that LED would support those renewals. And as  
21 everybody knows, there's even language in some of the  
22 contracts, language in some of the rules that treated it  
23 as if it were a 10-year, 100-percent tax exemption.

24           So those being the two competing  
25 interests, what the Governor has decided to do is to



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1 revise his executive order to provide clarity on the  
2 issue of renewals, and so we're going to be -- this will  
3 be published later on this afternoon, but what the  
4 Governor has amended Section 2 of his executive order to  
5 state, "That the requirements of this executive order,"  
6 namely being the requirements for Exhibit A and B and  
7 the other limitations on his approval, "will not apply  
8 to ITEP applications that -- or their renewals that were  
9 before June 24th." So as an example, if there was an  
10 ITEP application that was approved prior to June 24th,  
11 when that application comes up for renewal, when that  
12 contract comes up for renewal, it will be under the old  
13 rules prior to this executive order.

14 So I understand that this is essentially  
15 going to continue in place many of the existing ITEP  
16 contracts that we have that are not going to have the  
17 conditions for approval that are set forth in the  
18 executive order. And obviously there are going to be  
19 some of these that even four years from now are going to  
20 be renewed without the conditions of this executive  
21 order, but the Governor believes that it's important  
22 that we keep our word, and whether or not that word  
23 should have been given in the first place really doesn't  
24 matter. That he believes it's important that we keep  
25 our word, that when Louisiana makes a promise, Louisiana



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1 should be held to it, and there is just no doubt that  
2 those promises were made and the promises were made that  
3 LED would support those applications and those renewals.

4 And so that is what the Governor is  
5 stating those are the conditions for his approval and  
6 that he will approve renewals of those existing ITEP  
7 contracts when they come up under the rules that existed  
8 prior to this executive order.

9 That does not mean, however, that if a  
10 applicant does not meet the conditions of their  
11 contract, that somehow their contract is going to be  
12 renewed. So this is clear in the executive order, but  
13 to be eligible for renewal, the applicant still has to  
14 meet the conditions of their original contract for  
15 renewal, but there will be no additional requirements or  
16 conditions for that renewal.

17 Now, the second part of it is what are  
18 we going to do going forward, because I think the  
19 Governor has made it very clear that he believes that  
20 this program should not be automatically a 10-year,  
21 100-percent tax exemption, that he believes he has the  
22 discretion to determine how we are going to give his  
23 approval at least for contracts going forward. And that  
24 was outlined in his executive order to what the  
25 conditions setting forth Exhibit A and B setting forth



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1 the limitations on MCAs, but what he believes is that we  
2 should have some restrictions on renewals going forward.  
3 So just to be clear, we are talking about renewals from  
4 June 24th going so many, new projects approved after  
5 June 24th, when those projects come up for renewals, so  
6 we're talking, you know, this is starting four and  
7 whatever months from now, four years from now, when  
8 those projects come up for renewal, what the Governor is  
9 asking is two things and what the conditions under his  
10 approval are two things.

11 First, he is asking that the initial  
12 term for five years be up to 100 percent, and I think  
13 that's what is both contemplated by the existing  
14 executive order from June 24th in that if the local  
15 input is such that there's an agreement that they would  
16 only support a project up to 80 percent, than that is  
17 their right under the executive order, and that if those  
18 are the conditions that they set, then the Governor will  
19 approve that contract. If the local input is such that  
20 it is at 100 percent, then the Governor will agree to  
21 support that contract.

22 What the Governor is going to do for his  
23 approval is going to set a limit for renewals. So I  
24 realize I keep repeating myself, and repeating myself  
25 for the sake of clarity. So we're talking about



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1 renewals of projects that were initially approved after  
2 June 24th, so for those renewals, the Governor is, for  
3 his approval, is going to set a limit for only up to  
4 three years and up to 80 percent. So renewals of those  
5 new contracts will be, when they come up for renewal the  
6 Governor is saying he will approve them, but only if  
7 their limited to three years at 80 percent.

8 MR. ANDRE:

9 Is the local still involved in that  
10 process?

11 MR. BLOCK:

12 It does not change the input of the  
13 executive order. In other words, all the conditions of  
14 the executive order will still have to be met for those  
15 renewals of new projects approved after June 24th.

16 And so what I think the Governor is  
17 trying to do and what I know the Governor is trying to  
18 do and what I think he has done with these two changes  
19 is to try to make this balance that we have of making  
20 sure that we can keep this program to be a very  
21 competitive and a strong incentive program to bring and  
22 maintain businesses in Louisiana. And it will still be,  
23 even under the conditions that the Governor has set, an  
24 extremely generous program that does, in fact, allow for  
25 Louisiana to compete and to compete vigorously for



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1 industry to come to Louisiana.

2 At the same time, he believes strongly  
3 that this program is in need of some changes, and as he  
4 outlined in his original presentation to the Board on  
5 June 24th, that this program has not accomplished the  
6 job creation and job retention that he believed is vital  
7 to what it originally was designed to do, and that's  
8 what the intention of his original executive order was  
9 to do, was to focus on maintaining and creating jobs, in  
10 Louisiana jobs, and that's what he continues to believe  
11 that we should do and that he believed these changes  
12 will support that, will not support it as quickly as  
13 maybe he would have hoped.

14 We are -- some of the changes from the  
15 executive order on June 24th are happening as we speak,  
16 and every Board meeting you see that, but obviously  
17 there are going to be a lot of renewals that come  
18 forward that don't have to meet those requirements, but  
19 it's important that we not change the rules or at least  
20 change the promises that were made to these companies  
21 midway through their projects. They, in many cases and  
22 most, the tax exemption was built into their projections  
23 as to what their profitability would be like, what their  
24 schedule for maintenance and construction would be, and  
25 to change the rules on them now is simply not something



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1 that the Governor is willing to do given the assurances  
2 that they received at the beginning.

3           There are some other changes that  
4 Mr. Adley discussed that can be done through the  
5 rulemaking process. The Governor continues to believe  
6 that it is important that a manufacturing tax exemption  
7 be limited to manufacturing, and that, in many cases, or  
8 at least in some cases, the expansion of manufacturing  
9 has maybe gone further afield than what was originally  
10 intended by this program, and I know that some of these  
11 rule changes will be addressed to that.

12           Further, and I think this is a  
13 critically important part to this, I think it's really  
14 important that we continue to have these discussion  
15 about this program and that is be transparent and that  
16 it be clear what we're doing and what we're hoping to  
17 achieve by this program because it's a program that we  
18 should be proud of and supportive of because it brings  
19 business to Louisiana and it's good for Louisiana. So  
20 it's good we can have these discussions in open,  
21 recorded, where anybody who's watching from around the  
22 world who has web access can do it so that we can show  
23 that Louisiana is going to be competitive and that we're  
24 going to be honest and that we're going to be  
25 transparent with this program and that we're willing to



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1 answer any questions that we have about it, that anyone  
2 has about it so that we can make sure that it continues  
3 to be predictable and a program that can support  
4 businesses in Louisiana.

5 So with that, I'll be happy to answer  
6 any questions anybody might have about the executive  
7 order. Again, it be rolled out and published a little  
8 bit later on this afternoon. It will be available on  
9 our website. I'm sure we'll push it out to all of the  
10 Board members.

11 MR. ADLEY:

12 Mr. Block, we have a question from  
13 Mr. Moller.

14 MR. MOLLER:

15 So the three years at 80 percent will be  
16 in the executive order?

17 MR. BLOCK:

18 Yes, sir.

19 MR. MOLLER:

20 Okay. There's a lot of conversation,  
21 some of them happening in this building right now, about  
22 statutory changes to this program. Does the Governor  
23 have a position on what he'd like the legislature to do  
24 next year and beyond?

25 MR. BLOCK:



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1 Well, so as you know, the Governor has  
2 tried to not have any interference with the task force  
3 and tried to allow the task force to do their work. As  
4 everybody knows, they've done a tremendous amount of  
5 work, and so the Governor is not going to get ahead of  
6 the task force and has not been dictating any issues to  
7 the task force and instead wants to be able to respond,  
8 obviously, with his own package, but many of which we  
9 hope and believe that the task force will support. So I  
10 don't think the Governor's going to say what he is  
11 intending for the task force to come up with, but this  
12 issue has certainly been discussed by the task force.  
13 What the Governor is saying is these are his conditions  
14 for approval, for his approval of renewals, but  
15 obviously we're talking about his approval for renewals  
16 that are going to be in his second term.

17 MR. MOLLER:

18 Well, that's not so --

19 MR. BLOCK:

20 And so pushed well down the line, when  
21 these renewals are going to come up, so obviously the  
22 Governor would -- believes this is good policy.

23 MR. MOLLER:

24 But for all practical purposes, anyone  
25 who comes with an application, a new application, can



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1 expect up to five years at 100 percent and then three  
2 years at 80 percent?

3 MR. BLOCK:

4 Correct.

5 MR. MOLLER:

6 But the next governor, if this governor  
7 for some reason isn't reelected, could get rid of that  
8 with the stroke of a pen?

9 MR. BLOCK:

10 As a matter of fact, the executive order  
11 will automatically expire.

12 MR. MOLLER:

13 He would have to renew it.

14 MR. BLOCK:

15 It would have to be renewed or it would  
16 have to be changed by whoever the next governor would  
17 be.

18 MR. ADLEY:

19 Allow me, I just want to add this piece,  
20 albeit the executive order will expire, the rules that  
21 get adopted by the Board of Commerce and Industry will  
22 not expire and those rules will then have to be changed  
23 and you can't do that with the stroke of a pen. You  
24 would have to go through the same process that we have  
25 gone through, and you would have to do it in very



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1 public, transparent meetings to make those changes,  
2 similar to what would happen if it was statutorily put  
3 in place.

4 MR. BLOCK:

5 So I guess the answer is of course the  
6 Governor believes this is good policy and that it should  
7 be in law, and if the task force doesn't, in fact, do  
8 what they've been discussing about having some  
9 limitation on renewals, and obviously the Governor would  
10 be supportive of any change in the constitution that is  
11 in line with what his goals are and what he is setting  
12 forth in his policy here.

13 MR. MOLLER:

14 There's been talk of taking it and  
15 moving it entirely to the locals and taking the state  
16 out of this. Does the Governor have a position on that?

17 MR. BLOCK:

18 I'm not prepared to answer a question  
19 about that. I think that what the Governor is going to  
20 do is what he's going to do with the remainder of the  
21 issues that the task force is under consideration. Once  
22 the task force makes its report, then I know the  
23 Governor is going to be -- is going to have a public  
24 response to that, and obviously if we move into April,  
25 into the next session, there will be -- there's going to



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1 be a legislative package that the Governor puts together  
2 and this will be in strong consideration in that.

3 MR. MOLLER:

4 Thank you.

5 MR. ADLEY:

6 Thank you.

7 Mr. Miller.

8 MR. MILLER:

9 I just want to clarify, that first five  
10 years is up to 100 percent with local input?

11 MR. BLOCK:

12 Right, yes, sir.

13 MR. MILLER:

14 Not a given.

15 MR. BLOCK:

16 It is not a given. Absolutely.

17 MR. MILLER:

18 Thank you.

19 MR. ADLEY:

20 All right. Members, are there any other  
21 questions?

22 Matthew, I wanted to make clear that  
23 when we set here this morning after meeting with you and  
24 the Governor and LED over the last several days, I do  
25 have a set of amendments here that y'all have basically



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1 sent me here with that approval from all of you, we will  
2 be taking that up to cover some of these issues; that's  
3 a correct statement?

4 MR. BLOCK:

5 It's obviously for this committee to  
6 consider, but we believe that those rules further  
7 clarify the position of the Governor and also the  
8 policies that we think should be set forth for this  
9 program going forward.

10 MR. ADLEY:

11 Now, with that said, I say this I think  
12 not so much for you, Matthew, but for all of those that  
13 are sitting here that have been on both sides of this  
14 issue, albeit the Governor has seen fit to try to  
15 balance this program against conflicting interests that  
16 have been involved here. It's been very difficult, I  
17 can tell you, as I've watched them go through the  
18 process and have you. I want the public to understand  
19 and the committee to understand that once we're through  
20 this place where the state has kept its word, there will  
21 be, if we adopt these amendments, some substantial  
22 changes to this program, and I'm just going to list some  
23 of them for you. There will be job requirements with  
24 anybody that comes for ITEP. There will be local input.  
25 There will be no ITEP for environmental requirements.



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1 Albeit he discussed it and considered it, there will be  
2 no, if we adopt these, there will be no ITEP for  
3 environmental requirements. MCAs are gone. I'm told by  
4 staff that's about 70 percent of what you've been seeing  
5 come before you. I think that's important. There will  
6 be a much stricter definition of what maintenance and  
7 maintenance capital is. There will be a clear  
8 definition of manufacturing and what's integral to it.  
9 Late filings, there will be no more "mays." It will be  
10 "shall." They will be penalized because it's to their  
11 benefit to file on time. There will be a return of  
12 investment report with every application that you see  
13 that we've not seen before. I think that is critical.  
14 There will be much added transparency that you alluded  
15 to. In addition to the five-year contracts of up to 100  
16 percent with local input and the three-year contracts  
17 with up to 80 percent with local input. So going  
18 forward, the changes are very substantial, and I think  
19 if we adopt those, that this committee will have done a  
20 Youdelman's job in trying to reform what we saw when we  
21 got here.

22 So I just think it's important, Matthew,  
23 everybody understands this is not just an issue of  
24 saying we must honor what we did in the past. I think  
25 that's critical, but we're making some substantial



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1 changes.

2 Are there any other questions?

3 Matthew, anything else?

4 MR. BLOCK:

5 No. I just would like to personally  
6 thank -- and I believe that the Governor would share  
7 this. I personally thank all of you, not just the  
8 members of this committee, but the Board as a whole as  
9 well, that this has been a lot of work and maybe more  
10 work than all of you anticipated when you signed up for  
11 this. And I realize that not only a lot of work, but  
12 it's something where you also have gotten a lot of calls  
13 and had a lot of input from the public, from industry,  
14 about how this should work, and that's critically  
15 important and it helps us arrive at a better place when  
16 we get input and we have those discussions. I think  
17 what we've come up with today with these rules are a  
18 product of those discussions and that input. But I just  
19 appreciate the hard work that you've put in and thank  
20 you for your consideration.

21 MR. ADLEY:

22 Matthew, thank you. No further  
23 questions.

24 Let me say to all of you that any of you  
25 that wish to testify at the end when we have our public



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1 testimony, you do need to fill out one of these cards.  
2 If you have not done so, you need to do that.

3 Members of the Committee, now with some  
4 latitude from you, I asked the staff to prepare for us  
5 those amendments that we made reference to in a redlined  
6 version of our last working session so that I could walk  
7 you through what our proposals are on the changes that  
8 we would recommend.

9 And to the members in the audience, I  
10 think they made enough copies so that you could have  
11 some also to follow along.

12 Before I begin, I need to make two  
13 minor, technical changes before we get to them. On Page  
14 1, under 502 and "Definitions," under the word  
15 "Establishment," you should delete, scratch through "is  
16 creating" so that an establishment would simply be an  
17 economic unit at a single physical location. And then  
18 on Page --

19 MR. MILLER:

20 Can you repeat that, please?

21 MR. ADLEY:

22 Page 1 under 501, "Establishment,"  
23 delete the word "is creating," and I would offer the  
24 amendment without those words is what I'm saying to you.

25 And then if you'll turn over to 1, 2, 3,



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1 the fourth page, these are issues that LED brought to me  
2 this morning to make sure we got them technically  
3 correct. If you look all of the way at the bottom of  
4 the page, Paragraph J where I have "by the Commerce and  
5 Industry Board," that really is the "Board of Commerce  
6 and Industry." That would be the proper way for that to  
7 read.

8 With that, members, if I can, I'm just  
9 going to go through each one of those. I'll answer any  
10 questions that you have as we move through them, and  
11 then ask for your adoption. Once that is done, then  
12 I'll address any amendments as you have, and as I said,  
13 I think the department had one they needed us to  
14 consider.

15 So with that, the first amendment that  
16 you would be looking at on Page 1 under C is C3, and  
17 that is the language that requires the Board to  
18 broadcast via live stream all of the meetings that you  
19 referenced. I'm going to withdraw that amendment. I'm  
20 going to ask the staff to come up for one moment if you  
21 will. Withdraw it, because the proper place, I'm told,  
22 for that is over in the rules governing the Board itself  
23 and not inside ITEP. And so when we finish with these,  
24 we will take up a separate amendment. We'll take up a  
25 separate amendment to make sure that it goes there, and



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1 when you do your APA, it will be included in that. Is  
2 that my understanding?

3 MS. CLAPINSKI:

4 Yes, sir, that's correct. It will be a  
5 separate promulgation of the APA, but it will go through  
6 the process.

7 MR. ADLEY:

8 So this was at your request to move it  
9 into the proper place?

10 MS. CLAPINSKI:

11 Yes, sir.

12 MR. ADLEY:

13 And when we get to that point, as I  
14 understand it, because an amendment to the Board's rules  
15 themselves will require a unanimous vote by these  
16 members to include consideration of that issue before we  
17 make that amendment at the end. Is that -- am I stating  
18 that correct?

19 MS. CLAPINSKI:

20 Yes, sir, that's correct. Yes, sir.

21 MR. ADLEY:

22 So it will be there, it's just these  
23 rules deal with the Industrial Tax Exemption. There's  
24 another section of the rules that deal with the  
25 operation of the Board that they believe it will be



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1 better, so I will withdraw that one until the end and we  
2 will come back to it so everybody understands.

3 MS. CLAPINSKI:

4 Yes, sir.

5 MR. ADLEY:

6 If we drop down to 501 under  
7 "Definitions," as we read through these rules, the word  
8 "establishment" is used throughout the rules, but there  
9 was never a definition of what an establishment is, and  
10 so we would define establishment as "an economic unit at  
11 a single physical location" so that we have a definition  
12 of it. And I'm doing that at your request. I saw you  
13 wince over there. Maybe you ought to go sit by Mandi  
14 and you two can talk while I go through these.

15 Then if you come down to "Maintenance  
16 Capital," to remove any confusion about maintenance  
17 capital, we would add the words "to conserve as nearly  
18 and as long as possible original condition." The  
19 language that I got from LED in reference to this is  
20 that when someone goes in to do work to an existing  
21 facility, we want them to make it better. It shouldn't  
22 be made just to keep it as it is.

23 And if you'll go to the second page --

24 MS. MITCHELL:

25 Senator?



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1 MR. ADLEY:

2 Yes.

3 MS. MITCHELL:

4 Before you get too far down, the only  
5 discussion Daniell and I were having about your  
6 definition of establishment is that it needs to have its  
7 own definition, not embedded within "Addition to a  
8 manufacturing establishment." So we can -- it's just a  
9 technical tweak so that it stand --

10 MR. ADLEY:

11 Let me say this, once we get through  
12 here, all of this numbers and all of these places, there  
13 will be technical changes that you as a staff will have  
14 to make to get them in the right place to bring them to  
15 the Board. We understand that. So everyone  
16 understands, that's exactly what happens in the  
17 legislative process. As we set through it and we make  
18 our changes, the staff is then required to go back and  
19 make whatever technical changes are required to get in  
20 line. We're going to do that. Now, we'll put that in  
21 your hands to take care of that before the next meeting.

22 I'm on Page 2 -- I apologize. I had  
23 three of them, didn't I?

24 The definition of "Integral," that, in  
25 all of our meetings, has been a very difficult word



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1 because it allowed for many things to arbitrary  
2 discussion about what belongs as part of "integral."  
3 This definition would say that "integral" is what is  
4 required to make whole the product being produced. Most  
5 of these definitions, so that you know, came from we  
6 researched various business definitions to ensure that  
7 we were following some business principle, and so we  
8 would suggest that we make sure that "integral" means  
9 it's actually part of the product being produced.

10 Now, there are some exceptions to that  
11 further back in the rules, some things that are used  
12 that actually do not end up in the product, but are used  
13 in the making of the product, and we'll get to those in  
14 a moment.

15 The next one under "Maintenance  
16 Capital," this amendment is intended to try to keep it  
17 in line with the definition we had of maintenance. It's  
18 the same definition, "to conserve as nearly as possible  
19 the original condition." So that there's no confusion  
20 when you're talking about maintenance capital and  
21 maintenance that's what it's being spent for.

22 Under "Manufacturing," which has been very,  
23 very broad based, the change here would mean "working  
24 raw materials by means of mass production and  
25 machinery." That, I believe, and everybody's view of



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1 the world and in the business world, that is what  
2 manufacturing is.

3 At the bottom of the page, the  
4 definition of "Restoration," "repairs to bring a  
5 building or structure to at least its original form,"  
6 again, to ensure that what's being done is truly  
7 something new and not part of maintenance.

8 And if you flip to the next page, I'm  
9 under 503, and you'll go down to the first redlined  
10 section, "is the term of the expiration of the  
11 contract," these are the terms that Matthew just  
12 discussed, "shall be for up to, but no more than five  
13 years and may provide for ad valorem exemption up to 100  
14 percent, and terms of renewal may be included provided  
15 that the renewal of the contract shall be for a period  
16 up to no more than three years and may provide ad  
17 valorem tax exemption of up to, but no more than 80  
18 percent."

19 Now, the local reference is not here  
20 because that's referenced in your Exhibit A. I believe  
21 that's in the rules that's where that reference is made,  
22 so that was where their input would be made. This is  
23 simply the guidance for the 100 percent and the 80  
24 percent.

25 Three is nothing. There's no change



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1 there. Four, the only change is that the addition of an  
2 "and" because we add a Section 5 at the request of LED,  
3 after discussing it with Mandi and Don Pierson, "a  
4 statement of Return on Investment (ROI) as determined by  
5 the Secretary." So you will have some documentation on  
6 the value of the exemption that you're to grant that  
7 we've never had before. I think that's very important  
8 for the future.

9 If you go to the next page, now I'm down  
10 to Item 3 where it says "The Board and the Governor," we  
11 simply delete "and the Governor" because the Board is a  
12 separate entity to whoever the governor is and the  
13 Governor has the authority to make whatever decisions  
14 the Governor wants to make, so we would delete that.

15 If you drop down to Item H, this says,  
16 "If the application is submitted after the filing  
17 deadline," in the past it had this language for five  
18 years because in the past they've been talking about  
19 five years and five years together as a total of 10.  
20 What we've done here is that the maximum reduction that  
21 could be made for the late filing is up to whatever the  
22 remaining term is because it will vary, and so setting a  
23 set amount here just created ambiguity and confusion, so  
24 whatever is left, that's what would apply.

25 The "eligibility of an applicant," in



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1 J -- I'm in J now -- "including whether the activities  
2 at the site meet the definition of manufacturing will  
3 reviewed by the Board based upon the facts and  
4 circumstances existing at the time when the application  
5 is considered." We simply add "by the Board of Commerce  
6 and Industry" to make it clear that you do go back to  
7 the Board of Commerce and Industry. You are involved in  
8 that decision.

9 Then on the next page at 507 -- Let's  
10 see. Excuse me. 505 Paragraph A at the end of "Board  
11 and the Governor," we took out "and the Governor" again  
12 for the same reason that I explained a moment ago.

13 Then under "Eligibility Property," the  
14 word "capitalized" remains. We struck it out once, but  
15 it does remain. The only change is down in Paragraph 3,  
16 it says, "Owners who are not engaged in manufacturing at  
17 the manufacturing establishment are eligible for  
18 exemption only if the manufacturer at the site is  
19 obligated to pay the property taxes" -- this is all  
20 current rules -- "if the exemption were not granted."  
21 "Leased property is eligible for the exemption if the  
22 property is used in the manufacturing process," and we  
23 add the words "is and remains on the plant site" just to  
24 make it clear that if there's an exemption, it goes  
25 solely to what's inside the manufacturing facility. The



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1 fact that you might provide some equipment, some service  
2 to a manufacturing facility, that doesn't mean that  
3 you're facility outside of that manufacturing footprint  
4 is now eligible for the entire ad valorem tax exemption.  
5 It's only that property or that service that you provide  
6 within that footprint. And I think that just intended  
7 to make it clear that that's what that applies to.

8           And then if you'll flip to the next page  
9 to Paragraph D, it says, "To be eligible for exemption,  
10 a manufacturing establishment must be an operational  
11 establishment and engaged in the business of  
12 manufacturing." That, too, was somewhat arbitrary, so  
13 we simply took the word "the business of" out and left  
14 in the words "engaged in manufacturing" that we have  
15 clearly defined at the beginning.

16           And then we go further down, we talk  
17 about "To become operational or cease operations without  
18 a reasonable expectation of resuming operations, the  
19 facility," it used to say "may no longer be eligible."  
20 The word will be changed to "shall." If you're not  
21 operating anymore, "the facility shall" no longer be  
22 eligible for exemption.

23           We ran into a problem. Robby, you tried  
24 to deal with it at or last meeting. I apologize for not  
25 helping you. We had an issue where one came up that was



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1 not operational and the Board had the ability to either  
2 may or not give the exemption and we ended up giving it.  
3 You tried to get them at least to go back to the local  
4 government, as I remembered. But this will make it  
5 clear because these exemptions are for the benefit of  
6 the industry themselves, and if they're not in  
7 operation, the exemption will not apply.

8 The next item under 509 B, Item 1,  
9 "Sales" would be removed as it is not part of the new  
10 definition, clearly not part of the definition of  
11 manufacturing and integral part. For your information,  
12 that has never been part of our rules. That's something  
13 that was brought up in one of our discussions and added,  
14 so you're not removing anything from current rules.  
15 It's just we're removing something that was discussed  
16 during our meetings.

17 MR. SLONE:

18 Senator?

19 MR. ADLEY:

20 Yes, sir. Question?

21 MR. SLONE:

22 Just a quick question.

23 MR. ADLEY:

24 Push your button for me so I can turn  
25 you on, Mr. Slone.



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1 MR. SLONE:

2 So I understand the removal of "sales."  
3 I'm just curious, would something like R&D be a part of  
4 the integral or business operations? I'm not sure if  
5 this is the time to ask this particular question.

6 MR. ADLEY:

7 No, this is a good place.

8 I think --

9 MR. SLONE:

10 I'm not sure if that should cover it.

11 MR. ADLEY:

12 I think there's -- maybe I skipped over  
13 it. Maybe I passed it, but there is a place that gives  
14 some exemptions. My view of that would be that it's not  
15 because integral now defined made in whole the product.  
16 I think the intent is that whatever is used to  
17 manufacture the project, not R&D, not the all that you  
18 did prior to creating the manufacturing facility, not  
19 where you go sell it, but everything that's inside  
20 making the product I think is the intent.

21 MR. SLONE:

22 Okay. Because I guess I'm thinking R&D  
23 is required to get it to a whole product, but I'm not  
24 sure. I'm just throwing it out there. That would be a  
25 good question whether or not we've seen it in best



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1 practice. That would be like research.

2 MR. ADLEY:

3 I think if you did that, you will be  
4 allowing an exemption on research that might have  
5 happened in Germany before you ever even locate it here  
6 and adding it to a tax exemption for a business. You're  
7 creating the credit or the exemption here to encourage  
8 them to locate in Louisiana based upon the product  
9 they're going to make here. That would be my view of  
10 it, and I tell you that based upon I had the pleasure to  
11 go make some trips to Germany when we were doing some of  
12 these economic develop things, and if we add those  
13 words, I think you'll be opening the door for all kinds  
14 of applications of adding I ought to get a credit for  
15 this. That's just my view. It's what I think.

16 MR. SLONE:

17 Okay.

18 MR. ADLEY:

19 If you drop down to 5, that was kind of  
20 a catchall to give the Board some approval, some  
21 latitude if something popped up similar to what you just  
22 said that the Board said, "Look, I think we ought to  
23 give that." The Board would have the ability to do that  
24 provided that it will now say instead of "other  
25 activities," it will say "other on site essential



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1 activities."

2 MR. SLONE:

3 So that should cover it.

4 MR. ADLEY:

5 Yeah. I think that should cover it.

6 It's your catchall that will give you some latitude.

7 And we had a lot of discussion about this one because it  
8 was a catchall and we were trying to avoid as much as of  
9 that as we could, but we believe by adding the words "on  
10 site" and "essential," then we've made it a fair cover  
11 and a place that if you decide that's what you as a  
12 Board wants to do, I think you have the ability to do it  
13 as long as on site and it's essential.

14 MR. SLONE:

15 Thank you.

16 MR. ADLEY:

17 Thank you, sir.

18 I'm down at 511, and now we're talking  
19 about the "Rehabilitation and Restoration of Property"  
20 and we're talk about "Capital" -- Item A, "Capital  
21 expenditures for the rehabilitation and restoration of  
22 an existing establishment may be exempted," and we add  
23 the words "if it is not maintenance" because we've  
24 clearly defined maintenance and we want to make sure  
25 that these applications, as we've discussed before, are



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1 not for maintenance. But if you're building, you're  
2 growing, you're doing something bigger and better, then  
3 you have that same opportunity to do that that you've  
4 always had.

5 And then I flip to the next pages, and  
6 the good news is there's no change there. And the next  
7 page, no change, and the next page, no change. And the  
8 good news is those are the all of the definitions that  
9 the Governor and staff believe we should add to these  
10 rules to clarify them.

11 Now that I've presented them, I would  
12 ask the Board if we could get a motion for adoption of  
13 these amendments to this document that we have before  
14 us.

15 MR. MOLLER:

16 So moved.

17 MR. ADLEY:

18 Okay. Mr. Moller would move.

19 MR. SLONE:

20 I'll second.

21 MR. ADLEY:

22 And second by Mr. Slone.

23 Is there any objection to the adoption  
24 of those amendments?

25 (No response.)



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1 MR. ADLEY:

2 Hearing none, those amendments will be  
3 adopted.

4 Now, let me get this one out of the way  
5 before I get to you, the ones that's going to take some  
6 discussion. The one that we withdrew that goes into the  
7 Board rules themselves, for us to consider that, we need  
8 to have a motion by the Board. We need to have a motion  
9 by the Board to allow us to take that up because  
10 amendment to those rules were not published on the  
11 agenda. That needs to be a anonymous motion.

12 So would the Board now make a motion to  
13 take up consideration of that amendment to the Board  
14 rule?

15 MR. MILLER:

16 I so move.

17 MR. ADLEY:

18 Mr. Miller so moves. Seconded by  
19 Mr. Fabra.

20 Is there any objection to that motion?

21 (No response.)

22 MR. ADLEY:

23 Hearing none, there's a unanimous  
24 consent to take that up.

25 So what we would propose now is that an



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1 amendment that's the exact same language we had an Item  
2 3 on the first page. You got something you want to pass  
3 out for us?

4 MS. CLAPINSKI:

5 This is the current version of general  
6 Board rules.

7 MR. ADLEY:

8 So you want to explain to the Board  
9 where this language would now fit?

10 MS. CLAPINSKI:

11 Sure. I believe the best place is  
12 Section 107 that deals with meetings of the Board, and C  
13 discusses the regular meetings, which is generally -- so  
14 you could either put it in C after the regular meetings  
15 discussion or you could make it H and have it as its own  
16 separate provision. Whichever way you prefer to do it.

17 MR. ADLEY:

18 The only thing I'm reading here quickly,  
19 Item G and it talks about your meeting place, "The  
20 Board, committee or subcommittee shall hold its meetings  
21 at principal offices of the Board." This is going to  
22 require now broadcast and live stream, which is not  
23 available there.

24 MS. CLAPINSKI:

25 Yes, sir.



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1 MR. ADLEY:

2 You can generally get those places like  
3 where we're sitting today for free. It won't cost you  
4 nothing.

5 MS. CLAPINSKI:

6 Yes, sir.

7 MR. ADLEY:

8 So I'm just going to suggest to you a  
9 technical part of what you need to change here when you  
10 put this language in, "the Commerce and Industry Board  
11 and Commerce and Industry Board Rules Committee shall  
12 comply with Public Meetings Law and broadcast this  
13 meeting via live stream" probably needs to say  
14 somewhere -- you need to put some language here to give  
15 you latitude to get out of your principal office to have  
16 that meeting so that you're not stuck with having to go  
17 spend a lot of money to get that done.

18 MS. CLAPINSKI:

19 Let me ask you this, because I think A  
20 107 addresses your public open meetings, so do you want  
21 to leave that there or do you want the full text of the  
22 amendment you withdrew to --

23 MR. ADLEY:

24 No. I think you have to have -- the  
25 text of the amendment, I mean, the fact that they have



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1 to comply -- I think currently -- let me make this very  
2 clear. The Board of Commerce and Industry has always  
3 complied with public meetings laws. They have always  
4 kept records. They've always been -- but they've been  
5 typed records that if you wanted to go -- unless you  
6 were physically sitting there, you had to go get the  
7 typed version and read it. The difference here is is  
8 you're adding -- the real change is you're adding "to  
9 broadcast via live stream."

10 MS. CLAPINSKI:

11 Right.

12 MR. ADLEY:

13 That's the real crux of this. That's  
14 what you really need to get in your change.

15 MS. CLAPINSKI:

16 Okay. So if I just add the broadcast  
17 language when I amend G, we can leave the open meetings  
18 up in A as is?

19 MR. ADLEY:

20 I think that's probably correct, because  
21 you're under current law already to do that.

22 Mr. Miller.

23 MR. MILLER:

24 The change says Board of Commerce and  
25 Industry and the Rules Committee, but shouldn't it be



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1 all committee? If there's --

2 MS. CLAPINSKI:

3 Perhaps all subcommittees. Sure.

4 MR. ADLEY:

5 Let me tell you why I didn't put it  
6 there. I don't care how you do it, but I just want to  
7 tell you why we didn't put it there. Under the  
8 statutes, there are certain exemptions to LED and your  
9 Economic Development and what you have to provide and  
10 not provide. I want to make sure I didn't step on your  
11 toes by getting in that, but if you say all  
12 subcommittees, I mean, it's certainly okay with me. I  
13 just wanted --

14 MR. MILLER:

15 I understand.

16 All committees other than protected by  
17 the confidentiality rules and regs of LED?

18 MS. CLAPINSKI:

19 Sure.

20 MR. ADLEY:

21 I think that's a good way to do it. I  
22 think that makes sense.

23 MS. CLAPINSKI:

24 No problem.

25 MR. ADLEY:



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1 Mr. Moller.

2 MR. MOLLER:

3 How far in advance does the agenda get  
4 published now and is it available online?

5 MS. CLAPINSKI:

6 Yes. It's usually available two weeks  
7 ahead of time, the agenda that's available at the Board  
8 meeting, and that agenda is published online. That is  
9 different than the board packet that you guys receive,  
10 but the agenda --

11 MR. ADLEY:

12 Yeah. I think the issue that's come up  
13 in all of the discussions -- and it's a good point  
14 you're raising. The issue that has come up is is that  
15 particularly for the general public to get a copy of the  
16 package 24 hours or 48 hours in advance doesn't give  
17 much time, all of you that have pulled up your agendas  
18 for this next meeting and printed them as I have,  
19 they're a book this thick, just doesn't give them much  
20 time.

21 Let me suggest this to you, let me  
22 address this amendment and get it behind us, and if you  
23 wish to propose something else, I'm going to take up  
24 additional amendments by the committee, and if you wish  
25 to do that, we'll certainly consider that if you just



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1 give me the latitude to get this done.

2 MR. MOLLER:

3 Absolutely.

4 MR. ADLEY:

5 Mr. Miller would move for the adoption  
6 of the amendment that he explained, all subcommittees  
7 except provided so and so, so and so, and will all be  
8 broadcast and via a live stream so that we make sure  
9 that we have that language.

10 Mr. Miller would make that motion.

11 Mr. Fabra would second that motion.

12 MR. FABRA:

13 Second.

14 MR. ADLEY:

15 That's what I thought I heard him say.

16 So is there any objection to the  
17 adoption of that amendment to the rules for the Board  
18 itself?

19 (No response.)

20 MR. ADLEY:

21 Hearing no objection to that, that  
22 amendment is adopted.

23 With that, those are all of the  
24 amendments that we had. Let's take up the committee  
25 amendments and we will get to the discussion, the one



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1 that you've brought up.

2 MS. CLAPINSKI:

3 Yes, sir.

4 MR. ADLEY:

5 Mr. Moller, you are on.

6 MR. MOLLER:

7 Yeah. I would like to propose an  
8 amendment to the Board rules that not only the agenda,  
9 but the applications be made available online one week  
10 before the meeting. I think this is -- you know, these  
11 applications, you know, we're talking about local  
12 property tax revenue, and folks around the state may  
13 want some time to look at, you know, what's coming up in  
14 their district, and so if there's any way to make those  
15 applications -- I don't know if there are any privacy  
16 issues that have to be...

17 MS. CLAPINSKI:

18 Yes. There are tax identification  
19 numbers and other items that would have to be removed.

20 MR. ADLEY:

21 Okay. There's going to be some  
22 discussion and we're going to just very carefully walk  
23 through this and then we'll make a decision on what to  
24 do.

25 Mr. Moller would offer up an amendment



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1 to the general rules of the Board that would require  
2 online the agenda with the backup material to the  
3 agenda.

4 MR. MOLLER:

5 The applications. I mean, if there's  
6 stuff that has to be redacted or if there's information  
7 that is protected or outside the Open Meetings Law, but  
8 I think that somebody who wants to come to this Board  
9 and speak on a particular application should have a  
10 little bit of notice on who's applying.

11 MR. ADLEY:

12 I get that. I do want to make one  
13 clarifying remark here. There are certainly items that  
14 are exempt from Public Records Law and disclosure by  
15 LED. It is difficult to understand why you couldn't do  
16 that because everything that you do ends up before us  
17 and is public record. So I'm going to let y'all address  
18 that and we have questions by other committee members,  
19 too.

20 You want to identify yourself and...

21 MS. VILLA:

22 Hi. Good morning. Anne Villa,  
23 Undersecretary for LED.

24 One comment I'd like to make -- a couple  
25 of comments I'd like to make is we can make available to



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1 the public the summary information that is available and  
2 has been available to the public whenever they come to  
3 the Board of Commerce and Industry meeting. It talks  
4 explicitly about the project, the description of it, the  
5 company's name, where they're located, the investment  
6 and the potential benefit. There's over 1,000 pages  
7 potentially of applications that it would have to go  
8 through, legal would have to go through and redact, and  
9 I just feel that that's a lot of information to have to  
10 go through every month to provide to the public.

11 I think that, you know, whenever there  
12 are public records requests, we do have to provide that  
13 information, but to do it regularly I think is a lot to  
14 ask of the staff.

15 MR. MOLLER:

16 How hard would it be to just provide the  
17 summary with the information that you...

18 MS. CLAPINSKI:

19 That's no problem.

20 MS. VILLA:

21 That's no problem at all.

22 MR. MOLLER:

23 And to put that online and --

24 MS. VILLA:

25 And that's what the public is used to



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1 seeing whenever they come to the Board meetings. We  
2 have that summary information. We have it listed -- I'm  
3 sorry. It is available already online for next week's  
4 meeting.

5 MR. MOLLER:

6 Okay. Well, if we could just -- again,  
7 I just to make sure that the public have enough time to  
8 review this information before we meet, and I don't want  
9 to ask you to go through a thousand pages before every  
10 meeting, but --

11 MR. ADLEY:

12 I will say this, going forward,  
13 prospectively with the local input requires an Exhibit  
14 A, and so there's going to be a whole lot more  
15 transparency in that than what you currently have.

16 MS. VILLA:

17 Right.

18 MR. ADLEY:

19 The issue is is that the 4,000 or  
20 whatever that's going to be coming to us that are purely  
21 the renewals and whatnot that were done prior to June  
22 24th.

23 MS. VILLA:

24 Over the next five years.

25 MR. ADLEY:



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1 I real think that's the issue. Under  
2 these new rules with that Exhibit A, most of that stuff  
3 is going to be available out there in multiple  
4 locations, but it will be those that happened prior to  
5 June 24th.

6 Robby, did you have a question? You got  
7 it?

8 MR. MOLLER:

9 So what again what is included in the  
10 summary?

11 MS. CLAPINSKI:

12 Usually it's the company name, the  
13 parish location. If it's a jobs program, it's estimated  
14 number of jobs to be created. If there's capital  
15 investment involved, it's estimated capital investment.  
16 It's all of the key numbers.

17 MR. MOLLER:

18 And the amount of the exemption, the  
19 value of the exemption?

20 MS. CLAPINSKI:

21 For ITEP purposed it will be the value  
22 of the exemption over a 10-year period.

23 MR. ADLEY:

24 Let me suggest to you what I've heard.  
25 The biggest issue in the past, we didn't have a



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1 requirement for jobs. Some of them did and some of them  
2 didn't. But the public generally wants to know, even  
3 though it didn't create jobs are, are there any that we  
4 know of. And if you did just a summary of what he's  
5 talking about and I think you were able to add that --

6 MS. VILLA:

7 It's in there.

8 MS. CLAPINSKI:

9 It's already in there.

10 MR. ADLEY:

11 -- I think you'll be giving them what  
12 they're looking for.

13 MS. CLAPINSKI:

14 That's a part of the summary that's  
15 available. It's just whether the company it has that  
16 actually reported those jobs or not.

17 MR. MOLLER:

18 And if somebody wants to -- I mean, I  
19 doubt anybody's going to want to see all -- every  
20 application, but so somebody could look at that  
21 application, the summary, and say, "Well, I would like  
22 you to pull these five"?

23 MS. VILLA:

24 It becomes a public records request and  
25 we would do that.



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1 MS. CLAPINSKI:

2 Yes.

3 MR. MOLLER:

4 Okay. But then if you publish it a week  
5 prior, you have three days to fulfill the record  
6 request, so somebody could conceivably make the request  
7 and see the full application prior to the meeting?

8 MS. VILLA:

9 Correct. We would have to go through  
10 the normal course of the public records request and  
11 respond.

12 MR. MOLLER:

13 Okay.

14 MR. HOUSE:

15 Well, I would add to the members of the  
16 board, certain information you are provided does include  
17 Social Security Numbers and other confidential  
18 information, but nothing keeps you from sharing the  
19 information that you have in terms of being cognizant of  
20 confidential information. So, again, I've been doing  
21 this economic development for a long time. We produce  
22 more documents in response to public records requests  
23 than anyone. We try and set up our meetings in such a  
24 way. This has always been a public board. So we're  
25 more than willing to do what you're requesting, but you



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1 have to take into account that you make a lot of request  
2 from staff and we're putting into effect a program  
3 that's going to make a lot of additional requests of the  
4 staff. So you're going to have to weigh your  
5 priorities, but -- and, again, that comes back down to  
6 what the Board wants to do.

7 MR. MOLLER:

8 And I'm not trying to enormously add to  
9 the workload. I just want to make sure that somebody  
10 who wants to come to testify to our Board has the  
11 information in plenty of time and that it's available  
12 online in a format that anybody can look up.

13 MR. ADLEY:

14 It's a legitimate request, and both  
15 sides are legitimate. I mean, there are confidential  
16 things. I get that, but when you get -- of course,  
17 you've got to make that public records request and  
18 there's cost involved, not for LED, but for the person  
19 making the request for the citizens. So, you know, I  
20 think he's got a legitimate concern, but if you're  
21 comfortable that they're getting what they need,  
22 Mr. Moller, whether you want to move forward or not,  
23 your call.

24 MS. CLAPINSKI:

25 I think if you want to add that the



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1 summary agenda and -- the summary and the agenda --

2 MR. MOLLER:

3 Yeah. I will amend that it be made  
4 available at least one week prior.

5 MS. CLAPINSKI:

6 Sure. And obviously upon request we can  
7 have further detailed information if they want to  
8 receive that.

9 MR. ADLEY:

10 Okay. So we'll clarify his motion, but  
11 Mr. Miller has been waiting patiently.

12 Mr. Miller.

13 MR. MILLER:

14 On the summary of the applications, is  
15 there an expectation with the new return on investment  
16 requirement on ITEP that that will be blended into the  
17 summary or any of the return on investment study? Is  
18 that done on the varying programs that we have?

19 MR. ADLEY:

20 I don't think it's all of the data he's  
21 asking for.

22 MR. MILLER:

23 Just like a summary of the end result.

24 MR. ADLEY:

25 What's the bottom line value. I think



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1 that's what he's asking.

2 MR. HOUSE:

3 That's probably going to be reflected  
4 also in Exhibit A. Exhibit A is going to recite that.  
5 But certainly the type of summary can be made available  
6 to you.

7 MR. MILLER:

8 Most of the time I think if the  
9 public -- my opinion would be if the public were to see  
10 that part along with the other, it would start answering  
11 a lot of questions.

12 MR. ADLEY:

13 Okay. So we would have a motion by  
14 Mr. Moller and the motion would be to add a requirement,  
15 to add exactly what provision?

16 MS. CLAPINSKI:

17 Mr. Moller, I believe you're asking that  
18 the agenda and the summary information with that agenda  
19 be posted no less than one week prior to the Board's  
20 date; is that correct?

21 MR. MOLLER:

22 Right.

23 MS. CLAPINSKI:

24 Okay.

25 MR. ADLEY.



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1                   Okay. So the staff's got that amendment  
2 down. Is there -- Mr. Moller would make that motion.  
3 Is there a second to that motion?

4                   MR. MILLER:

5                   Second.

6                   MR. ADLEY:

7                   Mr. Miller seconds the motion.

8                   Is there any objection to the adoption  
9 of that motion?

10                  (No response.)

11                  MR. ADLEY:

12                  Hearing none, no objection, we'll add  
13 that into the general rule.

14                  Do the committee members have any other  
15 amendments before I take up this last amendment from  
16 LED?

17                  (No response.)

18                  MR. ADLEY:

19                  Okay. Thank you.

20                  So the issue, as I remember it, was  
21 something about jobs, so why don't you share with us  
22 where we are in the ITEP rules and what the issue is.  
23 There was an issue raised by the industry to you, as I  
24 get it.

25                  MS. CLAPINSKI:



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1                   Yes, sir. Sure.

2                   In Section 502 under the definition of  
3 "Jobs," Number 4 says that they be employed directly or  
4 through contract labor, and the issue that was brought  
5 to my attention is they would -- the requestor would  
6 like to have added employed directly by an affiliate or  
7 through contract labor, because what happens is, a lot  
8 of times, a company will set up a single purpose LLC to  
9 hold all of their assets and that's all that entity is  
10 ever going to do is hold assets. That's done for  
11 liability, tax, all kinds of other purposes. And then  
12 you have a separate, usually wholly-owned, another  
13 wholly-owned subsidiary that is maybe set up that holds  
14 employees so that when you add the requirement to have  
15 jobs and you add it on the company, the company who owns  
16 the assets is going to be the one with the ITEP  
17 contract, but if that's a single purpose LLC and all  
18 they do is hold assets, they will never have employees.  
19 They may have an affiliate that creates those jobs.  
20 That's just business structure and how different  
21 entities chose to do things. So their request was  
22 that --

23                   MR. ADLEY:

24                   So would the affiliate also get the ITEP  
25 or the ITEP goes to one place only?



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1 MS. CLAPINSKI:

2 That's correct. It's just allowing the  
3 jobs of the affiliate to meet the job requirements of  
4 the contract since the entity that has the contract will  
5 never have jobs in some situations.

6 MR. ADLEY:

7 Just for background, purely for  
8 background, we visited with Matthew about this issue  
9 prior to the meeting in a sidebar, and he did not see a  
10 problem with that. The only concern that popped up in  
11 my mind, being ex legislator with a very Makavelian  
12 (sic) mind is I see people who create all of these  
13 different entities to get these various different tax  
14 breaks. They do not believe that's an issue from what I  
15 described to them, so what I said to them, it's purely  
16 this committee's decision whether you want to handle  
17 that or not, and so that's what we're doing. We're  
18 putting it before you to add "affiliates" if the  
19 committee decides to do that.

20 Mr. Miller.

21 MR. MILLER:

22 I would be perfectly fine with that, but  
23 that doesn't fall into or through contract labor?

24 MS. CLAPINSKI:

25 I don't know that there's necessarily



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1 always a contract set up. They're two wholly-owned  
2 subsidiaries. If you want to -- I mean, I guess you can  
3 require theme to have a contract, but it's two  
4 wholly-owned subsidiaries, separate companies that's  
5 generally --

6 MR. MILLER:

7 I'm okay with that. It's just anytime I  
8 can eliminate having another and/or that A, B, C, D, I  
9 would rather that.

10 MS. CLAPINSKI:

11 If y'all want to say they have to have a  
12 contract, then I'll --

13 MR. MILLER:

14 I'm okay with it either way.

15 Okay. Thank you.

16 MS. CLAPINSKI:

17 Okay.

18 MR. ADLEY:

19 And where does it make it clear that the  
20 ITEP only applies to the one entity?

21 MS. CLAPINSKI:

22 Well, only the entity that holds the  
23 assets is eligible for ITEP. You have to be the owner  
24 of the assets to be eligible for ITEP.

25 MR. ADLEY:



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1                   Okay. Mr. Miller would move --

2                   MR. MILLER:

3                   Yes, sir.

4                   MR. ADLEY:

5                   -- for adoption at that amendment, and  
6 seconded by Mr. Slone.

7                   Is there any objection to the adoption  
8 of that amendment?

9                   (No response.)

10                  MR. ADLEY:

11                  Hearing none, that amendment is adopted.  
12 Thank you very much.

13                  MS. CLAPINSKI:

14                  Yes, sir.

15                  MR. ADLEY:

16                  Members, again, I want to thank you for  
17 all of your work. We have gone through what the  
18 committee had, what the Governor's office had proposed,  
19 what LED had proposed. We do have some individuals who  
20 wish to speak, and before you speak, let me make this  
21 very clear. One of the reasons we've kept public  
22 comments to the end, as we have in all of our meetings,  
23 ultimately the committee's got to make their decision  
24 and then we have to move it to the full Board, which we  
25 hope is next week.



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1                   Once adopted there and public comments  
2 are made there, then it goes to the APA process. There  
3 are going to be several opportunities for more public  
4 comment. When it ends up before the legislature, there  
5 will be an opportunity again for more public comments.  
6 So it is going to be an ongoing process that's going to  
7 take us some time. My best guess for these to get  
8 adopted, if they went very smoothly, will be the end of  
9 January, first part of February. That's my guess.

10                   So with that, members, if you don't  
11 mind, I'm going to allow these individuals, I have four  
12 of them that filled out cards or five that wish to  
13 speak.

14                   Robert -- is it Wege or Wege?

15                   MR. WEGE:

16                   Wege.

17                   MR. ADLEY:

18                   Sumit Credits, LLC in Denham Springs.

19                   Would you just identify yourself and  
20 make your comments, please, sir.

21                   MR. WEGE:

22                   Sure. Appreciate your time. My name is  
23 Robert Wege. I'm with Sumit Credits, LLC. We're a  
24 consultant firm. We help many clients go through this  
25 process, and many of the rules that you have put in



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1 place for these programs, we have to, I guess, live with  
2 and help clients navigate through. And one of issues  
3 that I noticed in these rules is under the "Jobs"  
4 definition for new jobs, Item Number 7 requires that the  
5 company pay the median parish hourly wage for  
6 manufacturing jobs as reported in the US Bureau of Labor  
7 Statistics, and I was on the US Bureau of Labor  
8 Statistics website and I could not find an average  
9 median wage for manufacturing jobs. Now, they have  
10 hundreds of job categories, so if you're a plant  
11 operator or if you're a tire or maintenance person, they  
12 have those different categories, but I could not find  
13 one for a specific manufacturer.

14 So what this does is it sets up hundreds  
15 of targets depending on the job category that these  
16 companies have and you set up hundreds of moving targets  
17 to say what is a qualifying job and what isn't. And for  
18 East Baton Rouge Parish specifically for 2015, a  
19 chemical plant operator, the median average wage is  
20 \$35.72. So what you're saying with this requirement is  
21 that a new plant that wants to open in East Baton Rouge  
22 Parish creates a new job that only pays \$35 dollars an  
23 hour, that job does not qualify as a new job.

24 And then the administrative burden, by  
25 trying to interpret to the company that next year these



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1 wages may go up for each of these job categories and you  
2 have to be at or above that before they come out I  
3 think.

4 MR. ADLEY:

5 Let me ask this question. We do have  
6 others -- somebody from LED, this is part of your  
7 current rules, is it, or this was added?

8 MS. CLAPINSKI:

9 It's new.

10 MR. ADLEY:

11 It's new.

12 Let me make this suggestion to you:

13 Every comment that we hear today we are going to take at  
14 under advisement, and then we'll go before the full  
15 Board next week and they will have the opportunity  
16 there, that Board has to approve what we've done and  
17 that Board certainly has the authority to make changes  
18 as they see fit. If you would give us between now and  
19 next week to try and research this issue for you and get  
20 with LED and try to find some resolution for it. I  
21 think you've made a valid point. They do not list  
22 manufacturer. You need some description for that. I  
23 get that. I do.

24 MR. WEGE:

25 Right.



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MR. ADLEY:

Is there anything else?

MR. WEGE:

Yes, sir. The only other issue that I  
is have is one of the concerns I hear is that the Board  
still has the ability to determine if a project  
qualifies as a manufacturing facility even after the  
company has filed their application and paid up to  
\$15,000 fee.

MR. ADLEY:

Where are you at in the rules?

MR. WEGE:

Okay. So this would be Section 504 J.

MR. ADLEY:

I haven't found it yet.

503?

MR. WEGE:

503. I'm sorry.

MR. ADLEY:

Okay. 503. I could find 504. So where  
are you at now?

MR. WEGE:

503 J.

MR. ADLEY:

J. Okay.



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1 MR. WEGE:

2 It says, "including whether the  
3 activities at the site meet the definition of  
4 manufacturing." So basically it gives the Board the  
5 authority, after the company feels they may be a  
6 manufacturer and gone through the process and paid their  
7 up-to-\$15,000 application fee, the Board still has to  
8 determination to decide whether this project qualifies  
9 as a manufacturer or not, and for me, that, you know, I  
10 would prefer it to be clear at the beginning whether or  
11 not the project qualifies rather than wait till the end  
12 of process.

13 MR. ADLEY:

14 I assume that LED -- is this new or is  
15 this part of current law?

16 MS. CLAPINSKI:

17 That's new language.

18 MR. ADLEY:

19 It's what? If it's current language --  
20 I'm going to get them to speak, but I assume it's there  
21 to ensure that if you've gotten yourself into a  
22 five-year or a 10-year tax exemption that you're going  
23 to maintain the status that got you the tax exemption.  
24 Does not allow you the opportunity, "I had that status  
25 going in, but I've changed my position now, but I



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1 qualified then, so I get it." I assume that's what you  
2 did. I don't know that.

3 MS. CLAPINSKI:

4 The current rules state "Eligibility of  
5 the applicant and the property for exemption, including  
6 whether the constitutional definition of manufacturing  
7 establishment," so that is currently in the rules. All  
8 I've added is whether the activities at the site meet  
9 the constitutional definition. So I think that the  
10 Board has always had the ability post-application to  
11 make a determination that whether there is or is not  
12 manufacturing occurring.

13 MR. ADLEY:

14 I don't see the constitutional  
15 definition. I don't see that.

16 MS. CLAPINSKI:

17 Are you on the redline?

18 MR. ADLEY:

19 I see the definition of manufacturing.

20 MS. CLAPINSKI:

21 Are you on the redline?

22 Well, I think you need -- you need to  
23 look at the version that looks like this. That's the  
24 redline to the current rules because this shows the  
25 complete change.



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1 MR. ADLEY:

2 While you're saying that, I want to make  
3 this clear to the staff, when we get there next Friday,  
4 for the changes that we have made, provide for us, now,  
5 from your current rule where we've actually ended up, so  
6 we'll see all of them. What we saw today are only those  
7 that we were proposing in addition what we've previously  
8 done.

9 MS. CLAPINSKI:

10 There was a copy of the full redline  
11 available today as well, minus your corrections.

12 MR. ADLEY:

13 I got it, but we made some more changes  
14 today.

15 MS. CLAPINSKI:

16 Those will be incorporated so we'll have  
17 a full redline version and we'll have a clean copy with  
18 all of the changes accepted for next Friday.

19 So if you look at the redline, the  
20 current rules, the current says rule "eligibility of the  
21 applicant and the property for exemption will be  
22 reviewed by the Board based upon the facts and  
23 circumstances existing at the time the application is  
24 considered." All I've added is "including whether the  
25 activities at the site meet the definition of



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1 manufacturing." Well, that really is the eligibility of  
2 the applicant. So I don't think --

3 MR. ADLEY:

4 Right. It's the word "constitution" I  
5 kept looking for.

6 MS. CLAPINSKI:

7 That came out of the previous version  
8 because we defined manufacturing in these rules.

9 MR. ADLEY:

10 I see. I see. So we're dealing with  
11 the definition that we have defined today, the  
12 definition of manufacturing. That's what we're talking  
13 about?

14 MS. CLAPINSKI:

15 Yes, sir.

16 MR. ADLEY:

17 That's the definition.

18 MS. CLAPINSKI:

19 That's correct.

20 MR. ADLEY:

21 Certainly I'll make note of it and  
22 certainly I know the committee members will and if  
23 someone wants to possibly propose a change. I just  
24 assume it's there to ensure that you remain a  
25 manufacturer while you're getting the five or 10-year or



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1 eight-year or whatever it ends up being exemption.

2 MR. WEGE:

3 Right.

4 MR. ADLEY:

5 I assume that's what that's about. To  
6 me, it makes sense, but I get your point, and I'll make  
7 a note of that.

8 Are there any questions from the  
9 committee members about that?

10 (No response.)

11 MR. ADLEY:

12 Anything else, sir?

13 MR. WEGE:

14 No, sir. Thank you.

15 MR. ADLEY:

16 We certainly appreciate your comments.  
17 Thank you very much.

18 The next, Diane Hanley with Together  
19 Louisiana.

20 MS. HANLEY:

21 Thank you again for having me. Diane  
22 Hanley from Baton Rouge.

23 We all know I didn't get what I wanted  
24 and Together Louisiana didn't get what we wanted, but we  
25 got something really historic and I want to say that I



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1 appreciate that. I also appreciate that you publically  
2 stated to today, that you publicly reinforced it today,  
3 the principles of the executive order and that they are  
4 now embedded in the rules. And I appreciate that, and I  
5 just want that to be known.

6 We also recognize that this good work  
7 could be undone and that our job is not ended,  
8 especially, you know, as the public, keeping a light on  
9 it, keeping the energy on this, keeping things going  
10 forward and being very attentive. So just wanted to let  
11 you know we're here and we are going to keep watching  
12 and we're going to keep the conversation going.

13 But I want to say thank you. I  
14 appreciate the hard work that you've done. I appreciate  
15 the questions that you bring forward. The fact that  
16 you've brought it to a public arena, that is going to be  
17 recorded. I appreciate all of work of Mr. House, I  
18 really do, and the staff of LED and I want to say that  
19 publicly. You named those changes and that meant  
20 something, it really did, that there's job requirements  
21 now. There's local input. The MCAs will no longer be  
22 applied, will be able to apply. There's a clear  
23 definition of maintenance. That's big, and I want you  
24 to know I noticed and we noticed and we recognize that.  
25 There will be no late applications. It's not allowed in



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1 my life, it shouldn't be allowed in this. And the best  
2 part, the return investment report. We just want to  
3 know.

4 So thank you for opening this up, make  
5 it more visible, making it more public and asking the  
6 questions that are making the changes occur. Just  
7 wanted to say that publicly today.

8 MR. ADLEY:

9 We appreciate it very much, and the  
10 committee has worked hard. I thank them. I want to  
11 personally thank you on behalf of not just myself, but  
12 the Governor's office. I sat with you and him I guess  
13 just yesterday, day before, it was, as you went through  
14 all of the issues, and I think he made it very clear he  
15 wished he could wave a wand and undo everything that had  
16 been done, but he deals with very competing interests  
17 and the repetition of Louisiana is very valuable. He  
18 must protect that. He made that call, and I certainly  
19 support that. And we appreciate your support today  
20 because it is there.

21 I will tell y'all, for what it's worth,  
22 the Governor told me, he said the craziest thing. He  
23 said, "Have you ever read this magazine" -- I know you  
24 get it Robby -- "called the 'Governing'?" Ever read  
25 that magazine? They actually called him and said, "We



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1 want you to come keynote our address because we just  
2 simply do not understand out of hand you have gotten  
3 with your ITEP." But he's been very reasonable with it.  
4 And I can tell you, in these rules, everybody got  
5 something, ut nobody got everything they wanted, and  
6 that generally means it's been through a pretty good  
7 process.

8 Thank you.

9 MS. HANLEY:

10 Appreciate it. Thank you.

11 MR. ADLEY:

12 Next, Sister Bernie Barrett, Together  
13 Louisiana.

14 SISTER BARRETT:

15 Good morning.

16 MR. ADLEY:

17 Good morning, Sister.

18 MR. ADLEY:

19 My name is Sister Bernie Barrett, as  
20 you've heard, and I'm from Lake Providence, East Carroll  
21 Parish, and I'm with Northern & Central Louisiana  
22 Interfaith as well as Together Louisiana. And I, too,  
23 commend you on the work that you've done and the changes  
24 you've made, especially the public input. But I'm also  
25 here to ask you about that public input. You know, we



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1 have -- East Carroll Parish is noted for lots of things  
2 and it's talked about a lot in a negative way, but there  
3 are good things happening there. And one of the good  
4 things that happened was Myriant Chemical plant came  
5 there. Well, they got an exemption. Okay? So they  
6 got -- they also got a renewal last December, but that  
7 plant is not open right now. So I guess my question is,  
8 you know, it's a past renewal and you're saying you  
9 can't do anything about past renewals, but at the same  
10 time, I heard the phrase several times "keep their  
11 word." "Keep" -- "We have to keep our word to the  
12 industries. Louisiana has to keep their word." So I  
13 guess my question is is there a process to help keep  
14 them --

15 MR. ADLEY:

16 What parish?

17 SISTER BARRETT:

18 East Carroll Parish.

19 MR. ADLEY:

20 Is that the one Senator Thompson was  
21 here with? Is that the one we're talking about?

22 We got the impression, I know, sitting  
23 there that day that local governing authorities had no  
24 objection to what they were doing. We did not require  
25 him to go get that. That was probably a mistake, I will



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1 tell you, but we were clearly given the impression that  
2 local authorities were willing to grant that exemption  
3 to that facility. Albeit it was not operational. I  
4 will tell you, under these rules going forward, that  
5 will not be allowed.

6 SISTER BARRETT:

7 Okay. So what do we do? We have --

8 MR. ADLEY:

9 Me suggestion is you go right back to  
10 the local authorities and tell them that we've been told  
11 that they had no objection to that. There are  
12 provisions, as I understand, every agenda we look at,  
13 there are special requests that can be made and that one  
14 came to us, as I remember it, as a potential request.  
15 And so if your local governing authority, I mean, wanted  
16 to get with LED, not me, but with LED and make a special  
17 request to get back on that agenda because they object  
18 to what was done, I think they would have that right to  
19 do that. That's just my view. Legal counsel for LED  
20 will certainly make that call, but that's what I would  
21 suggest to you.

22 SISTER BARRETT:

23 Okay. But I met with sheriff this week,  
24 met with Superintendent Millikin, I met with school  
25 board members, police jury members, many of the them



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1 didn't know anything about this tax and that many of  
2 them were, you know, I'm not going -- I'm not going to  
3 say anything against Senator Thompson, but I guess the  
4 thing is, though, again, is for the ones that got  
5 renewal, you know, is there accountability, does anybody  
6 on the board, is there anybody checking to see are they  
7 doing what they said in the application?

8 MR. ADLEY:

9 The department is supposed to be doing  
10 that and making those recommendations to us based on  
11 them following the commitment. The problem -- the large  
12 part of the problem in the past has been, for instance,  
13 there's not been a jobs requirement in the applications.  
14 Generally that's what people go to to see if people  
15 honor what they promised. Some actually did promise  
16 jobs and some did not, but there was not a requirement  
17 throughout the rules for that.

18 But what you're bringing up here is  
19 clearly what we saw at our Board meeting. You're saying  
20 one thing, somebody else said another thing. It would  
21 be very helpful if those local governments that had made  
22 those statements to you would make those statements, I  
23 think, to LED would probably make big difference.

24 Mr. Miller.

25 MR. MILLER:



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1 Sister, thank you so much for coming.

2 That day Mr. Adley earlier did refer to,  
3 I did ask what the locals thought. I am a local elected  
4 official. I can tell you that in our parish, Tangipahoa  
5 Parish, that in the last six weeks or so, we had five  
6 inspections of ITEP exemptions. We have five companies  
7 where someone from LED went to the site, looked to see  
8 if the stuff -- if the manufacturing equipment was  
9 there, if it was manufacturing, if things were going on  
10 so that the renewal could -- it will become up in the  
11 next, I don't know, maybe this meeting or the next  
12 meeting, so the inspections do get done. I know that  
13 personally, from my own work experience and then from  
14 being parish president and having them come to our  
15 parish and go with out -- let our economic development  
16 director know that they were going to be in the parish  
17 checking those.

18 But I will update or confirm with what  
19 Senator Adley is saying that going to your locals is  
20 absolutely the way to go. I mean, I think that, being a  
21 local now especially, I think is most important for us  
22 to be involved.

23 SISTER BARRETT:

24 Right. We tried to do that.

25 But anyway, thank you. I think you've



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1 given me more work to do. Thank you.

2 MR. ADLEY:

3 And I believe you will be very effective  
4 at it, too. I do. They told me when I came here they  
5 said there are two rules when you were elected office in  
6 Louisiana, and that was never to argue with the NRA nor  
7 God and you will be fine. I assume you will do well.

8 Dawn Collins. Is that correct? Baton  
9 Rouge, Louisiana.

10 MS. COLLINS:

11 Yes. I'm here as myself, but I do have  
12 to say that I am a locally-elected official here in East  
13 Baton Rouge Parish. I serve on the school board. New.  
14 Started in March.

15 I'll keep my remarks brief. I will say  
16 as a newly-elected board member to East Baton Rouge  
17 school boards, in talking with some of my colleagues  
18 that have been on the board for a while, we were  
19 clueless about this, about ITEP. And it would be  
20 helpful to us as to process continues if there is  
21 something on the state level to educate the local  
22 elected officials. It's a concern for those in  
23 education. It's also a concern for those in law  
24 enforcement.

25 Louisiana tends to be at the bottom of



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1 everything good, at the top of everything bad, and I  
2 think the way that we handled our budget reflects that.

3 I appreciate the work that this Board is  
4 doing. Of course, I don't like the amendments -- I  
5 don't like some of the amendments, rather, to the  
6 executive order, but I get it that it's a compromise, so  
7 it's a step in the right direction with some very basic  
8 but very important things have taken place, like  
9 definitions of manufacturing, et cetera.

10 MR. ADLEY:

11 Let me make this suggestion to you: LED  
12 is in the process of meeting with all local governments  
13 trying to inform them and teach them how to be ready to  
14 deal with these Exhibit A's, how to participate in the  
15 process, questions are asked and other things. So I  
16 highly recommend you maybe get with Mandi or one of them  
17 over there and I'm sure they will get directly with your  
18 parish to do just that.

19 MS. COLLINS:

20 All right. So I'll close with just this  
21 thought. As I mentioned, you know, the way we handle  
22 our budget, the way we advocate our resources is a  
23 direct reflection of our priorities, and we come down  
24 hard on social welfare. We were the only state with a  
25 charity system, and that was bad according to some, but



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1 when it comes to things like this, it's such a fight,  
2 but when it comes to what some might call corporate  
3 welfare, it's such a fight just to get something fair  
4 and balanced. And so I appreciate the work that the  
5 Board has been doing. I appreciate the Governor's  
6 efforts and I think very much and I will get with LED.  
7 Thank you.

8 MR. ADLEY:

9 Thank you, Dawn. Thank you very much.  
10 The last speaker, Sandra Franklin,  
11 Together Louisiana.

12 Olive Street is located where?

13 MS. FRANKLIN:

14 In Alexandria. I apologize. I thought  
15 I put that on there.

16 MR. ADLEY:

17 I just wanted to make sure you wasn't  
18 from Texas or something.

19 MS. FRANKLIN:

20 Well, good morning.

21 MR. ADLEY:

22 Good morning. How are you?

23 MS. FRANKLIN:

24 Hi. My name is Sandra Franklin. I'm  
25 from Alexandria, Louisiana. I currently serve on the



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1 school board there, and I'm so thankful for the  
2 opportunity to be here to speak to you-all, to Chairman  
3 and to the committee and to LED as well for their  
4 efforts and energy that you-all have put forward to help  
5 this to make happen.

6 I am so excited to know that you're  
7 going to keep local input. That was a concern for me.  
8 I do serve on the board, and with the amount of funds  
9 that are not given to us as a result of the tax  
10 exemption can make a difference. I have a district  
11 where there are good bit of the schools are over 50  
12 years and some over 60, and so maintenance and repairs  
13 of those facilities are important. It's hard to say  
14 let's build a new school. We know that will be a very  
15 tough hill to climb, so to speak. So we're thankful for  
16 the effort you-all put forward in regards to that.

17 Not only for the school system, I'm very  
18 pleased to know that, with our sheriff and local law  
19 enforcement and having that access and information to  
20 share. We've always heard it's better to start with the  
21 locals. Hasn't that been the theme for many years? We  
22 want to hear what the local individuals have to say. So  
23 this is an opportunity. You know, I'm so glad to see  
24 that after three years there will be some review and  
25 considerations. Not all, but up to. I love those



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1 phrases. Up to, those words, rather. So it means that  
2 gives an opportunity to negotiate and to share the  
3 information. If we don't know what's happening, we  
4 really can't respond to it. As you've heard several  
5 people say they were not aware of what ITEP was going to  
6 be doing or the executive order given by the Governor,  
7 so how do we know? Well, that's way I'm here to hear it  
8 face-to-face and to hear it from you-all and for you to  
9 hear from me as a local official in Rapides Parish. And  
10 I'm looking forward to great opportunities for us to  
11 grow. Louisiana has great potential and Louisiana can  
12 do and will do better if we allow ourselves to do so.

13           What I also love while I was sitting  
14 here was the dialog that was taking place, their  
15 interaction with the committee as well as with LED.  
16 That lets me know that you are willing to work together  
17 to get this done, and that's what Together Louisiana is  
18 about, working as a state as a whole for the greater  
19 good for all.

20           So I am so thankful that I've had this  
21 opportunity to come and speak before you-all this  
22 morning and look forward to working with you-all in the  
23 future as well.

24           So, gentlemen, have a great day. Thank  
25 you.



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1 MR. ADLEY:

2 Ma'am, we --

3 MS. FRANKLIN:

4 Did you have questions for me? I'm  
5 sorry.

6 MR. ADLEY:

7 No. That's fine. Thank you very much.

8 I do say this for the committee's  
9 benefit, and the number is not absolutely correct, but I  
10 do remember it when I was dealing with ITEP issue and  
11 inventory taxes and the like back when I was in the  
12 senate.

13 MS. FRANKLIN:

14 Sure.

15 MR. ADLEY:

16 And 20 percent of current ITEP is in  
17 excess of \$500-million back to local government, so the  
18 cap itself at 80 percent on renewals is very  
19 substantial. The number can obviously grow much larger  
20 because you participate in whether or not you want to  
21 give as much as 80 percent.

22 MS. FRANKLIN:

23 Correct.

24 MR. ADLEY:

25 So I just want everybody to understand



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1 it is substantial. It may be a slow process, but it is  
2 a substantial change from where we've been.

3 MS. FRANKLIN:

4 Well, first of all, I do want to say we  
5 are going in the right direction. You're giving an  
6 opportunity to where people who are directly affected by  
7 those funds and they have input with that as well, so I  
8 think you-all are going in the right direction.

9 Again, I thank you-all for all that you  
10 have done and what you will continue to do in this  
11 process.

12 So, gentlemen, again, have a wonderful  
13 day. Thank you.

14 MR. ADLEY:

15 Thank you, ma'am.

16 Those are all of our speakers.

17 Do you wish say something, Mandi?

18 MS. MITCHELL:

19 I'll be very brief.

20 MR. ADLEY:

21 It's 18 minutes till lunch.

22 MS. MITCHELL:

23 Yes, sir. I'll be extremely brief, but  
24 on behalf of Secretary Pierson, I would be remiss if I  
25 did not report out to the committee that LED, in



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1 addition to working with with the rules committee to  
2 bring in the updates and amendments to the rules to get  
3 you to the point where you are today, our staff has been  
4 dividing and conquering and going out to the public and  
5 making presentations on the changes to the Industrial  
6 Tax Exemption program. I personally have presented to  
7 the School Boards Association as their Fall conference,  
8 and we have also presented to the Louisiana Municipal  
9 Association's Executive Board. Secretary Pierson also  
10 presented to Louisiana Sheriff's Association, and so we  
11 have been making the rounds.

12 Secretary Pierson also appeared before  
13 two different groups of local governing body agencies in  
14 a workshop-type setting format in North Louisiana. We  
15 had a timeline laid out to cover the entire state  
16 through all of our regions, however, the flood happened.  
17 And so I just wanted to report to this committee and to  
18 the Board of Commerce and Industry that LED will be  
19 working very diligently to educate local officials on  
20 this new power and authority that they have in this  
21 process, and we're working very closely with our  
22 regional economic development partners, which we have  
23 eight regions that we divide up throughout the state to  
24 facilitate that. So I'm certain Secretary Pierson would  
25 like me to say that.



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1 MR. ADLEY:

2 Look, Mandi, I thank you, Mr. House, all  
3 off you really. Man, y'all have done -- you've worked  
4 well with us and we thank you for it.

5 I've got one last request of you.  
6 Sometime, if we can get it done as quickly as possible,  
7 next week, the issue that was raised about no  
8 manufacturer listing at this website with the US Bureau  
9 so that we can try to get to the bottom of that.

10 MS. MITCHELL:

11 Yes. I've already reached out to our  
12 policy and analysis team, and it is available. What's  
13 provided is a wage rate at the annual level, so it would  
14 have to be broken down to an hourly rate, but there is a  
15 general -- some information on that, so we'll provide it  
16 to the Board and make sure you have it.

17 MR. ADLEY:

18 And the gentleman sitting behind you,  
19 too. Let's provide it to him. So if it's an issue I  
20 need to deal with, we'll deal with it. If it's not, I  
21 need to know about it.

22 MS. MITCHELL:

23 Yes, sir.

24 MR. ADLEY:

25 Thank y'all so much. Members of the



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1 committee, you've been great. Thank you very, very  
2 much.

3 MR. HOUSE:

4 You need to vote.

5 MR. ADLEY:

6 Oh, yeah, we do.

7 With that, we now have to adopt the  
8 entire set of rules and not just the amendments, and so  
9 Mr. Miller would now move for the adoption of the entire  
10 set of rules and Mr. Fabra would second that motion.

11 Is there any objection to the adoption  
12 of those rules?

13 I back that up. Mr. Fabra withdraws his  
14 second. Mr. Fajardo would like to second, so he seconds  
15 it for the adoption of the entire set of rules.

16 Is there any objection to those  
17 amendments -- to those adoption of the rules as amended?

18 (No response.)

19 MR. ADLEY:

20 Without objection, those are the rules  
21 we'll present to the Board.

22 And with that, we are adjourned. Thank  
23 you.

24 (Meeting concludes at 11:49 a.m.)  
25



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18 That I am not related to counsel or to the  
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