

BOARD OF COMMERCE AND INDUSTRY MEETING

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BOARD OF COMMERCE AND INDUSTRY MEETING,  
TAKEN AT THE STATE CAPITOL, HOUSE COMMITTEE ROOM  
5, BATON ROUGE, LOUISIANA ON AUGUST 23, 2017  
COMMENCING AT 9:35 A.M.

REPORTED BY:

RACHEL TORRES-REGIS, CCR, RPR  
CERTIFIED COURT REPORTER



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- 1 APPEARANCES OF BOARD MEMBERS:
- 2 Steven Windham
- 3 Robert Adley
- 4 Robert Barham
- 5 Millie Atkins
- 6 Glenn Brasseaux
- 7 Yvette Cola
- 8 Major Coleman
- 9 Heather Malone
- 10 Jan Moller
- 11 Anne Villa
- 12 Scott Richard
- 13 Bobby Williams
- 14 Representative Carmody
- 15 Robby Miller
- 16 Manny Fajardo
- 17 Senator Ward
- 18 Senator Chabert
- 19 Darrel Saizan
- 20 Dr. Wilson
- 21 Ronnie Slone
- 22 Jerry Jones
- 23 Rickey Fabra
- 24
- 25



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 APPEARANCES OF STAFF MEMBERS:

2

3 Melissa Sorrell

4 Brenda Guess

5 Eric Burton

6 Becky Lambert

7 Kristin Cheng

8 Danielle Clapinski, Esq.

9 Frank Favaloro

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1 MR. WINDHAM:  
2 All right. Now we'll call the  
3 meeting to order. Board of  
4 Commerce and Industry. August  
5 23, 2017. It's roughly 9:34.

6 Ms. Sorrell, if you will call  
7 the roll call, please.

8 MS. SORRELL:  
9 Robert Adley.

10 MR. ADLEY:  
11 Here.

12 MS. SORRELL:  
13 Robert Barham.

14 MR. BARHAM:  
15 Here.

16 MS. SORRELL:  
17 Representative Abramson.  
18 Millie Atkins.

19 MS. ATKINS:  
20 I'm here.

21 MS. SORRELL:  
22 Daniel Schexnaydre on behalf  
23 of Abramson. Okay. Millie Atkins.

24 MS. ATKINS:  
25 I'm here.



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



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1           Senator Ward for Senator  
2 Martiny.

3           MR. MARTINY:

4           Here.

5           MS. SORRELL:

6           Robby Miller.

7           MR. MILLER:

8           Here.

9           MS. SORRELL:

10          Jan Moller.

11          MR. MOLLER:

12          Here.

13          MS. SORRELL:

14          Senator Chabert.

15          MS. CHABERT:

16          Here.

17          MS. SORRELL:

18          Anne Villa for Secretary

19 Pierson.

20          MS. VILLA:

21          Here.

22          MS. SORRELL:

23          Scott Richard.

24          MR. RICHARD:

25          Here.



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1 MS. SORRELL:  
2 Darrel Saizan. Danny  
3 Schexnaydre. Ronnie Slone.

4 MR. SLONE:  
5 Here.

6 MS. SORRELL:  
7 Bobby Williams.

8 MR. WILLIAMS:  
9 Here.

10 MS. SORRELL:  
11 Steve Windham.

12 MR. WINDHAM:  
13 Here.

14 MS. SORRELL:  
15 Dr. Woodrow Wilson.

16 MR. WILSON:  
17 Here.

18 MS. SORRELL:  
19 We have a quorum.

20 MR. WINDHAM:  
21 Thank you, Ms. Sorrell. I  
22 hope everyone has had a chance to  
23 review the minutes and enter a  
24 motion to approve them. By  
25 representative Carmody, and



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1 seconded by Mr. Moller. All in  
2 favor indicate with an aye.

3 ALL BOARD MEMBERS:

4 Aye.

5 MR. WINDHAM:

6 All oppose with a nay.

7 Motion carries.

8 Next we have up to Quality  
9 Jobs program presented by Eric  
10 Burton.

11 MR. BURTON:

12 Good morning. I have five  
13 new applications to present.

14 The first one is 20151178,  
15 Audubon Engineering Operations,  
16 LLC in Jefferson Parish.

17 20151287, Express Lien, Inc.  
18 dba Zien in Orleans Parish.

19 20161943, General  
20 Informatics, LLC in East Baton  
21 Rouge Parish.

22 20151041, Pin Oak Holdings,  
23 LLC in St. John the Baptist  
24 Parish.

25 20150189, Epic Piping, LLC in



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1 Livingston Parish.

2 This concludes the new  
3 applications for Quality Jobs.

4 MR. WINDHAM:

5 Thank you, Mr. Burton.

6 Are there any questions on  
7 any of these applications from  
8 the Board members? Are there any  
9 comments from the public  
10 concerning any of these  
11 applications?

12 Is there a motion to approve?  
13 Made by Dr. Wilson and seconded  
14 by Mr. Slone. All in favor  
15 indicate with an aye.

16 ALL BOARD MEMBERS:

17 Aye.

18 MR. WINDHAM:

19 All oppose with a nay. Motion  
20 carries.

21 MR. BURTON:

22 Next item on the agenda is  
23 going to be the Quality Jobs  
24 Renewals. We have three.

25 20120965, Intralox, LLC. in



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1 Tangipahoa Parish.  
2 20120517, Laitram Machinery,  
3 Inc. in Jefferson Parish.  
4 20120766, Methanex USA LLC,  
5 Methanex USA Services LLC, and  
6 Methanex Louisiana, LLC in  
7 Ascension Parish.

8 MR. WINDHAM:

9 Thank you. Are there any  
10 questions by any of the Board  
11 members for these renewals for  
12 the Quality Jobs Program? Any  
13 comments from the public  
14 concerning any of these  
15 applications? Is there a motion  
16 to approve? Made by Ms. Atkins.  
17 Seconded by Ms. Villa. All in  
18 favor indicate with an aye.

19 ALL BOARD MEMBERS:

20 Aye.

21 MR. WINDHAM:

22 All oppose with a nay. Motion  
23 carries.

24 MR. BURTON:

25 We have four specials for



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1 Quality Jobs. First one is going  
2 to be a Request for a Change in  
3 Name only from the following  
4 contract.

5 Contract No. 060743 from  
6 Danos & Curole Marine  
7 Contractors, LLC to Danos, LLC in  
8 Lafourche Parish.

9 Next one is going to be  
10 request for a change in location  
11 only of the following contract.  
12 20110996, the Schumacher Group of  
13 Louisiana, Inc. and TSG Resources  
14 Inc from 901 Hugh Wallis Road to  
15 102 Asma Boulevard, both in  
16 Lafayette Parish.

17 20130849, IBM Corporation.  
18 Changing from 5353 Essen Lane in  
19 Baton Rouge to 100 North Street  
20 in Baton Rouge in East Baton  
21 Rouge Parish.

22 And the final items is going  
23 to be Request to Cancel the  
24 following contract.

25 20151546, Complete Logistical



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1 Services, LLC in Orleans Parish.  
2 The company requested to cancel  
3 the contract due to not meeting  
4 the minimum hourly healthcare  
5 requirements. No benefits have  
6 been received under this  
7 contract.

8 MR. WINDHAM:

9 You read my mind on that  
10 question.

11 Are there any questions from  
12 any of the Board members  
13 concerning these special  
14 requests? Any comments from the  
15 public? Is there a motion made by  
16 Mayor Brasseaux and seconded by  
17 Bobby Williams.

18 All in favor indicate with an  
19 aye.

20 ALL BOARD MEMBERS:

21 Aye.

22 MR. WINDHAM:

23 All oppose with a nay.

24 Motion carries. Thank you, Mr.  
25 Burton.



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1 MR. BURTON:

2 Thank you.

3 MR. WINDHAM:

4 Next on the agenda we have

5 Ms. Becky Lambert with the

6 Restoration Tax Abatement

7 Program. Ms. Lambert.

8 MS. LAMBERT:

9 Good morning. I'm presenting

10 seven new applications for

11 Restoration Tax Abatement. The

12 first one is application No.

13 20160908 for 1428 Ursulines

14 Avenue, LLC in Orleans Parish.

15 20161825, Abita Guest House,

16 LLC, St. Tammany.

17 20121067, Jeff and Alissa

18 Schmidtke, Orleans.

19 20161636, L'Auberge Placage,

20 LLC, in Orleans.

21 20161778, MJMT Properties,

22 LLC in Calcasieu.

23 20170038, Nu Homes, LLC in

24 Lafourche.

25 20131388, the Natchez, New



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1 Orleans, LLC in Orleans.

2 This concludes the new  
3 applications.

4 MR. WINDHAM:

5 I assume all of these are the  
6 proper endorsements from the  
7 locals.

8 MS. LAMBERT:

9 These all have endorsements  
10 from the locals, governing  
11 authority and all have met  
12 conditions of the rules from the  
13 program.

14 MR. WINDHAM:

15 Thank you, Ms. Lambert. Are  
16 there any questions from any of  
17 the Board members? Any comments  
18 on any of these applications from  
19 the public? Is there a motion?  
20 Made by Mr. Miller. Seconded by  
21 Dr. Wilson.

22 All in favor indicate with an  
23 aye.

24 ALL BOARD MEMBERS:

25 Aye.



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1 MR. WINDHAM:

2 All oppose with a nay.

3 Motion carries.

4 MS. LAMBERT:

5 That concludes the

6 Restoration Tax Abatement Program

7 applications for this session.

8 MR. WINDHAM:

9 Thank you, Ms. Lambert.

10 Next we have filling in Frank

11 Favaloro.

12 MR. FAVALORO:

13 Favaloro.

14 MR. WINDHAM:

15 Mr. Favaloro filling in for

16 Joyce Metoyer on the Enterprise

17 Program. Mr. Favaloro.

18 MR. FAVALORO:

19 Yes, sir. We have ten new

20 applications for the Enterprise

21 Zone Program.

22 20151315, AFS Logistics, LLC.

23 20130182, Cajun Constructors,

24 LLC.

25 20150087, CWLC, LLC dba



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1 Candlewood Suite.  
2 20141311, KW Restaurants,  
3 LLC.  
4 20140963, NMC Operating  
5 Company, LLC.  
6 20151855, Performance  
7 Contractors, Inc.  
8 20150953, Rampart Mixed-Use  
9 Complex, LLC dba Homewood Suites.  
10 20130358, Shintech Louisiana,  
11 LLC.  
12 20141472, Slumber Corners  
13 NOLA, LLC.  
14 And 20130903, Willis Knighton  
15 Medical Center, Inc.  
16 That completes the  
17 applications.  
18 MR. WINDHAM:  
19 Thank you, Mr. Favaloro. Mr.  
20 Adley.  
21 MR. ADLEY:  
22 Just one question. The  
23 restaurants, the KW Restaurants  
24 was submitted in, what, January  
25 13 of '17. I thought the



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1 legislature did something with  
2 restaurants. I know we went  
3 through this each time. What the  
4 is effective date when that  
5 began?

6 MR. FAVALORO:

7 The advance was filed prior  
8 to the legislative change, I  
9 believe in 2014 -- '13. Excuse  
10 me. '14.

11 MR. ADLEY:

12 So it didn't have anything to  
13 do with the submitted date?

14 MR. FAVALORO:

15 No, sir.

16 MR. ADLEY:

17 And, so, the date we should  
18 look for is when -- it actually  
19 takes effect is when?

20 MR. FAVALORO:

21 Is the date when the advance  
22 was filed.

23 MR. ADLEY:

24 No. No. The legislative  
25 date when we won't be seeing the



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1 restaurants anymore.

2 MR. FAVALORO:

3 As of 20 and -- restaurants  
4 were taken -- I got to find it on  
5 the list. I'm sorry.

6 MR. ADLEY:

7 Just send me a text or e-mail  
8 so I can mark that down.

9 MR. FAVALORO:

10 Sure. Will do.

11 MR. ADLEY:

12 I need that date at this  
13 time. Thank you.

14 MR. FAVALORO:

15 Yes, sir.

16 MR. WINDHAM:

17 Thank you, Mr. Adley. Are  
18 there any other questions from  
19 any of the Board members? Any  
20 comments from the public  
21 concerning any of these  
22 Enterprise Zone applications? Do  
23 we have a motion to approve.  
24 Made by Mr. Slone. Seconded by  
25 Ms. Atkins.



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1 All in favor indicate with an  
2 aye.

3 ALL BOARD MEMBERS:

4 Aye.

5 MR. WINDHAM:

6 All oppose with a nay.

7 Motion carries.

8 MR. FAVALORO:

9 There are eight Contract  
10 Termination Requests.

11 20121306, International Matex  
12 Tank Terminals, LLC. Contract  
13 period, 1/1/2013 through  
14 12/31/2017. Requested Term date,  
15 6/30/2017. On all of these, the  
16 program requirements have been  
17 met and no additional jobs are  
18 anticipated.

19 20110009, Red Stick  
20 Hospitality, LLC. Contract  
21 period 9/1/2011 through  
22 8/31/2016. Requested term date,  
23 12/31/2015.

24 20120765, Poydras Home.  
25 Contract period 4/15/2012 through



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1 4/14/2017. Requested termination  
2 date 12/31/15.

3 20100779, Berry Contracting,  
4 LP. Contract term 3/1/2012  
5 through 2/28/2017. Requested  
6 term date 12/31/15.

7 20110777, The Fresh Market.  
8 Inc. in Orleans. 6/2/2011  
9 through 6/1/2016. Requested  
10 term, 12/31/14.

11 20130031, Intelligent  
12 Transport Systems, LLC. 1/9/2013  
13 through 1/8/2013. Requested  
14 term, 7/8/2015.

15 20131200, Laxmi of Broussard,  
16 LLC. 10/8/2013 through 10/7/18.  
17 The requested term date of  
18 10/7/2016.

19 20131432, Shree Jay Ambe,  
20 LLC. Contract term 2/1/14  
21 through 1/31/2019. Requested  
22 term date 12/31/16.

23 That concludes the contract  
24 termination requests.

25 MR. WINDHAM:



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1           Are there any other questions  
2           from any of the Board members  
3           concerning the termination of the  
4           Enterprise Zone contracts?  
5           Comments from the public  
6           concerning these terminations.

7           Is there a motion to approve  
8           the termination of these  
9           contracts? Mr. Moller. Seconded  
10          by Mr. Slone.

11          All in favor indicate with an  
12          aye.

13          ALL BOARD MEMBERS:

14          Aye.

15          MR. WINDHAM:

16          All oppose with a nay.

17          Motion carries.

18          MR. FAVALORO:

19          There is actually one  
20          contract of cancellation. The  
21          first four have been deferred.

22          The deferrals are 20100873,  
23          20120271, 20120269 and 20130937.

24          MR. WINDHAM:

25          Requested by the company?



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1 MR. FAVALORO:

2 Yes, sir.

3 MR. WINDHAM:

4 Is there a motion to approve  
5 the deferral of these --  
6 consideration of these? Made by  
7 Dr. Wilson. Seconded by Ms.  
8 Atkins.

9 All in favor indicate with an  
10 aye.

11 ALL BOARD MEMBERS:

12 Aye.

13 MR. WINDHAM:

14 All oppose with a nay.  
15 Motion carries.

16 MR. FAVALORO:

17 The one that is up for  
18 cancellation is 20120968,  
19 mortgage contracting services,  
20 LLC in Lincoln Parish. Company  
21 did Not meet the EZ program  
22 requirements.

23 MR. WINDHAM:

24 Is there a company  
25 representative here? Are there



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1 any questions by any of the Board  
2 members concerning this  
3 cancellation? Any comments from  
4 the public?

5 All in favor -- I'm sorry.

6 Is there a motion to approve the  
7 cancellation of these contracts?

8 Made by Ms. Villa. Seconded by  
9 Ms. Atkins.

10 All in favor indicate with an  
11 aye.

12 ALL BOARD MEMBERS:

13 Aye.

14 MR. WINDHAM:

15 All oppose with a nay.

16 Motion carries.

17 MR. FAVALORO:

18 That concludes the Enterprise  
19 Zone Program.

20 MR. WINDHAM:

21 Mr. Favaloro, you did a fine  
22 job.

23 Next we have the Industrial

24 Tax Exemption Program presented

25 Ms. Kristin Cheng. Good morning.



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1 MS. CHENG:

2 Good morning. I have 44 new  
3 applications. I do want to note  
4 that Certainteed Corporation and  
5 Certainteed Corporation Roofing  
6 Products Group, 20160946 and  
7 20160945 would like to be  
8 withdrawn.

9 MR. WINDHAM:

10 I am sorry. Can you say that  
11 again.

12 MS. CHENG:

13 Certainteed Corporation and  
14 Certainteed Corporation Roofing  
15 Products Group. 20160946 and  
16 20160945 are being withdrawn by  
17 the company.

18 MR. WINDHAM:

19 All right. Thank you. Mr.  
20 Adley. I'm sorry. Ms. Cheng,  
21 hold on a second. Mr. Adley.

22 MR. ADLEY:

23 ITEP applications. I want to  
24 suggest, Mr. Chairman, the first  
25 group of applications, the



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1 advanced notice file prior to  
2 6-24 that we could do those  
3 in-globo. We just have some  
4 questions about some of the  
5 reporting of the jobs. If you  
6 can allow me any other questions  
7 just to deal with those. Once  
8 those are dealt with, I believe  
9 we'd probably be in a position to  
10 approve in-globo.

11 MS. CHENG:

12 Can I make a correction  
13 before you do that because --

14 MR. WINDHAM:

15 Please, Ms. Cheng.

16 MS. CHENG:

17 20151912, Entergy Louisiana  
18 is listed as St. Landry Parish.  
19 It's actually Acadia Parish.

20 MR. WINDHAM:

21 Which one is that?

22 MS. CHENG:

23 20151912, Entergy Louisiana,  
24 LLC is listed as being in St.  
25 Landry Parish. It's actually in



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1 Acadia Parish.

2 MR. WINDHAM:

3 Okay. All right. Thank you.

4 We'll check that correction.

5 So, Mr. Adley, I will take  
6 that as a motion to approve  
7 in-globo subject to questions,  
8 comments from the public.

9 MR. ADLEY:

10 Yeah. That's correct.  
11 There's not any objections to  
12 them, but I think the way we  
13 layout our form here may need to  
14 be changed. And these questions  
15 may help us get there as well.  
16 I'm hoping.

17 MR. WINDHAM:

18 All right. Got to second a  
19 second. Dr. Wilson. All right.

20 Now, Mr. Adley, you have a  
21 question.

22 MR. ADLEY:

23 Yeah. Just before these  
24 comments, I just have a question  
25 for each one of them. They are



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1 very brief. Is Dow -- someone  
2 representing Dow here.

3 MR. WINDHAM:

4 Please step forward and  
5 identify yourself.

6 MR. ADLEY:

7 I have to admit to the Board  
8 and everyone here to show my  
9 ignorance this morning, while I  
10 looked at the numbers on these  
11 applications in the past, I just  
12 assume they were all new. I now  
13 realize that when I look at the  
14 number and I see a letter A, B,  
15 C, D or whatever behind it,  
16 that's -- that's ongoing project  
17 for the same project --

18 MS. CHENG:

19 Yes.

20 MR. ADLEY:

21 -- as I understand it.

22 MS. CHENG:

23 Correct.

24 MR. ADLEY:

25 And there were four of them



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1 in this group that were ongoing,  
2 and how they listed those jobs  
3 was a question that I have. At  
4 Dow you listed zero jobs, and  
5 this is the second part of this  
6 project has got an A behind it,  
7 which is probably, I think, the  
8 appropriate way to list it.

9 What were those jobs  
10 associated with the initial  
11 project? Do you know what they  
12 were?

13 MR. WINDHAM:

14 Can you identify yourself for  
15 the record.

16 MS. DALE:

17 Yes. Roma Dale with Dow  
18 Chemical Tax Energy. The  
19 initials should have been filed  
20 with that advance in 2012, and --  
21 I don't know if I have  
22 everything, but -- the initial  
23 phase does not appear to have  
24 included any increase in  
25 employment.



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1 MR. ADLEY:  
2 Okay. So the numbers, the  
3 same number that you had at the  
4 very beginning, zero -- all being  
5 zero.

6 MS. DALE:

7 Yes.

8 MR. ADLEY:

9 Okay. Thank you. And BASF.  
10 Is there someone from BASF?

11 MR. WINDHAM:

12 Thank you, ma'am. A  
13 representative from BASF, please.  
14 Step forward and identify  
15 yourself.

16 MR. BAILEY:

17 John Bailey, site controller,  
18 BASF Geismar Louisiana plant.

19 MR. ADLEY:

20 This appears to be the second  
21 part of an ongoing larger  
22 project.

23 MR. BAILEY:

24 Yes, sir.

25 MR. ADLEY:



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1           And there are 43 jobs shown  
2 with it.

3           MR. BAILEY:

4           Right.

5           MR. ADLEY:

6           So my question is with the  
7 initial application, how many  
8 jobs were with the initial  
9 application.

10          MR. BAILEY:

11          The initial application was  
12 43.

13          MR. ADLEY:

14          So it's the same 43 as the  
15 initial.

16          MR. BAILEY:

17          Yes.

18          MR. ADLEY:

19          Okay. Thank you, very much.

20          MR. WINDHAM:

21          Thank you, sir.

22          MR. ADLEY:

23          The third is Sabine Pass.

24          MR. WINDHAM:

25          Is there a representative for



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1 Sabine Pass. Step forward and  
2 identify yourself.

3 MS. CARTER:

4 Good morning. I'm Andrea  
5 Carter. I'm a senior tax counsel  
6 for Shell.

7 MR. ADLEY:

8 Andrea, you got a D behind  
9 yours, which we listed the 5th, I  
10 guess. The first one will have  
11 -- I see one lady shaking her  
12 head, but I think they're wrong.  
13 If it doesn't have A, it's the  
14 first one. Then you got A, B, C  
15 and D. That's four more, so this  
16 would be the 5th application  
17 dealing with this particular  
18 project.

19 MS. CARTER:

20 Actually, for contract  
21 20110659 that was a front end  
22 contract that we entered into in  
23 anticipation of placing liquid  
24 fraction service. As we readied  
25 the facility, then we've had four



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1 contracts, the A, B, C and D. We  
2 have not placed assets and  
3 service under that front end  
4 contract of 0659.

5 MR. ADLEY:

6 That's exactly what I mean.  
7 You say it well. And you show  
8 253 jobs.

9 MS. CARTER:

10 Yes, sir.

11 MR. ADLEY:

12 Is that 253 for part D or is  
13 that 253 from the initial  
14 contract.

15 MS. CARTER:

16 That would be from the  
17 initial contract. As we place  
18 assets and service then we're  
19 adding to our operations staff,  
20 our maintenance staff, and we've  
21 opted to go with accumulative  
22 number in speaking with LED  
23 staff. That seems the most  
24 accurate way to reflect the total  
25 impact of the project as it's



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1 being developed.

2 MR. ADLEY:

3 Thank you very much.

4 MS. CARTER:

5 You are welcome.

6 MR. ADLEY:

7 The last question I have is  
8 for Westlake Chemical.

9 MR. WINDHAM:

10 Is there a representative  
11 from Westlake Chemical. Please  
12 step forward and identify  
13 yourself.

14 MS. ELLENDER:

15 Hi. My name is Angela  
16 Ellender with Westlake Chemical  
17 Corporation.

18 MR. ADLEY:

19 Ma'am, your second  
20 application, the 20140297-A,  
21 which means this is the second  
22 part of this particular project  
23 shows 35 jobs. My question is is  
24 that 35 jobs with this A or is  
25 that 35 from the beginning.



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1 MS. ELLENDER:  
2 Would be the total. 35 jobs  
3 for the total 2014297.

4 MR. ADLEY:  
5 With your initial application  
6 would be correct. Okay. Thank  
7 you very much.

8 MS. ELLENDER:  
9 Thank you.

10 MR. ADLEY:  
11 Mr. Chairman, the question,  
12 the reason I ask them, if you go  
13 down the page now to new  
14 permanent jobs where we list the  
15 new jobs.

16 MR. WINDHAM:  
17 Yes.

18 MR. ADLEY:  
19 There is a total of 507.  
20 That includes all of the jobs the  
21 35, the 253, the 43, and zeros  
22 that have already been counted in  
23 the initial application, and then  
24 when they come back a second,  
25 third or 4th, if we keep adding



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1 it in that column they keep  
2 getting added again and again and  
3 again.

4 MR. WINDHAM:

5 Correct.

6 MR. ADLEY:

7 That does not give us a clear  
8 figure of what jobs are there, so  
9 what I wanted to suggest, and not  
10 objecting for approval of any of  
11 these, suggest to LED that under  
12 the jobs column that we would add  
13 another column so that we break  
14 this up into two pieces. One  
15 column would have what the  
16 initial jobs were, with the  
17 initial application, when you  
18 have multiple applications with  
19 the same project. The other  
20 column will list if there are any  
21 jobs being added along the way.  
22 If not, we'll have zeros there so  
23 we don't double count when we  
24 total them. Because clearly  
25 there is what looks like, and I



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1 recognize that something has  
2 probably been going on for a long  
3 time, but we believe in this  
4 Governor's office that being  
5 transparent, very clear, very  
6 accurate with the numbers is the  
7 best approach, and, so, if you  
8 put the two columns of companies  
9 instead of keep adding the same  
10 number, they will start putting  
11 zero over there where it belongs  
12 and then we'll have an accurate  
13 count.

14 Is it possible to do that in  
15 the department?

16 MR. WINDHAM:

17 I think the computers would  
18 have to be reprogramed. Ms.  
19 Villa, I think you might be able  
20 to help with that, and I would  
21 also like to bring up another  
22 point related to a similar  
23 concept. Ms. Villa.

24 MS. VILLA:

25 So in response to Mr. Adley's



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1 request, we can most certainly  
2 get with our firm that develops  
3 the fast lane database for us.  
4 We're actually going through a  
5 rewrite of the complete system  
6 and we are actually going to be  
7 called next generation as we plan  
8 to deploy in about May, June of  
9 next year, and so we are in the  
10 midst of going through some  
11 reconfigurations, and we can  
12 certainly put this into place for  
13 the next generation. We can talk  
14 to see what we can do for this  
15 generation. Of course, any  
16 allocation of dollars that we put  
17 to making these changes because  
18 they could be potentially costly  
19 to make program changes and could  
20 also potentially delay our next  
21 generation, so we're trying not  
22 to make changes, but we can see  
23 internally what we could  
24 potentially do when we export the  
25 data.

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1 MR. ADLEY:

2 If nothing else, when you get  
3 one of these applications going  
4 forward, if you don't do anything  
5 but put an asterisk by it and a  
6 note at the bottom of the page,  
7 now, these aren't really new jobs  
8 being added today. I mean, what  
9 has happened is if I were walking  
10 in off the street today and  
11 looking at this agenda, I would  
12 think with this ITEP I've added  
13 507 new jobs. In reality, I've  
14 added less than half of that  
15 because half of these jobs are  
16 added with the initial  
17 application, and so we just  
18 trying to get to a point where we  
19 have got very accurate data to  
20 work with and so --

21 MS. CHENG:

22 I can check with any new --  
23 the applicants for any other new  
24 applications that come forward  
25 and verify which jobs were



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1 actually created as a result of  
2 that specific phase of the  
3 project.

4 MR. ADLEY:

5 Not going to ask you to go  
6 back and try to vet out  
7 everything that's been done over  
8 the years, but going forward, if  
9 somebody comes in -- for  
10 instance, if Dow comes in next  
11 time to beat -- not Dow. They  
12 are at zero period, but if one of  
13 the others comes in, whether it's  
14 Sabine or Westlake with another  
15 project that you put an asterisk,  
16 do something so we can identify  
17 that this is not really 507, it's  
18 507 less that were already  
19 created.

20 MS. CHENG:

21 That's fine.

22 MR. WINDHAM:

23 So along those same lines,  
24 Mr. Adley, I would like to ask  
25 staff because I think I know the



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1 answer, the investment amount  
2 that is shown on here is not  
3 necessarily the investment  
4 amount, it's only the amount of  
5 exemption application, so in  
6 light of making sure that you are  
7 transparent, I think on the same  
8 sheet, and I have asked this  
9 before, if we show the investment  
10 amount, it could be \$8 million,  
11 and the exemption amount request  
12 is only \$6 million, I think it's  
13 important to know that because at  
14 \$2 million is either replaced or  
15 something else, for whatever  
16 reason, doesn't qualify for this  
17 program, so it does, in fact, go  
18 on the rolls or already part of  
19 another exemption. I believe  
20 that's just as important so we  
21 get a whole picture.

22 MR. ADLEY:

23 I don't disagree with that.  
24 Anyway that you want to get that  
25 information is all right with me



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1 I'm just trying to make sure that  
2 when we report -- we created X  
3 number of jobs using this  
4 program, I want to make sure I  
5 have got an accurate number.  
6 That's what I'm looking for. And  
7 if we count jobs two or three  
8 times, it's going to be  
9 impossible to get that number.  
10 So going forward, I think it  
11 would be very, very helpful if we  
12 can do that, and certainly help  
13 us better understand if I'm  
14 looking at that column, makes me  
15 catch this is a third or the  
16 fourth, and if I'm looking at  
17 zero jobs over here, I can go  
18 back and say, oh, but it's the  
19 beginning, they created this  
20 many. That's very helpful.

21 MR. WINDHAM:

22 All right. Thank you, Mr.  
23 Adley. Yes. I am sorry.

24 MR. SLONE:

25 Just a quick question. We



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1 are saying the first, second  
2 third or fourth. Steve, can you  
3 explain whether or not those  
4 alphabets are also -- I'm sorry  
5 -- Mr. Chairman, whether or not  
6 they also correspond with phasing  
7 in a project.

8 MR. WINDHAM:

9 I would have to ask staff,  
10 but I believe they do.

11 MS. CHENG:

12 That's correct. And assets  
13 become operational, companies are  
14 to file their applications so  
15 that they fall in a correct tax  
16 year, so that's why there are  
17 phases to projects that may be a  
18 five year long project, but a  
19 building is complete in 2017,  
20 they are going to have to file  
21 the application for that  
22 building.

23 MR. SLONE:

24 Thank you.

25 MR. WINDHAM:



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1           Certainly. Any other  
2 questions by any of the Board  
3 members? Yes, sir.

4 Representative Carmody.

5           MR. CARMODY:

6           Mr. Chairman, I just wanted  
7 to ask in that we're asking staff  
8 to, I guess, change the way that  
9 we report, if you follow along  
10 with the columns that show not  
11 only the jobs, new permanent jobs  
12 and salaries, follow the next  
13 column, which is construction.

14          MR. WINDHAM:

15          Yes.

16          MR. CARMODY:

17          Is it the same scenario  
18 there? Are we showing a total  
19 number of 14,383 construction  
20 jobs created, and those are  
21 duplicate numbers.

22          MR. WINDHAM:

23          Well, I do believe if we look  
24 specifically at Westlake, not to  
25 pick on Westlake, but if you look



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1 at theirs, one is the original  
2 application, the second one is A.  
3 They both have 35 and they both  
4 have 1,400, so I would have to  
5 suggest that the answer is yes.

6 MR. CARMODY:

7 Which I would think that if  
8 we were going to try to make sure  
9 that we are accurate --

10 MS. CHENG:

11 We will verify old and new  
12 construction jobs.

13 MR. CARMODY:

14 Thank you. Thank you, Mr.  
15 Chairman.

16 MR. WINDHAM:

17 Any other questions or  
18 comments from the Board members  
19 concerning the new applications?

20 All right. There is a motion  
21 on the floor. Properly seconded  
22 it.

23 Are there any comments from  
24 the public concerning any of  
25 these applications? Yes. Please



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1 step forward and identify  
2 yourself.

3 MR. MISE:

4 My name is Gary Mise and I'm  
5 just a member of the public.

6 MR. CARMODY:

7 All right. Mr. Mise.

8 MR. MISE:

9 And my question is related to  
10 some of the same application with  
11 the multi-part project, and I  
12 guess my question is is the staff  
13 -- is it made clear when these  
14 projects are filed that there is  
15 a -- they are specific projects  
16 with beginnings and end on the  
17 front end, and I guess the reason  
18 I'm asking that question is  
19 because we would like to, as a  
20 part B to the project, Cameron  
21 Parish -- I guess out of just a  
22 place of information, I know the  
23 rules have changed, so it would  
24 behoove a company to -- at this  
25 point to continue to do -- to do



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1 investments under the older rules  
2 with the ten year exemption  
3 rather than the newer rules with  
4 the eight year exemption, so, I  
5 guess, I wanted to make sure  
6 there was some kind of measures  
7 taken to -- I just didn't -- I  
8 want clarification that -- that  
9 how does the staff assure the  
10 public that there is some way  
11 that --

12 MR. WINDHAM:  
13 Termination point.

14 MR. MISE:  
15 Right.

16 MR. WINDHAM:  
17 Kristin, can you answer that  
18 question?

19 MS. CHENG:  
20 I do verify when I receive  
21 advances that it doesn't seem  
22 like something that can just be  
23 an open ended project, and when  
24 applications come in, I do  
25 compare the advance to the



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1 project description that is on  
2 the application, and if I have a  
3 question about it, I do question  
4 the company.

5 MR. MISE:

6 Is there ever a site visit to  
7 compare the application  
8 description to what the project  
9 is?

10 MR. WINDHAM:

11 Absolutely. Yes. Yes. I  
12 know that. There are site  
13 visits.

14 MR. MISE:

15 Okay. Got it. That was what  
16 my question was.

17 MR. WINDHAM:

18 All right. Thank you.

19 MR. MISE:

20 Okay. Thank you.

21 MR. WINDHAM:

22 Mr. Adley.

23 MR. ADLEY:

24 I just want to compliment  
25 you. I don't know what possessed



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1 you to start looking at the ITEP,  
2 but the concept you just  
3 mentioned is pretty important.  
4 Under the Governor's executive  
5 order there are certain dates and  
6 deadlines and there are new rules  
7 to comply with, and he has made a  
8 really interesting point, and I  
9 do appreciate your efforts, I'm  
10 glad you are doing it, but you  
11 could create a box, you are  
12 correct. A company could create  
13 a box and then start tying  
14 everything back in with the  
15 original and you could literally  
16 avoid the new rules, and you tell  
17 me watching closely for that.  
18 That's a real good catch. I never  
19 -- I never really thought about  
20 that. I want to compliment you.  
21 Thank you.

22 MR. MISE:

23 Thank you.

24 MR. WINDHAM:

25 Thank you, sir.



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1 MS. CHENG:  
2 Just for y'all's information,  
3 we are not allowing advances that  
4 just have open ended  
5 descriptions, like additions or  
6 whatever, so --

7 MR. WINDHAM:  
8 So they have to be specific  
9 to a project?

10 MS. CHENG:  
11 They have to be specific to a  
12 year or project. That has to be  
13 an actual project.

14 MR. WINDHAM:  
15 All right. Thank you, Ms.  
16 Cheng. There's been a motion.  
17 There's been a second.

18 Any other comments from the  
19 public?

20 All right. With that, call  
21 the question, all in favor  
22 indicate with an aye.

23 ALL BOARD MEMBERS:  
24 Aye.

25 MR. WINDHAM:



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1 All oppose with a nay.

2 Motion carries.

3 Next, Ms. Cheng we have  
4 advance notifications filed prior  
5 to 6-24 deferred.

6 MS. CHENG:

7 It was deferred because y'all  
8 had requested additional  
9 information regarding what the  
10 flight simulator was used for,  
11 and making sure aviation  
12 manufacturing process.

13 MR. WINDHAM:

14 Is there a representative  
15 here from Flight Safety  
16 International?

17 MS. CHENG:

18 I believe I had a phone call  
19 with them and they were not able  
20 to make it to this meeting. They  
21 say they would try. They  
22 requested that it be deferred to  
23 October.

24 MR. WINDHAM:

25 All right. Is there a motion



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1 to allow for the deferral to  
2 October? Made by Mr. Jones.  
3 Seconded by Ms. Atkins.

4 Any comments from the Board?  
5 Any comments from the public  
6 concerning that deferral?

7 All in favor indicate with an  
8 aye.

9 ALL BOARD MEMBERS:

10 Aye.

11 MR. WINDHAM:

12 All oppose with a nay.

13 Motion carries.

14 All right. No advance filed  
15 for MCA application prior to  
16 6/24/2016. Deferred from  
17 6/28/2017 meeting. Please  
18 proceed.

19 MS. CHENG:

20 These are applications that  
21 we had inhouse before the  
22 Executive Order that did not have  
23 advance notifications.

24 This first one, 20161171,  
25 CellXion, LLC DBA Sabre



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1 Industries Building System by  
2 CellXion, they were deferred at  
3 the last meeting because they  
4 have jobs, which is what the  
5 Executive Order required for  
6 applications that were pending at  
7 the time of the Executive Order,  
8 but y'all had requested a better  
9 job -- not job, a better project  
10 description.

11 MR. WINDHAM:

12 Yes.

13 MS. CHENG:

14 And they were able to provide  
15 them, and they are here, too.

16 MR. WINDHAM:

17 Is there a representative  
18 from CellXion, LLC here? Please  
19 step forward and identify  
20 yourself.

21 MR. BRODERICK:

22 I am Jessie Broderick with  
23 Summit Credits. I have been --  
24 gotten with CellXion and gotten  
25 with them on this particular



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1 project. I wanted to let you  
2 know that the description that  
3 was given was just kind of a mis  
4 -- under a miswritten from their  
5 standpoint.

6 If you look at the actual  
7 assets that are included in this  
8 application, this is an expansion  
9 of their building. They expanded  
10 their building and also put in a  
11 brand new line to produce  
12 products for first solar, which  
13 is a solar panel company, and so  
14 the description of the project  
15 was just a -- written  
16 incorrectly. This is an  
17 expansion of their facility to  
18 produce product.

19 MR. WINDHAM:

20 All right. Thank you. Mr.  
21 Adley.

22 MR. ADLEY:

23 The production line is in the  
24 new building.

25 MR. BRODERICK:



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1 Yes, sir. Yes, sir.

2 MR. ADLEY:

3 Okay. Thank you.

4 MR. WINDHAM:

5 Any other questions from the  
6 Board members? Mr. Miller.

7 MR. MILLER:

8 You did this as an MCA  
9 instead of expansion because it  
10 was under \$5 million.

11 MR. BRODERICK:

12 That is correct. That is  
13 correct.

14 MR. WINDHAM:

15 Thank you. Any other  
16 questions? Mr. Adley.

17 MR. ADLEY:

18 Before you move to the  
19 others. I thought I heard the  
20 staff say these do not have to  
21 comply with the new rules or not?

22 MS. CHENG:

23 In the Executive Order it  
24 says any applications that are  
25 pending at the time would have --



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1 MCA's that were pending at the  
2 time would have to have new jobs.

3 MR. ADLEY:

4 That is correct. So the  
5 reason I assume we deferred was  
6 lack of explanation, lack of  
7 showing of jobs.

8 MS. CHENG:

9 There were jobs on the agenda  
10 last time as well. They just --  
11 y'all just wanted a better  
12 project description.

13 MR. ADLEY:

14 Well, I see three of them  
15 have zero jobs now.

16 MS. CHENG:

17 Well, two of them were  
18 withdrawn by the company -- the  
19 two Certainteed's were withdrawn.

20 MR. ADLEY:

21 Okay. So they are gone now?

22 MS. CHENG:

23 They are gone.

24 MR. ADLEY:

25 Okay.



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1 MS. CHENG:

2 And one of them has a  
3 representative here explaining  
4 that there were jobs created but  
5 at -- different entity holds the  
6 jobs. They hold the assets.

7 MR. WINDHAM:

8 So we are going to take these  
9 one by one.

10 MR. ADLEY:

11 Okay.

12 MR. WINDHAM:

13 Take these one by one. So,  
14 any other questions or comments  
15 regarding this application? Any  
16 comments from the public  
17 concerning the application by  
18 selection? Is there a motion to  
19 approve? Yes. Made by Mr. Adley.  
20 Seconded by Ms. Villa.

21 All in favor indicate with an  
22 aye.

23 ALL BOARD MEMBERS:

24 Aye.

25 MR. WINDHAM:



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1 All oppose with a nay.  
2 Motion carries. Thank you, sir.

3 MS. CHENG:

4 Next we have 20161257, PHH  
5 Monomers, LLC.

6 MR. WINDHAM:

7 Is there a representative  
8 from PHH Monomers in the  
9 audience? Please step forward  
10 and identify yourself, Mr.  
11 Zerangue. Zatarain. Zatarain, I'm  
12 sorry. Trying to throw you off  
13 your game.

14 MR. ZATARAIN:

15 I've appeared before every  
16 meeting since the Executive  
17 Order.

18 MR. WINDHAM:

19 For 30 years.

20 MR. ZATARAIN:

21 At least he didn't call me  
22 Mickey, which is my brother.

23 Yeah. If you recall the last  
24 meeting of PHH was part of PPG,  
25 PHH at the PPG facility never had



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1 their own employees. They were  
2 always PPG employees. The  
3 facility was sold to Axial, so  
4 now we have Axial employees, so  
5 the last -- the last meeting it  
6 was deferred, so I can come back  
7 and find how many people actually  
8 worked on the project because PHH  
9 never had any employees. And I  
10 got the response back that on  
11 January 1, 2015 there were 32  
12 full time people working at the  
13 facility. At the end of 2015  
14 there were 36. The four  
15 additional employees were sent to  
16 me, their names, and I  
17 immediately sent them right to  
18 Kristin on July 17th, so they do  
19 have employees full time. They  
20 added four in 2015.

21 MR. WINDHAM:

22 Mr. Adley.

23 MR. ADLEY:

24 The 32 employees worked for  
25 who.



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1 MR. ZATARAIN:  
2 Axial is the name of the  
3 company itself. They employ the  
4 employees. There were formally  
5 PPG employees, and when Axial  
6 bought the most of the PPG plant,  
7 those employees put a different  
8 name on them and they became  
9 Axial.

10 MR. ADLEY:  
11 I'm trying to put together  
12 why Axial wouldn't be applying  
13 for the exemption. Are you  
14 telling me PHH owns the property?

15 MS. CHENG:  
16 The owner of the assets --

17 MR. ZATARAIN:  
18 Yes. The owner who actually  
19 owns and who files the  
20 renditions, who has to pay the  
21 taxes on it, is an entity called  
22 PHH Monomers, but they only --  
23 and this is very common in  
24 chemical plants. Different parts  
25 of the plants may have a



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1 different --

2 MR. ADLEY:

3 How many of the 32 are new  
4 jobs related to this one ITEP?

5 MS. CHENG:

6 I think he said there were 36  
7 jobs now, and four were related.

8 MR. WINDHAM:

9 Four new ones.

10 MR. ZATARAIN:

11 Four new ones. And the names  
12 of those four employees were  
13 submitted to Kristin right away.

14 MR. ADLEY:

15 So there were four new jobs.  
16 So you have four new jobs with  
17 this one.

18 MR. ZATARAIN:

19 Yes, sir.

20 MR. ADLEY:

21 Thank you.

22 MR. ZATARAIN:

23 And this will be the last  
24 application they will file as an  
25 MCA.



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1 MR. WINDHAM:  
2 So let me ask staff on this.  
3 So as we move forward on the --  
4 in the new world that we're going  
5 to be living in, we're going to  
6 have to gather or you guys are  
7 going to be gathering information  
8 if there is an owner even though  
9 he is not operating it.

10 MS. CHENG:  
11 Correct. We are going to  
12 have to receive job information.

13 MR. WINDHAM:  
14 So in that case, who is this  
15 CEA going to be with?

16 MS. CHENG:  
17 Potentially both.

18 MR. WINDHAM:  
19 Both of them. Okay. All  
20 right. Any other questions for  
21 Mr. Zatarain?

22 All in favor -- I am sorry.  
23 Thank you.

24 Any other comments from the  
25 public concerning PHH Monomers?



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1 Is there a motion to approve?

2 Made by Ms. Villa. Seconded by

3 Dr. Wilson.

4 All in favor indicate with an  
5 aye.

6 ALL BOARD MEMBERS:

7 Aye.

8 MR. WINDHAM:

9 All oppose with a nay.

10 Motion carries.

11 MS. CHENG:

12 And finally we have 20161002,  
13 Stollhaven New Orleans in  
14 Plaquemine Parish. At the  
15 previous meeting they did not  
16 have new job information included  
17 on their application but they had  
18 it with them, they submitted it  
19 to me after the last meeting, and  
20 I was able to add it to this  
21 agenda. There were three new  
22 jobs.

23 MR. WINDHAM:

24 Mr. Adley.

25 MR. ADLEY:



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1           And you were able to vet the  
2 jobs to confirm?

3           MS. CHENG:

4           They provided documentation.

5           MR. ADLEY:

6           What caught my attention, you  
7 said after the meeting they gave  
8 it to me so now I can tell you  
9 they got three.

10          After they gave it to you,  
11 how did we vet it out to insure  
12 there were three?

13          MS. CHENG:

14          They provided their --

15          MR. ADLEY:

16          I'm going back to the  
17 Chairman's question. I am trying  
18 to get back to how that happened.

19          MS. CHENG:

20          They provided the ES4, which  
21 has the filings with the  
22 Workforce Commission about which  
23 jobs were created.

24          MR. ADLEY:

25          Okay. Thank you.



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1 MR. WINDHAM:

2 Any other questions from any  
3 of the Board members? Oh, I am  
4 sorry. Is there a representative  
5 here? Do we need a  
6 representative for this? No.

7 Any other questions by the  
8 Board members? Is there a  
9 motion? Made by Mr. Slone.

10 Seconded by Mr. Miller.

11 All in favor indicate with an  
12 aye.

13 ALL BOARD MEMBERS:

14 Aye.

15 MR. WINDHAM:

16 All oppose with a nay.

17 Motion carries.

18 MS. CHENG:

19 We have 29 renewals. These  
20 are timely renewals, and Calumet  
21 Lubricants, Calumet Packaging and  
22 Calumet Shreveport Lubricants &  
23 Waxes would like to defer their  
24 five applications to the October  
25 meeting. That's 20130463,



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1 20130462, 20131050, 20130465 and  
2 20130466.

3 MR. WINDHAM:

4 We are on renewals. We have  
5 advances filed with the original  
6 application, no advance filed  
7 with the original application.

8 Is there a motion to accept  
9 for the request for deferral?

10 Made by Representative Carmody.  
11 Seconded by Dr. Wilson.

12 Any questions from the Board.  
13 Comments from the --

14 MR. ADLEY:

15 The only question, so you  
16 don't object to the renewals that  
17 the Governor's office made the  
18 decision on all of the renewals  
19 that they grandfathered them in,  
20 is the number of full time jobs  
21 reported. When I look at the  
22 4,331, that total -- is that a  
23 total from all of the prior  
24 reports or is that the actual  
25 total from the initial



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1 applications?

2 The exercise we went through  
3 a moment ago where we show we  
4 were reporting two or three  
5 times, does this number include  
6 the total we have been using in  
7 the past or is this an actual  
8 number?

9 MS. CHENG:

10 It's an actual number that  
11 they report on their renewal  
12 request. However, you do see  
13 that some are duplicates, so they  
14 may be double counted as well.

15 MR. ADLEY:

16 I would ask you to do the  
17 same with this that we've done  
18 with the others so that we make  
19 sure we are looking at the  
20 correct number. When we renew  
21 these I would think I'm getting  
22 four thousand jobs that I'm  
23 keeping in hand. In fact, there  
24 is probably somewhat less than  
25 that. So if you could -- when



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1 you work through the process, if  
2 you can do the same thing for the  
3 renewals, that would be helpful.

4 MS. CHENG:

5 Okay.

6 MR. ADLEY:

7 Thank you.

8 MR. WINDHAM:

9 All right. Thank you, Mr.  
10 Adley. Is there a motion -- I am  
11 sorry. Oh, sorry. Thank you,  
12 Mr. Jones.

13 All in favor of deferrals of  
14 those five, please indicate with  
15 an aye.

16 ALL BOARD MEMBERS:

17 Aye.

18 MR. WINDHAM:

19 All oppose with a nay.  
20 Motion carries. Thank you, Mr.  
21 Jones.

22 MR. JONES:

23 You are welcome.

24 MR. WINDHAM:

25 All right. Please proceed.



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1 MS. CHENG:  
2 We have the remainder of the  
3 renewals.

4 MR. WINDHAM:  
5 Remainder of the renewals.

6 MS. CHENG:  
7 That were not the ones that  
8 were deferred.

9 MR. WINDHAM:  
10 The ones that were not  
11 deferred, correct. Ms. Villa  
12 makes a motion to approve them  
13 in-globo. Seconded by Mr. Slone.  
14 Subject to any questions.

15 Are there any questions on  
16 any of the renewals by any of the  
17 Board members? Are there any  
18 questions or comments from the  
19 public concerning any of the  
20 renewals on this agenda?

21 MR. JONES:  
22 Mr. Chairman, just to be  
23 cheer, we are doing both with  
24 advance and new advance?

25 MR. WINDHAM:



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1           That is correct. All in  
2 favor indicate with an aye.

3           ALL BOARD MEMBERS:

4           Aye.

5           MR. WINDHAM:

6           Motion carries. All of the  
7 renewals are approved.

8           MS. CHENG:

9           We have six late renewals.

10          MR. WINDHAM:

11          All right. Please proceed.

12          MS. CHENG:

13          20120202, Louisiana Pigment  
14 Company, LP in Calcasieu Parish.

15          MR. WINDHAM:

16          Is there a representative for  
17 Louisiana Pigment Company?

18          Please step forward and identify  
19 yourself.

20          MS. CHENG:

21          They also have late renewals  
22 on the addenda. That's 20110185  
23 and 20120204.

24          MR. WINDHAM:

25          All right. We'll take all



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1 three of those together if that's  
2 all right with the Board.

3 MR. YOUNG:

4 My name is Joe Young. I'm  
5 with Louisiana Pigment.

6 MR. WINDHAM:

7 I am sorry, your name again.

8 MR. YOUNG:

9 Joe Young.

10 MR. WINDHAM:

11 Joe Young.

12 MR. YOUNG:

13 Yes, sir.

14 MR. WINDHAM:

15 Mr. Young, these were late.

16 Are there any questions for Mr.

17 Young regarding the tardiness?

18 MR. ADLEY:

19 I mean, the obvious question  
20 is why were they late, but before  
21 you answer, the Board has adopted  
22 as a precedent that we've used  
23 for all late requirements, we  
24 only have three options, as I  
25 understand it, to approve it,



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1 disapprove it or create a  
2 penalty, and we created a penalty  
3 of, I think, 20 percent, is  
4 that --

5 MS. CHENG:

6 One year out of five.

7 MR. ADLEY:

8 One year out of five, which  
9 is 20 percent. So knowing that  
10 in advance, I am just asking why  
11 was this late out of curiosity?  
12 From my position, we pretty well  
13 adopted a policy. We want to  
14 listen.

15 MR. YOUNG:

16 In the past, Lori Webber  
17 handled these and we were always  
18 notified with documents to file  
19 the extensions, and then Lori  
20 retired and they had significant  
21 changes in the program, and we  
22 were not, and I was patiently  
23 waiting so as not to be a pain in  
24 anyone that is super busy with  
25 all of this, and so then I called



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1 and got in touch with Kristin, so  
2 we promptly put it all together  
3 and filed it in.

4 MR. ADLEY:

5 All right. Albeit, I hate  
6 that it happened that way, but  
7 there had been a number of  
8 companies who said exactly the  
9 same thing, and our response has  
10 always been the benefit of the  
11 program is for you, it's not for  
12 them. It's a huge tax break for  
13 you. It's a something that you  
14 should be on top of, so at least  
15 the position in the past and  
16 Board to go anywhere they want  
17 to, but our position would be if  
18 we would adopt the same policy  
19 with these that we have done with  
20 others in the past and shorten  
21 the exemption from five years to  
22 four.

23 MR. YOUNG:

24 Yes, sir.

25 MR. WINDHAM:



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1           So, Mr. Adley, is that a  
2 motion?

3           MR. ADLEY:

4           I would move, at the  
5 appropriate time, that we treat  
6 them which we have those in the  
7 past.

8           MR. WINDHAM:

9           All right. Is there a  
10 second. Yes. Seconded by Dr.  
11 Wilson.

12           Are there any questions by  
13 any of the Board members for Mr.  
14 Young? Any comments from the  
15 public concerning the motion on  
16 the table?

17           All in favor indicate with an  
18 aye.

19           ALL BOARD MEMBERS:

20           Aye.

21           MR. WINDHAM:

22           All oppose with a no. Motion  
23 carries.

24           MR. YOUNG:

25           Thank you.



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1 MR. WINDHAM:

2 Thank you, Mr. Young.

3 MS. CHENG:

4 We have 20080018, Valero  
5 Refining-Meraux in St. Bernard  
6 Parish.

7 MR. WINDHAM:

8 Is there a representative  
9 from Valero with us today. Mr.  
10 Zatarain, please step forward and  
11 identify yourself. I got you  
12 right that time.

13 MR. ZATARAIN:

14 I'm Chuck Zatarain, and this  
15 is actually not my application.  
16 My brother Mick has a separate  
17 company from mine, and he handles  
18 his own clients and I handle  
19 mine. He is having his ear  
20 operated on this morning, so he  
21 asked me if I come up and explain  
22 that there is a change of  
23 personnel at the Valero Refinery  
24 in St. Bernard Parish and they  
25 were late getting it back and as



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1 soon as he got it, he filed it  
2 right away.

3 MR. WINDHAM:

4 All right. Is there a motion  
5 to move forward with the one year  
6 restriction?

7 MR. ADLEY:

8 I would make -- I would make  
9 the same motion, particularly  
10 knowing that Valero was extremely  
11 large compared to the one small  
12 guy that missed it out there that  
13 we just applied the same thing  
14 to. A company of Valero's size,  
15 I mean, this is very important to  
16 them. Clearly should not have  
17 missed it. And I would move that  
18 we do the same thing, we make it  
19 80 percent or four years of the  
20 five.

21 MR. WINDHAM:

22 Is there a second? Seconded  
23 by Mr. Miller.

24 Any other comments from the  
25 Board. Questions. Comments or



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1 questions from the public?

2 All in favor indicate with an  
3 Aye.

4 ALL BOARD MEMBERS:

5 Aye.

6 MR. WINDHAM:

7 All oppose with a nay.

8 Motion carries.

9 MR. ZATARAIN:

10 Thank you.

11 MR. WINDHAM:

12 Thank you.

13 MS. CHENG:

14 Now I have 20120574 and  
15 20120575, BP Lubricants USA Inc.  
16 in West Baton Rouge.

17 MR. WINDHAM:

18 Is there a representative  
19 from BP here? Please step  
20 forward and identify yourself.

21 MR. POLICK:

22 Scott Polick. I work for BP.  
23 I'm a tax advisor representing BP  
24 Lubricants.

25 MR. WINDHAM:



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1 All right. And the reason you  
2 were tardy on these two was?

3 MR. POLICK:

4 I hate to sound like a broken  
5 record, but I, too, was spoiled  
6 by Lori Webber and the fact that  
7 she always sent us stuff in  
8 advance, and in addition to the  
9 fact that the program was under  
10 quite a bit of turmoil at that  
11 time, really wasn't sure what was  
12 going to happen in the future, I  
13 simply dropped the ball. I got  
14 in touch with Kristin, and we  
15 filed in January. I believe we  
16 were basically one month late.  
17 Fully aware of the penalty, fully  
18 prepared to accept it if the  
19 Board will move forward and  
20 approve everything.

21 MR. ADLEY:

22 Certainly a lot -- it's  
23 certainly a lot better than the  
24 option of denying it all  
25 together. I think the Board has



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1    been really gracious.  I make the  
2    same motion.

3           MR. WINDHAM:

4           Motion made by Mr. Adley.

5           Seconded by Mr. Slone.

6           Restricted by one year.  Any

7           other questions from the Board?

8           Comments from the public?

9           All in favor indicate with an  
10          Aye.

11          ALL BOARD MEMBERS:

12          Aye.

13          MR. WINDHAM:

14          All oppose with a nay.

15          Motion carries.

16          MR. POLICK:

17          Thank you.

18          MR. WINDHAM:

19          Thank you.

20          MS. CHENG:

21          I have six change in name

22          only requests.  This is for

23          Conagra Foods Lamb Weston, Inc.

24          Their new name is Lamb Weston,

25          Inc. and they are in Richland



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1 Parish.

2 MR. WINDHAM:

3 Need to read the numbers.

4 MS. CHENG:

5 20091007, 20091007A,  
6 20091007B, 20121293, 20150309 and  
7 20160791.

8 MR. WINDHAM:

9 Is there a motion to accept  
10 the name change? Made by Dr.  
11 Wilson. Seconded by Mr. Ad -- I  
12 am sorry. No. Mr. Barham. Two  
13 Robert's on my mind.

14 Any other -- any questions  
15 from the Board members? Any  
16 comments from the public?

17 All in favor indicate with an  
18 aye.

19 ALL BOARD MEMBERS:

20 Aye.

21 MR. WINDHAM:

22 All oppose with a nay.

23 Motion carries.

24 MS. CHENG:

25 I have 29 contract transfers.



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1    **Asap Industries, LLC: 20080396,**  
2    **20090400, 20100147, 20120563,**  
3    **20120566, 20130512, 20130513,**  
4    **20140570, 20140571, 20150589,**  
5    **20150490, and 20161060 are being**  
6    **transferred to ASAP Industries**  
7    **Manufacturing, LLC, and they are**  
8    **in Terrebonne Parish.**

9           Do you want me to go through  
10   all of these.

11           **MR. WINDHAM:**

12           Do through them all.

13           **MS. CHENG:**

14           **ASAP Industries, LLC.**

15   **Contract 20120565 and 20120567**  
16   **are being transferred to PDQ**  
17   **Partnership, LLC in Terrebonne**  
18   **Parish.**

19           **PHH Monomers, LLC. 20090173,**  
20   **20100417, 20110449, 20130318 and**  
21   **20161257 are being transferred to**  
22   **Eagle US 2, LLC in Calcasieu**  
23   **Parish.**

24           **Norris International**  
25   **Services, LLC. Contract 20141535**



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1 is being transferred to North  
2 Industries, LLC in Iberia Parish.

3 And EOG Resources Railyard  
4 Louisiana, LLC. 20130643,  
5 20130644, 20130645, 20130646,  
6 20130647, 20130648, 20130649,  
7 20130650 and 20130651 are being  
8 transferred to NuStar Logistics,  
9 LP in St. James Parish.

10 MR. WINDHAM:

11 Is there a motion to accept  
12 transfer of these tax exemption  
13 contracts? Made by Mr. Williams.  
14 Second by Mr. Slone.

15 Any comments or questions  
16 from the Board? Comments or  
17 questions from the public  
18 concerning these transfers?

19 All in favor indicate with an  
20 aye.

21 ALL BOARD MEMBERS:

22 Aye.

23 MR. WINDHAM:

24 All oppose with a nay.

25 Motion carries.



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1 MS. CHENG:  
2 I have seven partial contract  
3 transfers.

4 MR. WINDHAM:  
5 All right.

6 MS. CHENG:  
7 A.S.A.P Industries  
8 Manufacturing. Contract 20120566  
9 is transferring to \$252,786 to  
10 PDQ Partnership in Terrebonne  
11 Parish.

12 A.S.A.P Industries  
13 Manufacturing, LLC. Contract  
14 20130512 is transferring \$135,776  
15 to PDQ Partnership, LLC in  
16 Terrebonne Parish.

17 A.S.A.P Industries  
18 Manufacturing, LLC. 20140570 is  
19 transferring \$95,450 to PDQ  
20 Partnership, LLC in Terrebonne  
21 Parish.

22 A.S.A.P Industries  
23 Manufacturing, LLC. Contract  
24 20140571 is transferring \$613,587  
25 of assets to PDQ Partnership in



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1 Terrebonne Parish.  
2 A.S.A.P Industries  
3 Manufacturing, LLC. 20150489 is  
4 transferring \$227,498 of assets  
5 to PDQ Partnership in Terrebonne  
6 Parish. A.S.A.P Industries  
7 Manufacturing, LLC. 20161060 is  
8 transferring \$23,394 in assets to  
9 PDQ Partnership, LLC in  
10 Terrebonne Parish.

11 Danos and Curole Marine  
12 Contractors, LLC. 20110406 is  
13 transferring \$190,635 of assets  
14 to Danos and Curole, LLC in St.  
15 Mary Parish.

16 MR. WINDHAM:

17 All right. Thank you. Is  
18 there a motion to approve the  
19 partial transfers of these  
20 contracts? Made by Ms. Atkins.  
21 Seconded by Mr. Miller.

22 Any other -- any questions  
23 from any of the Board members?  
24 Comments or questions from the  
25 public?



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1 All in favor indicate with an  
2 aye.

3 ALL BOARD MEMBERS:

4 Aye.

5 MR. WINDHAM:

6 All oppose with a nay.

7 Motion carries.

8 MS. CHENG:

9 And I have three contract  
10 cancellations.

11 Brookfield District Energy  
12 USA, LLC. Contract 20111216.  
13 The assets -- this is in Orleans  
14 Parish. The assets were  
15 abandoned in place. Company  
16 requests cancellation.

17 Dresser-Rand Services, LLC.  
18 060229 in LaSalle Parish. LED  
19 was notified by parish assessor  
20 that the facility has been  
21 closed, and I notified the  
22 company by e-mail and by phone.  
23 The e-mail bounced back. The  
24 phone line has been disconnected,  
25 so staff requests cancellation.



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1           Shaw Alloy Piping Products,  
2           LLC. Contract: 20090431. The  
3           assets have been removed from  
4           that site in Bossier Parish. The  
5           company requests cancellation.

6           MR. WINDHAM:

7           All right. Thank you. Is  
8           there a motion to approve the  
9           cancellation. Made by Dr. Wilson.  
10          Seconded by Ms. Atkins.

11          Any questions from the Board  
12          concerning the cancellations of  
13          these contracts? Any comments  
14          from the public concerning the  
15          cancellation?

16          All in favor indicate with an  
17          aye.

18          ALL BOARD MEMBERS:

19          Aye.

20          MR. WINDHAM:

21          All oppose with a nay.

22          Motion carries.

23          MS. CHENG:

24          Now I have three special  
25          requests from Houston Plating &



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1 Coatings. Contract 20111111,  
2 20150319 and 20160819 in  
3 Lafayette Parish. They were --  
4 their manufacturing facility has  
5 been idle as of 2016, and the  
6 Board approved one year  
7 continuation and they are coming  
8 back to request an additional  
9 year.

10 MR. WINDHAM:

11 Is there a representative  
12 from Houston Plating & Coatings  
13 in the audience. Please step  
14 forward and identify yourself.  
15 Describe the horizon economically  
16 for your company.

17 MR. HOWARD:

18 My name is William Howard.  
19 I'm Chief Executive Officer.

20 MR. WINDHAM:

21 Can you tell us what the  
22 economic horizon looks like for  
23 your company.

24 MR. HOWARD:

25 We're on the mend. Our



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1 business is almost exclusively  
2 connected to the energy industry  
3 manufacturers, and we're seeing  
4 some improvement as a result of  
5 exploration and production budget  
6 increases, and it looks as if in  
7 2018 we should be getting back to  
8 normal activity.

9 MR. WINDHAM:

10 Are there any questions from  
11 any of the Board members  
12 concerning this request? Mr.  
13 Adley.

14 MR. ADLEY:

15 The decision how they come  
16 back each year, when was that  
17 made?

18 MS. CHENG:

19 Last year on June 24th of  
20 2016.

21 MR. ADLEY:

22 On June 24th?

23 MS. CHENG:

24 Yes.

25 MR. ADLEY:



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1           The day of the Executive  
2 Order?

3           MS. CHENG:

4           Yes, sir.

5           MR. ADLEY:

6           I think what we have done  
7 with these that are sitting idle,  
8 I know we have been through this  
9 a couple of times where we've  
10 asked the company -- not to only  
11 come back and report, but we've  
12 asked them to come back to the  
13 local governing authorities. They  
14 are the ones that are being  
15 exempted from the property tax,  
16 and we've asked them to go back  
17 and get documentation, I believe,  
18 from them that they are in  
19 support of continuing the  
20 exemption. I believe that is  
21 what we've done. I know we  
22 suggest that that is what we  
23 should do with this application  
24 unless there is something  
25 different that I'm missing.



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1 MR. WINDHAM:

2 All right. Mr. Miller.

3 MR. MILLER:

4 Sir, you said that 2018 looks  
5 like things are going to turn  
6 around. Have you done any  
7 manufacturing in '17 or are you  
8 still completely stopped right  
9 now.

10 MR. HOWARD:

11 In Louisiana we're completely  
12 stopped. We maintained trucking  
13 operations from Louisiana to our  
14 Houston plants to maintain  
15 customer relationships here as  
16 best we can, but we've not done  
17 any manufacturing.

18 MR. MILLER:

19 Haven't brought anybody back  
20 to work and done any jobs?

21 MR. HOWARD:

22 We had one person that's  
23 coordinating the distribution  
24 activities.

25 MR. MILLER:



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1 All right. Thank you.

2 MR. WINDHAM:

3 Thank you, Mr. Miller.

4 So, Mr. Adley, is that a  
5 motion to approve this subject to  
6 obtaining of the support from the  
7 three local bodies?

8 MR. ADLEY:

9 It would be from the sheriff,  
10 the school board and the parish  
11 and any cities are affected,  
12 which is exactly the same thing  
13 that was in -- that's in the new  
14 rule. And my guess is if you can  
15 go to them and tell them you  
16 expect to be going in 2018, I  
17 don't think they are going to  
18 have any particular problem with  
19 it. But I think that is the  
20 proper approach. We would then  
21 be following to the rule, and I  
22 mean following the rule is very  
23 important, and so I would move to  
24 do that.

25 MR. WINDHAM:



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1           Is there a second?

2           MR. ADLEY:

3           Subject to approval receiving  
4           that documentation from them.

5           MR. WINDHAM:

6           Seconded by Mr. Richard. And  
7           for ease of process, they can  
8           just bring that documentation  
9           back to the staff. He doesn't  
10          have to come back here to give it  
11          to us.

12          MR. ADLEY:

13          I think in the past we've had  
14          them come back, have we not? A  
15          staff cannot -- I think what  
16          Richard has made clear to us, and  
17          we've asked him that question  
18          before, is that the staff cannot  
19          legally make the decision. It's  
20          got to go before the Board, and  
21          I'm not speaking for them, but I  
22          think that's what he said.

23          MR. WINDHAM:

24          What I am saying, though,  
25          they can receive the paperwork



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1 and present it to us.

2 MR. ADLEY:

3 Yes. That's correct. They  
4 can do that as long as it's  
5 presented to us. I think that's  
6 fine.

7 MR. WINDHAM:

8 All right. Any other  
9 questions or comments? Mr.  
10 Miller.

11 MR. MILLER:

12 Just to clarify, that  
13 requirement of the locals was  
14 June 24th, and I believe you were  
15 -- this happened at that marathon  
16 meeting on June 24th. We had not  
17 established how we would handle  
18 this, so I think Mr. Adley is  
19 absolutely correct that  
20 subsequent to meetings of June  
21 24th we ask for these local, so  
22 Houston Plating & Coating didn't  
23 have that requirement. They  
24 didn't know. We started doing  
25 that afterwards, but I do agree



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1 with you.

2 MR. WINDHAM:

3 Any other comments from the  
4 Board members?

5 MR. FABRA:

6 Mr. Chairman.

7 MR. WINDHAM.

8 Yes.

9 MR. FABRA:

10 I just have one question.  
11 When your plant is fully in  
12 operation, how many permanent  
13 jobs do y'all employ?

14 MR. HOWARD:

15 We had -- when it was fully  
16 operational, we had about 40 full  
17 time jobs there.

18 MR. FABRA:

19 Thank you.

20 MR. WINDHAM:

21 Thank you. Mr. Miller, are  
22 you back on?

23 All right. Are there any  
24 other questions by the Board  
25 members? Comments from the



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1 public?

2 All in favor indicate with an  
3 aye.

4 ALL BOARD MEMBERS:

5 Aye.

6 MR. WINDHAM:

7 All oppose with a nay.

8 Motion carries.

9 MS. CHENG:

10 And this concludes the  
11 Industrial Tax Exemption portion  
12 of the agenda.

13 MR. WINDHAM:

14 Thank you, Ms. Cheng. Next  
15 we have --

16 MS. CHENG:

17 We have --

18 MR. WINDHAM:

19 Other business. Industrial  
20 Tax Exemption Appeals.

21 MS. CHENG:

22 We have six appeals; however,  
23 Calumet Lubricants and Calumet  
24 Shreveport Lubricants & Waxes,  
25 20170189, 20170190, 20170191 and



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1 20170192 would like to defer to  
2 the October meeting.

3 MR. WINDHAM:

4 Is there a motion to allow  
5 for the deferrals of the appeals?  
6 Made by Dr. Wilson. Seconded by  
7 Representative Carmody.

8 All in favor of the deferral  
9 of these appeals, please indicate  
10 with an aye.

11 ALL BOARD MEMBERS:

12 Aye.

13 MR. WINDHAM:

14 All oppose with a nay.  
15 Motion carries.

16 MS. CHENG:

17 I have ASH Industries, Inc.  
18 Application 20170187 in Lafayette  
19 Parish. LED received a request by  
20 ASH Industries to appeal the  
21 decision of the Board of Commerce  
22 and Industry at the June 28, 2017  
23 meeting to deny their request for  
24 tax exemption.

25 MR. WINDHAM:



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1 I believe everyone has a  
2 package from ASH.

3 Is there a representative  
4 from ASH Industries, LLC in the  
5 audience? Please step forward  
6 and identify yourself.

7 MR. SPENCE:

8 I'm Hardy Spence, President  
9 of ASH Industries in Lafayette,  
10 Louisiana.

11 MR. WINDHAM:

12 Yes. All right. Please state  
13 your case.

14 MR. SPENCE:

15 We -- the program changed and  
16 I was notified that we needed to  
17 be here before the committee, and  
18 I was at a trade show in  
19 Philadelphia. We do 15 trade  
20 shows a year around the nation  
21 because the nature of our  
22 business is not native to  
23 Louisiana, so we're bringing  
24 projects back to Louisiana to  
25 make the products and bring that



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1 money home. We wanted to defer  
2 to June, and before the June  
3 meeting, I was told that we  
4 needed to have resolutions from  
5 the full Board and not statements  
6 of support just from the Parish  
7 President or the head of the  
8 school board, so we sought a  
9 deferral in June so that we can  
10 get full resolution of the bodies  
11 in Lafayette and that was when  
12 our appeal was denied.

13 MR. WINDHAM:

14 Mr. Adley.

15 MR. ADLEY:

16 This is an MCA?

17 MS. CHENG:

18 This is an MCA that was filed  
19 after the Executive Order.

20 MR. ADLEY:

21 And legal counsel said it was  
22 in violation of the Executive  
23 Order and the rules. I got that.  
24 But you said something that's  
25 interesting to me, and I want to



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1 apologize, you called me and  
2 talked to me on the phone and I  
3 had said, are you creating jobs?  
4 You said, yeah. I don't think  
5 you will have a problem. I  
6 didn't know you were on appeal.  
7 I want to apologize to you.

8 MR. SPENCE:

9 Yes, sir.

10 MR. ADLEY:

11 You didn't say anything about  
12 the appeal. So my question is,  
13 you said you came prior to June  
14 and they told you to go get the  
15 local approval.

16 MR. SPENCE:

17 Yes, sir.

18 MR. ADLEY:

19 Did they tell you at that  
20 time that after June there would  
21 be no MCA's.

22 MR. SPENCE:

23 Our work was complete by June  
24 of 2016. The equipment we  
25 purchased and put in place



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1 were --

2 MR. ADLEY:

3 The Executive Order says  
4 clearly anything that was in  
5 process would not be accepted  
6 after June, and I'm just trying  
7 to find out if you were told that  
8 when you went back to the local  
9 government. What happened there.

10 MS. BOATNER:

11 Rhonda Boatner with Didier  
12 Consultants. There were two  
13 applications that for MCA's that  
14 were approved in April of 2016.  
15 One for -- I'm sorry, April of  
16 2017. They were for Century Link  
17 and for FMT Shipyards that were  
18 for the same exact type of  
19 project as my client, and so  
20 that's why we're asking because  
21 there has been a precedent set  
22 that those type of applications  
23 were approved, and his is exactly  
24 as what it was approved on April  
25 26th.



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1 MR. SPENCE:

2 That's in the last tab of  
3 your packet.

4 MR. ADLEY:

5 Right. I had lengthy  
6 discussions with legal counsel  
7 with the Governor and others on  
8 this very issue. Those  
9 applications still sit on his  
10 desk and have not been approved  
11 yet. Our position is the rules  
12 are what the rules are regardless  
13 of whatever has happened prior to  
14 this point. That the rules and  
15 the legal counsel for LED was  
16 pretty adamant about those rules.

17 It's at least my position  
18 representing him that if they  
19 violate the rules, we are not  
20 going to support that, at least  
21 I'm not able to do that sitting  
22 on this committee. And the rules  
23 are very clear on MCA.

24 MS. BOATNER:

25 According to your April 26



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1 Board meeting there were two  
2 exactly the same applications  
3 that were approved.

4 MR. ADLEY:

5 And I called staff and asked  
6 them, I said, I need to know what  
7 differences there were. There  
8 were slight differences, but most  
9 of them deal with timing as they  
10 gave it to me. Companies who,  
11 and, like in his case, albeit he  
12 was off at a trade show, made  
13 that decision not to be there and  
14 move forward with this project  
15 and got caught in that time  
16 delay. There is a difference  
17 between this project and the  
18 others.

19 Now, I think when I looked at  
20 it I found the same difference  
21 with most of them that. I do  
22 appreciate your argument, I do.  
23 I get it, but we have to take  
24 each one of these individually as  
25 they are presented to us based



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1 upon what they did and the timing  
2 of which they did, and this one  
3 is different.

4 MS. BOATNER:

5 I understand. But this  
6 spending occurred prior to June  
7 24 of 2016.

8 MR. ADLEY:

9 I got you.

10 MS. BOATNER:

11 The same as Century Link and  
12 FMP Shipyards.

13 MR. ADLEY:

14 The timing of how he handled  
15 it was significantly different.

16 MR. WINDHAM:

17 Ms. Villa.

18 MS. VILLA:

19 The only thing that I might  
20 add is that the Board is now  
21 abided by the rules that became  
22 effective June 20th, and so -- of  
23 2017, so now the Board should  
24 abide by those rules. In April  
25 we were going by the Executive



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1 Order, and the Board chose to  
2 make the decision to move forward  
3 with those two, and sent it on to  
4 the Governor for a signature with  
5 an explanation that the Board was  
6 not abiding by the Executive  
7 Order, and that has -- since  
8 Senator Adley has stated, they  
9 are still sitting on the  
10 Governor's desk.

11 MR. WINDHAM:

12 Any other questions by any of  
13 the Board members concerning this  
14 specific appeal? Any other  
15 statements you would like to  
16 make?

17 MR. SPENCE:

18 I think this program is  
19 created for companies like ASH  
20 Industries. We started three  
21 decades ago making parts out of  
22 plastic that was made here in the  
23 state. 70 percent of the nation  
24 were all plastic leaves the state  
25 and goes elsewhere for



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1 production.

2 I brought with me today two  
3 products that we brought back to  
4 the state from other places; one  
5 is overseas in Thailand, and the  
6 other is in another state that  
7 has plenty of money that they  
8 need to share with Louisiana. We  
9 have used a small amount of  
10 money, \$700,000 in order to  
11 create \$31,000 of payroll a  
12 month, and that is -- that  
13 equipment is directly  
14 attributable and sole reason why  
15 we have that payroll, and the  
16 economics of this project are  
17 important to us. It's been  
18 extremely expensive to startup,  
19 and we have high hopes that this  
20 would be used for the basis of a  
21 new manufacturer group in ASH  
22 Industries.

23 This IT program is important  
24 to us. I'm sorry I got caught up  
25 in a timing. We are not a large



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1 company. I don't have any extra  
2 people, and when I couldn't be  
3 here before the Board in April, I  
4 had no choice. I had a  
5 significant investment in these  
6 trade shows to try and bring that  
7 business back.

8 MR. WINDHAM:

9 Certainly.

10 MR. ADLEY:

11 Can I ask --

12 MR. WINDHAM:

13 Mr. Adley.

14 MR. ADLEY:

15 Staff, these four that are on  
16 appeal, how many others out there  
17 could there be like this that if  
18 these were approved or is this  
19 finite? Is this it?

20 MS. CHENG:

21 Depending on the timing of  
22 the projects, it would be any of  
23 the ones that were denied at the  
24 last meeting in June because they  
25 all had jobs that were created,



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1 but it really does depend on the  
2 timing of their projects.

3 MR. ADLEY:

4 Yeah.

5 MR. WINDHAM:

6 And that was one of the  
7 questions that we discussed last  
8 time about when the assets were  
9 placed in service. The rules,  
10 even the Executive Order at that  
11 point in time, companies made  
12 those investments and it was  
13 prior to that they were playing,  
14 for lack of a better word, under  
15 the rules at that time and they  
16 made the expenditure and if it  
17 was put into service by then,  
18 they had no way of knowing that  
19 the Executive Order was going to  
20 come along and deny them  
21 participation. They didn't know  
22 that. If they had known that,  
23 maybe they wouldn't have spent  
24 the money, maybe they would have  
25 filed in advance.



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1 MR. ADLEY:

2 I think, for what it's worth,  
3 the Executive Order had been out  
4 there for a long time. It's the  
5 rules that you have to go through  
6 this process that takes some time  
7 to get it in the rule, but the  
8 Executive Order was out there  
9 back in June of '16.

10 MR. WINDHAM:

11 But they spent the money  
12 prior to that. That's why I'm  
13 running into the philosophical of  
14 it. You tell me that the rules  
15 are there and I spent the money  
16 on March 31st --

17 MR. ADLEY:

18 Mr. Chairman, allow me. I'm  
19 going to suggest to you for me  
20 for the Governor, because it  
21 clearly violates the rules, I'm  
22 going to record my vote as no.  
23 The Board can clearly vote the  
24 other way if you so choose, and  
25 you can send it to his desk for



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1 his decision because that's where  
2 it goes from here.

3 MR. WINDHAM:

4 Certainly.

5 MR. ADLEY:

6 That is going to be clearly  
7 up to you. I am in the position  
8 that Mr. House told us at the  
9 last meeting that it violated the  
10 rules. It violates the rules and  
11 it violates that Executive Order,  
12 and my position is to vote no.  
13 Now, every Board member can vote  
14 however you see fit if you choose  
15 to send it to him, I'm sure he is  
16 not going to mind dealing with  
17 it. He is a big boy and he can  
18 handle it. But for me, I'm going  
19 to stick to the rules and.

20 MR. WINDHAM:

21 Oops. I am sorry.

22 MR. ADLEY:

23 The time to debate all of  
24 this was back when we were  
25 writing those rules after the



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1 Executive Order, and they are  
2 what they are.

3 MR. WINDHAM:  
4 Senator Chabert.

5 MR. CHABERT:  
6 Give us a real quick synopsis  
7 of what it is that ASH does.

8 MR. SPENCE:  
9 This is real exciting. We --  
10 we take ideas from people. I had  
11 a tendon anchor in my pocket and  
12 I lost it. But we make everything  
13 from microscopic parts from  
14 reattaching parts of your body,  
15 laparoscopic surgical tools. This  
16 white part here is for  
17 transporting kidneys, and this is  
18 for transporting kidneys and  
19 livers.

20 Typically our process has  
21 been injection molding, and this  
22 money was used for a new  
23 rotational molding group.  
24 Rotational molding is where we  
25 replace the plastic in a mold.



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1 We rotate the mold under heat and  
2 then pull --

3 MR. CHABERT:

4 Got you. So basically you  
5 are a chemical company.

6 MR. SPENCE:

7 No. No. No, sir.

8 MR. CHABERT:

9 I mean, excuse me. I said  
10 that wrong.

11 MR. SPENCE:

12 We're manufacturing.

13 MR. CHABERT:

14 You are a manufacturing  
15 company.

16 MR. SPENCE:

17 Yes, sir.

18 MR. CHABERT:

19 That utilizes the industrial  
20 chemical complex.

21 MR. SPENCE:

22 Yes, sir. Yes, sir.

23 MR. CHABERT:

24 That is located here.

25 MR. SPENCE:



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1 Yes, sir.

2 MR. CHABERT:

3 That is located here because  
4 of the Mississippi River,  
5 correct?

6 MR. SPENCE:

7 Well, it's here because of  
8 the petroleum.

9 MR. CHABERT:

10 I am with you. Just stick  
11 with me. Help me help you.

12 MR. SPENCE:

13 Yes, sir.

14 MR. CHABERT:

15 You are an engineering,  
16 aren't you?

17 MR. SPENCE:

18 Yes, sir.

19 MR. CHABERT:

20 I can tell. So basically  
21 this is a chain reaction of a  
22 synergistic thing that we are  
23 trying -- this is such the right  
24 thing to do, and for government  
25 to get in the way of government



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1 just because of rules, and I  
2 respect the Governor and I work  
3 with him as much as I can. I  
4 certainly respect my colleagues,  
5 Mr. Adley; however, you are  
6 talking about a company that's  
7 here that's benefitting from a  
8 strategic location on a natural  
9 water asset of which a chemical  
10 company is here for that asset  
11 and the chief natural gas that  
12 this state is providing, okay,  
13 so, I mean, it is a -- it is a  
14 perfect thing.

15 MR. SPENCE:

16 Yes, sir.

17 MR. CHABERT:

18 It is what we are striving  
19 for in terms of economic  
20 development in our state.

21 MR. SPENCE:

22 Yes, sir. This green cooler  
23 brought back from Thailand and we  
24 use 3 million BTU's of gas to  
25 operate that machine.



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1 MR. CHABERT:  
2 So, in essence, you are kind  
3 of doing value added  
4 manufacturer, wouldn't you say?

5 MR. SPENCE:  
6 It's as raw as --

7 MR. CHABERT:  
8 Isn't that like the thing  
9 that LED preaches every day.  
10 That is what everybody preaches.  
11 We need more value added  
12 manufacturing in this state.

13 MR. SPENCE:  
14 Well, that's why we moved  
15 here three decades ago. In  
16 addition to it being home, there  
17 wasn't a whole lot here.

18 MR. CHABERT:  
19 And just to get back to the  
20 crux of why we are having this  
21 appeal is because you weren't  
22 able to appear because you were  
23 actually engaged in a trade show  
24 to grow your business.

25 MR. SPENCE:



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1           Yes, sir. Most of our  
2 business comes from elsewhere,  
3 and we -- there's lot of medical  
4 development handling on the east  
5 coast and we had to be there.

6           MR. CHABERT:

7           So if you would have had a  
8 home run out of the park at that  
9 trade show.

10          MR. SPENCE:

11          Yes, sir.

12          MR. CHABERT:

13          You would have gotten more  
14 business.

15          MR. SPENCE:

16          Yes, sir.

17          MR. CHABERT:

18          You would have created more  
19 jobs in Louisiana.

20          MR. SPENCE:

21          Yes, sir.

22          MR. CHABERT:

23          So the Governor is trying to  
24 penalize you for doing your job,  
25 for doing what your business is



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1 intended to do? I mean, that  
2 sounds nuts to me, but maybe  
3 that's why I'm a strong  
4 conservative republican; isn't  
5 that right? Thank you, Mr.  
6 Chairman.

7 MR. WINDHAM:

8 Are there any other questions  
9 from any of the Board members?  
10 Is there a motion for an action?

11 MR. CHABERT:

12 Yes. Mr. Chairman, what's  
13 the -- what's the appropriate --  
14 or, staff, what is the  
15 appropriate motion? I move to  
16 approve that we accept the appeal  
17 of ASH Industries.

18 MR. WINDHAM:

19 So, what would the  
20 appropriate motion be?

21 MS. CLAPINSKI:

22 I think the motion needs to  
23 be approval for -- well, approval  
24 of the appeal and then a  
25 reconsideration of their



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1 application for the exemption.

2 MR. CHABERT:

3 I move that.

4 MR. WINDHAM:

5 All right. Is there a second  
6 to that? Motion has been made by  
7 Senator Chabert. Seconded by  
8 Senator Ward. I'm sorry. Mr.  
9 Adley. Yes.

10 MR. ADLEY:

11 After being chastised by my  
12 colleagues who sat behind me for  
13 so long doing the same thing, and  
14 my colleague to my right that did  
15 the same thing, I'm going to ask  
16 that, sensing the feel of this  
17 committee, I at least want the  
18 Governor's vote to be recorded  
19 no. If you have to do a roll  
20 call or do, that's fine. If you  
21 don't, that's fine. But at least  
22 as his representative, I have to  
23 have that vote as no.

24 MR. WINDHAM:

25 Thank you, Mr. Adley.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1           Are there any other questions  
2           or comments from any of the Board  
3           members? Are there any questions  
4           or comments from any of the  
5           public? Yes. Please step  
6           forward and identify yourself.

7           MS. HANDLEY:

8           My name is Diane Handley, and  
9           I am with Together Louisiana  
10          that's here in Baton Rouge. I  
11          would like to thank Senator Adley  
12          and Ms. Villa for their comments.  
13          The Governor was very explicit in  
14          his Executive Order that  
15          applications with no advanced  
16          notice would be held to the  
17          Executive Order effective  
18          immediately and it would not  
19          receive a contract of exemption.  
20          It would be arbitrary and  
21          capricious and against the rules  
22          that you promulgated if you  
23          approve these requests.

24          I believe this Board was  
25          correct in denying before -- this



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1 business before and following the  
2 rules as you did that required  
3 that the contract -- and that  
4 requires that the contract be  
5 denied again. This is a land  
6 with the rule of law, not of men.  
7 You can't come up and change the  
8 rules just because you like  
9 something or you don't like  
10 something. We set the rules or  
11 we don't, and what I understand  
12 is that if you ask the question  
13 would you have spent the money or  
14 not knowing the rules were  
15 different, they spent the money.  
16 It's done. So if this is an  
17 incentive to get them to do  
18 something that they would not be  
19 able to do otherwise without that  
20 money, it was done, they did it.  
21 They spent the money without that  
22 knowledge. So this entire  
23 enterprise of reforming a program  
24 that needs reform more than any  
25 other program, I think, in the

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1 state at this time, rest on the  
2 foundation of trust that this  
3 Board will act legally and  
4 inherent -- an inherence to your  
5 own rules, please do not  
6 undermine that trust.

7 MR. WINDHAM:

8 Thank you, ma'am.

9 MR. BAGGER:

10 Roderick Bagger with Together  
11 Louisiana. I would like to talk  
12 in two parts. On the pragmatic  
13 side, what happens if you make  
14 this vote and it's actually  
15 approved, just practically. The  
16 can of worms has opened up. And  
17 then, secondly, it's more on the  
18 principle because Senator  
19 Chabert, that's what I understand  
20 your eloquent and persuasive  
21 remarks to be directed toward.  
22 Practically every single entity  
23 that was denied is going to be  
24 back up here for an appeal next  
25 month, two months from now, and



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1 now you are going to have to  
2 justify this vote in their eyes,  
3 and they are all valued  
4 employers, and they are all  
5 producing valuable products,  
6 maybe not as elegant as something  
7 to transport an organ. I mean,  
8 how wonderful. That will all be  
9 here and if you do what it sounds  
10 like some are recommending, you  
11 will have undermined the most  
12 basic and simple of the reform  
13 measures that somebody should not  
14 be able to apply for routine  
15 investments that they have to  
16 make anyway. That was the most  
17 non-contested of the reform  
18 measures, and you would have done  
19 so in direct contravention of  
20 your own rules, which is illegal.  
21 This Board is empowered by the  
22 constitution to grant exemptions  
23 based on its determination of  
24 what is in the best interest of  
25 the state. Your rules determine

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1 that officially. To act against  
2 that is arbitrary and capricious  
3 and unconstitutional for that  
4 reason.

5 Now, the principle of the  
6 matter. This is unlike anything  
7 that happens in any other state  
8 in this country where exemptions  
9 are weighed on the basis of  
10 merits of the recipients instead  
11 of what they yield, our  
12 constitution authorizes tax  
13 exemptions not because we  
14 appreciate somebody but in order  
15 to bring an economic development  
16 benefit. There is a quid and a  
17 pro and a quo. And an incentive  
18 or investment that's already been  
19 made cannot be incentivized by an  
20 exemption that happens after the  
21 fact that we've gotten into this  
22 pattern and this habit of  
23 approving things after the fact  
24 but that we're weighing not what  
25 are these public dollars, public



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 dollars that would go to schools,  
2 that would go to sheriff's  
3 departments, that would go to  
4 police departments, that would  
5 hire people in those local  
6 entities, what does it bring for  
7 the public. Any time exemptions  
8 like this across the country have  
9 been challenged, courts have  
10 determined the outcome on what  
11 they call a but for analysis. If  
12 the exemption hadn't been  
13 provided would they have done it  
14 anyway, and sometimes that's hard  
15 to tell, but when the exemption  
16 already took place, there is no  
17 justification for providing  
18 public dollars of public subsidy  
19 for a private enterprise that is  
20 doing what private enterprises  
21 do, which is invest in their own  
22 companies. So we ask you to not  
23 set that precedent. It will lead  
24 to probably more expenditure on  
25 lawyers than is actually being



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1 provided in exemptions. More  
2 important, it would start to  
3 undermine the fabric of trust, as  
4 Ms. Handley said, around this  
5 entire enterprise of performing  
6 ITEP, which has deep support  
7 across this state outside of the  
8 community that is lobbying for  
9 because they materially benefit  
10 for. Thank you.

11 MR. WINDHAM:

12 Thank you, Mr. Bagger.

13 Senator Sharby {sic}.

14 MR. CHABERT:

15 Chabert.

16 MR. WINDHAM:

17 I am so sorry.

18 MR. CHABERT:

19 That's all right. It's not  
20 as difficult as Zatarain.

21 Y'all, I appreciate your  
22 passion and I respect your  
23 argument; however, are y'all  
24 familiar with like Citizen  
25 United. The ruling Citizens



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1 United that gave basic  
2 citizenship with corporations.

3 Do you agree with it?

4 MR. BAGGER:

5 Well, there was a prior case  
6 that gave citizenship to  
7 corporations.

8 MR. CHABERT:

9 Let's just use that one for  
10 the sake of argument because I  
11 think it's going to prove -- it's  
12 kind of the point of what I'm  
13 getting at.

14 MR. BAGGER:

15 Go ahead and tell us the  
16 implications of whether we are  
17 hearing -- I will tell you  
18 whether we agree.

19 MR. CHABERT:

20 There are no real  
21 implications. The concept of  
22 giving citizenship to a  
23 corporation I think is crazy to  
24 me. I'm against this, and I'm  
25 not a fan of that. No offense to



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1 my good friends and colleagues  
2 out there representing these  
3 massive corporations. I worked  
4 for a fortune 500 company. I get  
5 it. I mean, big companies are  
6 big companies; however, they are  
7 not us. They are not normal  
8 citizens. I don't equate a small  
9 company that was created in a  
10 garage in Lafayette, Louisiana  
11 that is trying in a very adverse  
12 political and economical  
13 environment in this state to try  
14 to keep growing their jobs and  
15 keep talking about public money,  
16 public money. They pay for  
17 public money. Those jobs are the  
18 taxes that all of those things  
19 you were talking about, the tax  
20 money, those people that they  
21 employ in Lafayette. The job  
22 creations that you cited;  
23 schools, sheriff, that is  
24 government work. Those jobs that  
25 you were talking about growing

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1 that public tax money, that's all  
2 government work. I support  
3 schools. I support sheriff. I  
4 support the firemen, yeah, that's  
5 still all government work. All  
6 right. And the only way those  
7 people have jobs, okay, is if  
8 people grow businesses, employ  
9 every day citizens, right, and  
10 grow our tax base because at the  
11 end of the day, our tax base --  
12 and I'm all for cutting down  
13 exemptions. That's why I am  
14 serving on this Board even though  
15 I'm a strong conservative, all  
16 right, to support a lot of these  
17 reforms. I get you, but at the  
18 same time there is a human  
19 element to this where things need  
20 to be considered, and if we got  
21 to go to court to fight for them  
22 and we lose, so be it, okay, but  
23 we can't look at the overall tax  
24 structure in our state and say  
25 we're going to garner the



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1 majority of our revenue end from  
2 sales tax and income tax.

3       Would you agree with that  
4 that that's how we get the  
5 overwhelming majority of the tax  
6 revenue into this state is  
7 through sales tax and income tax.  
8 It's like 70 percent. This isn't  
9 up for argument. I mean, that's  
10 what it is.

11       So if we don't have people in  
12 jobs to utilize the revenue that  
13 they make on that job to pay the  
14 sales tax then our economy is  
15 never going to go anywhere.  
16 We're never going to be able to  
17 employ teachers. We are never  
18 going to be able to hire that  
19 additional sheriff in the high  
20 crime area in Orleans Parish or  
21 Terrebonne Parish or wherever it  
22 may be. So I get you. I am with  
23 you. I want to help you, okay,  
24 but at the same time putting a  
25 lick on a fortune 500 company is



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 one thing in the rule of law and  
2 the spirit of law and all of that  
3 stuff, and I don't want to get in  
4 the back and forth, but if we got  
5 to, we got to, all right.

6 But putting a licking on a  
7 local small Louisiana company  
8 that is in business doing value  
9 added manufacturing, what we are  
10 striving to do in this state,  
11 just based on precedent and all  
12 of this other, you know, legal  
13 mumbo-jumbo even though you are  
14 trying to say that this Board,  
15 even though it's fully tasked  
16 with the ability to do this, you  
17 know, and if it's not then we go  
18 to court. We do that everyday  
19 here, you know, unfortunately  
20 during legislative session.

21 We vote on stuff that -- and  
22 it's a joke but it's reality. We  
23 vote on unconstitutional stuff  
24 every day, and a lot of it gets  
25 challenged and a lot of it gets



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1 proven to be unconstitutional,  
2 and lot of it gets proven to be  
3 constitutional, but we got to  
4 make those votes.

5 That is what this Board is  
6 entitled to do, and I'm sure you  
7 got a comeback, so I will yield.

8 MR. WINDHAM:

9 Mr. Adley.

10 MR. ADLEY:

11 Just to -- after hearing  
12 those comments, I just wanted to  
13 remind the Board, for what it's  
14 worth, that when we started this  
15 process, we always get into these  
16 arguments, and a guy like Hardy  
17 comes up, I talk to him on the  
18 phone, he's a small guy, we want  
19 to help him. The next  
20 application is Bancroft and not  
21 some little guy and there will be  
22 a whole lot more to follow that.  
23 I just want to remind you that we  
24 were the only state in America  
25 doing it the way we did it, and



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1 that's a fact. And if we reduce  
2 what we give to them under this  
3 program all of the way to 70  
4 percent, we'd still be No. 1 in  
5 the country. It was what we  
6 give.

7 What is really alarming for  
8 all of us and I know it is for  
9 these two senators and house  
10 members sitting here, that they  
11 are going to end the next year  
12 with this huge budget hole, and I  
13 just want everybody here to  
14 understand half of the state  
15 general funds, over half of the  
16 state general fund goes to local  
17 government, so someone has got to  
18 ask that question. Business is  
19 always say, why do you that? You  
20 need to stop doing that, and I  
21 agree with them, but we do it  
22 because we took away all of the  
23 local governments tax base in the  
24 property tax to the tune of  
25 literally billions every year, so



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1 all be it this is one, and you  
2 are going to see more, I'm just  
3 asking you to remember this is  
4 going to be a very important  
5 issue before it's all over, and  
6 the impact will be pretty  
7 dramatic. It does have one more  
8 step in the process, I get it.

9 I appreciate your comments.  
10 I appreciate you coming to the  
11 table. I worry greatly about --  
12 you said, well, if I did -- if  
13 something happened to one before  
14 this am I going to end up in some  
15 lawsuit over this, and then on  
16 the other hand if I started  
17 violating the rules then I'm  
18 looking at another lawsuit, and  
19 neither one is very appealing,  
20 and so that's why I've clearly  
21 have been directed, just follow  
22 the rules. That's my goal.

23 MR. WINDHAM:

24 Mr. Moller.

25 MR. MOLLER:



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1 My question is for Mr.  
2 Spence. I appreciate the work  
3 your company does. I wasn't  
4 familiar with it until this issue  
5 came up. It says here you made  
6 this investment of \$683,570, and  
7 we are talking about annual tax  
8 relief of \$8,675.

9 The question is would you  
10 still have made this investment  
11 if you weren't expecting to get  
12 this \$8,675 in tax relief?

13 MR. SPENCE:

14 Under the old rules we made  
15 the investment with the  
16 anticipation that we would have  
17 this tax abatement because that  
18 is the way the rules worked.  
19 We're not a large company. We  
20 don't have legal staff.

21 MR. MOLLER:

22 I know. I understand.

23 MR. SPENCE:

24 We made this investment in  
25 anticipation of the tax



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1 abatement.

2 MR. MOLLER:

3 But would you have made the  
4 investment had there not been  
5 \$8,675 of tax relief offered.

6 MR. SPENCE:

7 I haven't looked it at that  
8 way. The numbers are real tight.  
9 We lost a lot of money this year  
10 on this program, but we have high  
11 hopes for the future and this tax  
12 abatement is a tremendous help.  
13 Now, I would like to say that I  
14 did go before the local  
15 governments. They are extremely  
16 excited about what we are doing  
17 in Lafayette, and the school  
18 board, which just lost an  
19 election and lost a tax election,  
20 lost tremendous amount of money,  
21 stood behind us with the  
22 exception of one vote because  
23 they completely understood that  
24 the money they were giving up was  
25 more than made up by the \$31,000



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1 of monthly payroll we added to  
2 the economy.

3 MR. MOLLER:

4 Yeah. I understand. And I am  
5 anticipate -- I appreciate the  
6 work you do. I mean, my concern  
7 is, you know, I heard the words  
8 "arbitrary and capricious" and  
9 that tells me there's going to be  
10 a lot of these other companies  
11 that got denied who is going to  
12 be suing the state so that we  
13 would be granting, you know,  
14 \$8,675 of tax relief that  
15 contravenes the rules that we  
16 passed, and I think that's my  
17 concern.

18 MR. SPENCE:

19 Right.

20 MR. WINDHAM:

21 Mr. Miller.

22 MR. MILLER:

23 I think you might have  
24 answered one or two of them.  
25 This is created new jobs.



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1 MR. SPENCE:

2 Absolutely. Directly. This  
3 wasn't other people, other  
4 places. This created new jobs at  
5 our facility because of this  
6 equipment.

7 MR. MILLER:

8 Right. And then you just  
9 clarified that you do have the  
10 support that would be requested.

11 MR. SPENCE:

12 One hundred percent.

13 MR. MILLER:

14 We all have it in front of  
15 us.

16 MR. SPENCE:

17 The sheriff and the school  
18 board and the parish council. And  
19 they were -- actually, I was  
20 nervous because they were great  
21 meetings because a lot of those  
22 people did not know what we were  
23 doing and a lot of those  
24 people --

25 MR. MILLER:



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1 Great opportunity of exposure  
2 to the company.

3 MR. SPENCE:

4 Yes, sir.

5 MR. MILLER:

6 And then for us there is no  
7 doubt that the new rules would  
8 say to deny this. I don't know  
9 that we, as a Board, could think  
10 of every opportunity, every  
11 option, everything that could  
12 come before us to say that rule  
13 applies. We live -- we all live  
14 by rules and we are a nation of  
15 laws, and I get it, but there is  
16 always an exception, and we  
17 shouldn't create laws for the  
18 exemption. We should have laws  
19 that work and there will be a few  
20 exemptions here and there, so I  
21 don't know how we could have  
22 known this was going to happen.  
23 If these other folks come up with  
24 a whole bunch of new jobs created  
25 like ASH has done, and the local



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1 support like ASH has done, maybe  
2 we do need to reconsider them.

3 And then, lastly, that is  
4 when -- lastly, Senator Adley,  
5 you made the comment publicly and  
6 privately about half of the state  
7 revenue going to local  
8 government, and as local  
9 government, because I am the  
10 Parish President of Tangipahoa  
11 Parish and I sit there every day  
12 begging the state for a few  
13 pennies here and there, I would  
14 have to challenge you on that  
15 half of the money going to local  
16 government. If you throw in the  
17 school system you might have an  
18 argument but please start saying  
19 that this is the school system's,  
20 not the local government. There  
21 is no way when Tangipahoa Parish  
22 government supports -- I'm not  
23 going to do it here. There are  
24 several state agencies that the  
25 parish government supports to



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1 operate in Tangipahoa Parish, so  
2 I have to counter you on that 50  
3 percent of the state revenue  
4 going to local government.

5 MR. WINDHAM:

6 Senator Chabert, I believe  
7 you are next.

8 MR. CHABERT:

9 Thank you, Mr. Chairman. And  
10 once again, I'm glad y'all jumped  
11 on that, and Mr. Miller pointed  
12 out that we do have letters of  
13 support from the Lafayette Parish  
14 School Board, the mayor,  
15 President's office, the sheriff's  
16 office, and I want to make it  
17 very aware to people because the  
18 economy in my area, Terrebonne,  
19 Lafourche mirrors Lafayette.  
20 It's almost the same economy with  
21 half of the population.

22 Last year in 2016 Lafayette  
23 experienced the greatest job loss  
24 in the United States of America.  
25 Over 9,400 jobs lost. Okay.



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1 9,400 jobs lost. That's an  
2 incredible impact to that region,  
3 to our state, okay, to our  
4 country, right. Just -- just to  
5 be clear, they are probably on  
6 pace, just like Houma/Terrebonne  
7 to experience a similar job loss  
8 unfortunately in 2017. Okay.

9 And here is a company that's  
10 making it, all right, in spite of  
11 that, and that is probably why  
12 you have a local support, and I  
13 agree with the Parish President  
14 that, you know, we are a nation  
15 of laws, we are a state of laws,  
16 the rules are important.

17 If this Board could not  
18 reconsider of an interpretation  
19 or a decision that it's  
20 previously made then there is no  
21 need for the Board. We'll just  
22 put up a computer system and it  
23 -- we'll just handle it that way  
24 and automate that and lose a  
25 bunch of jobs there, too.



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1           So we are going through -- I  
2       mean, a tremendous time of change  
3       nationally, statewide, certainly  
4       in this reform in this here  
5       government, which I support.  
6       Voted for just about every  
7       doggone performance government  
8       wants, okay, but the second the  
9       government starts literally  
10      getting in the way of businesses  
11      doing business, locally, small  
12      businesses, everything that we  
13      preach every time every  
14      politician takes a stump, every  
15      single one. John Bel Edwards,  
16      Bobby Jindal, Bobby Chabert,  
17      every one, we are becoming the  
18      antithesis of what we say. And I  
19      think Together Louisiana is a  
20      great organization. I support a  
21      lot of the stuff that y'all do  
22      and y'all are on the right track,  
23      but I will go back to my Citizens  
24      United comment, all right.  
25           Shell Oil, okay, is not the

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1 same as Chauvin Oil with two  
2 boats that operating out of the  
3 bayou. They both got all of the  
4 -- but they don't do the same  
5 thing. Okay. A small little  
6 manufacturing company like this  
7 in Lafayette, Louisiana is doing  
8 value added is not the same thing  
9 as BASF. You know BASF. You may  
10 not know what they do, but they  
11 make a lot of the products you  
12 make better or whatever their  
13 saying is, but they are not the  
14 same. They may do the same but  
15 they ain't the same. So I agree  
16 with Mr. Moller to the extent I  
17 don't know if he is going to vote  
18 with me or not, but, you know,  
19 there is some times to make some  
20 exceptions and this may be one of  
21 them. Thank you.

22 MR. WINDHAM:

23 Thank you, Senator. Mr.  
24 Adley.

25 MR. ADLEY:



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1 I thought I was through until  
2 the President called my name, so  
3 -- I'm going to tell you you are  
4 correct that the majority of the  
5 money goes to local government,  
6 the biggest chunk goes to our  
7 school boards, rightfully so, but  
8 that's a little over \$3 billion  
9 out of \$4 billion. That leaves  
10 another billion.

11 Now, I don't have the numbers  
12 in front of me, but I do have  
13 somewhat of a memory and I can  
14 tell you our parish  
15 transportation funds, revenue  
16 sharing, the additional TTF funds  
17 and supplemental pay is only the  
18 beginning of what we do and we do  
19 all of those things because this  
20 is the right thing to do. We  
21 should do that for them because  
22 we took away their tax base, and  
23 it has been going on for years.  
24 Everyone in local government,  
25 maybe not your parish, but



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1 everyone that I meet in local  
2 government says let me take care  
3 of myself and so I'm trying to do  
4 that. I'm doing my very best at  
5 every one of these meetings to  
6 get to a point to where you have  
7 that choice to decide of whether  
8 or not you want to give away that  
9 tax base. That's what this is  
10 really about, and every meeting  
11 we get to the same discussion,  
12 but the facts are the facts. A  
13 majority of going to local  
14 government. Even though the  
15 largest chunk goes to education.  
16 There ain't no question about it,  
17 but it's the majority and it's --  
18 it is the ITEP. It is the reason  
19 that happens.

20 MR. WINDHAM:

21 Thank you, Mr. Adley.

22 Senator Ward.

23 MR. WARD:

24 Thank you, Mr. Chairman. You  
25 know, I probably view this stuff



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1 a lot different than a lot of  
2 people.

3 Two years ago I authored the  
4 bill that changed things. I  
5 don't know how significant it  
6 was, but it certainly changed  
7 things in terms of how the ITEP  
8 program and the industrial tax  
9 exemption, all of those things  
10 worked together. My co-pilot on  
11 that was Senator Chabert. But,  
12 you know, at some point common  
13 sense has to play a role in all  
14 of this and that's where a lot of  
15 times government fails. You have  
16 to be able to look at everything  
17 and make decisions, and in this  
18 particular case or in all of  
19 these cases I think it's vitally  
20 important that the local  
21 governments have a say.

22 Well, in this particular case  
23 I have a book full of the local  
24 governments saying they want this  
25 to go forward, and, you know, if



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1 all we do is have a set of cookie  
2 cutter rules and we make -- we  
3 don't -- what's the point of  
4 having these meetings, so we  
5 don't need that if we go that  
6 route, and I think that every  
7 circumstance is different, and I  
8 think this particular  
9 circumstance lends itself to us  
10 making an exception because you  
11 had somebody that was out there  
12 trying to better their business,  
13 trying to grow their business,  
14 which in turn would help the  
15 community, would allow them to  
16 employ more people, and for us to  
17 block him on this based on him  
18 having to miss one of the  
19 meetings while he is out there  
20 trying to make his company better  
21 to better serve the community, I  
22 think -- I think that would be a  
23 loss on what the rules are set  
24 for, and so, you know, I think  
25 this is probably one of the few



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1 circumstances where we do need to  
2 deviate from -- from the rules  
3 and make an exception so -- so  
4 these things -- he can continue  
5 to grow his company and he can  
6 continue to provide the jobs in  
7 the Lafayette region.

8 It's certainly not -- not  
9 something that I take without a  
10 lot of thought, but we certainly  
11 have to make exceptions from time  
12 to time, and I think this is  
13 certainly one that requires one  
14 of those exceptions.

15 MR. WINDHAM:

16 Thank you, Senator Ward. Mr.  
17 Jones.

18 MR. JONES:

19 I have a question for Ms.  
20 Kristin. Do you have an ASH  
21 document in front of you. I'm  
22 looking at the -- the tabs aren't  
23 numbered, but it looks like the  
24 next to last one, actually. And  
25 basically it looks like it was



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1 page 17 of a prior agenda where  
2 the ASH project was considered,  
3 and it shows an investment -- are  
4 you with me?

5 MS. CHENG:

6 Uh-huh (affirmative  
7 response).

8 MR. JONES:

9 Okay. An investment of  
10 \$683,570, and a first year  
11 exemption of \$8,675.

12 MS. CHENG:

13 Yes, sir.

14 MR. JONES:

15 Is that a one year exemption?

16 MS. CHENG:

17 That's a one year.

18 MR. JONES:

19 How many years would they be  
20 able to get that exemption under  
21 ITEP.

22 MS. CHENG:

23 Up to ten.

24 MR. JONES:

25 Up to ten. So the previous



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1 representation this was an \$8,000  
2 benefit is really more like an 86  
3 to 90,000 benefit. It is a ten  
4 year exemption; is that right? I  
5 mean, is that -- is that --

6 MS. CHENG:

7 It's an estimate, but  
8 correct.

9 MR. JONES:

10 Yeah. Okay. I mean, the  
11 theory is right, is it? If it's  
12 only eight year exemption it's  
13 eight times \$8,600?

14 MS. CHENG:

15 Yes, sir.

16 MR. JONES:

17 Okay. So, basically, you  
18 know, a ten plus percent savings  
19 on an investment can be  
20 significant in a small company is  
21 the point. I just want to --  
22 earlier it was said it was an  
23 \$8,600 exemption. No, it's  
24 really not. It's more like a  
25 \$90,000 exemption.



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1           And this goes back to the  
2 philosophy of reform, and, again,  
3 I served in this Board. This is  
4 my 9th or 10th year on this  
5 Board. We've seen a lot of  
6 things come and go. Reform is  
7 always a good thing. It's always  
8 good to re-look and see where we  
9 are and where we're going. It's  
10 always difficult when you change  
11 the rules in the middle of the  
12 stream for people who have made  
13 business decisions five years ago  
14 based on assumptions the way  
15 things were going to go.

16           The thing I am concerned and  
17 have been concerned about since  
18 we've been going through the  
19 reform is that Louisiana -- I  
20 remember -- Mr. Adley may  
21 remember this, but he would be  
22 the only one in the room, but  
23 there was a very embarrassing  
24 thing that my friends in  
25 Shreveport, and I was part of



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1 that group, did years and years  
2 and years ago. We took out a  
3 full page ad in the USA Today  
4 begging McDonald Douglas to come  
5 to Shreveport, and the reason we  
6 did that is because Louisiana had  
7 no significant way to incentivize  
8 companies who come to the state,  
9 and this was in 1980s, and we  
10 were -- we were losing to Texas.  
11 We were losing to Georgia. We  
12 were losing to everybody in the  
13 -- in the Gulf Coast because our  
14 incentive -- our package, if you  
15 will, was just not enough and  
16 they were some people would go  
17 elsewhere. It's -- I think it's  
18 wrong thinking or at least  
19 incomplete thinking to say that  
20 decisions are made on ITEP alone  
21 or decisions are made based on  
22 the Mississippi River alone.  
23 It's a package. It's a complete  
24 package, and what the incentive  
25 programs that have been developed



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1 by this state do it adds to the  
2 package, and when we can enhance  
3 the package, we bring more  
4 business to the state. When we  
5 can't enhance the package, those  
6 businesses where Louisiana falls  
7 on the fence, they are going to  
8 go for places more attractive.

9 That's the way it works. When  
10 the packages are otherwise  
11 similar and the incentives are  
12 better someplace else, they are  
13 going to go someplace else.

14 That's the way business works.

15 This is my concern. We've  
16 changed the rules on the  
17 businesses that are here. Okay.  
18 That's fine. They will learn to  
19 live with it. But what I'm  
20 afraid of is ten years from now,  
21 15 years from now this Board may  
22 not have appeals to worry about  
23 because we have now -- we've now  
24 taken a situation where the  
25 package is not going to be as



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1 attractive, and when we say that  
2 this is money that the local  
3 government needs, we do need  
4 those -- local government does  
5 need the money, but they need --  
6 they need the plants there before  
7 they can even -- even if it's in  
8 year nine, year ten, year 11,  
9 year 12, year 15, year 30 that  
10 they are getting taxes paid, if  
11 the companies don't come they  
12 will never get those benefits, so  
13 I'm just saying, we made a  
14 decision and that's fine, we're  
15 going to learn to work with it,  
16 but I hope and pray that ten or  
17 15 years from now y'all look back  
18 on the statements I made and say  
19 Jones was an idiot, he was wrong.  
20 I hope that's what you say, but I  
21 don't think you will.

22 Thank you, Mr. Chairman.

23 MR. BAGGER:

24 Mr. Chair, could we make a  
25 suggestion just as a possibility



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1 to get on the table.

2 Our concern is entirely  
3 around a precedent, right. It's  
4 not around this company, and the  
5 precedents is routine maintenance  
6 getting an exemption. This Board  
7 has approved \$23 billion in  
8 exemptions over the last 20 years  
9 when the companies subsidized cut  
10 jobs by 21,000 jobs. That's the  
11 record so far, and most of that  
12 is because -- but it's not the  
13 small companies, it's the big  
14 ones. A possibility would be to  
15 amend the rules and allow him to  
16 submit an advance notice.

17 There's a technicality that you  
18 can't do that because the project  
19 is finished. But that kind of an  
20 amendment that keeps the spirit  
21 of the Executive Order, that  
22 keeps the rules that you have  
23 abided by is -- is far more of a  
24 technicality and far less likely  
25 to lead to hundreds, literally



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1 hundreds of applicants who are  
2 now saying what about me, what  
3 about me and lawsuits, and it  
4 would require, I don't know,  
5 another two months or so but the  
6 exemption would be backdated.

7 If he's already got the  
8 resolution, that's, by far, is  
9 the most onerous part. If you  
10 submit an advanced notice, go  
11 through the process at it's been  
12 described in the rules, you then,  
13 you know, meet everybody halfway,  
14 probably save a lot of money on  
15 lawyers and save the Governor the  
16 situation of probably having to  
17 veto this or not sign it because  
18 of the Executive Order in which  
19 case he doesn't get the exemption  
20 anyway.

21 MR. WINDHAM:

22 Thank you for the thought.  
23 We'll explore that further.

24 I believe we would have Mr.  
25 Richard who would like to make a



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1 statement.

2 MR. RICHARD:

3 Thank you, Mr. Chairman.

4 While I certainly appreciate as a  
5 member of this Board every  
6 business entity that comes to the  
7 table and certainly appreciate  
8 the dialog we've had here today  
9 varying philosophies on economic  
10 development in Louisiana, I think  
11 because of the rule changes and  
12 the rule -- the rules have been  
13 adopted and the fact that this  
14 Board has previously voted to  
15 deny the exemption, I think it's  
16 important to get it on the  
17 record, I would like to hear from  
18 -- from the LED legal counsel or  
19 a representative from LED as to  
20 their perspective one more time  
21 before we take a final vote as to  
22 how do the rules apply so we have  
23 it on the record. Not from a  
24 member of the Board, but from a  
25 member of the staff that we count



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1 on to advise the Board. Thank  
2 you.

3 MS. CLAPINSKI:

4 Can you tell me does that  
5 question --

6 MR. WINDHAM:

7 Please identify yourself.

8 MS. CLAPINSKI:

9 Danielle Clapinski, staff  
10 attorney at LED.

11 MR. RICHARD:

12 Obviously the rules that were  
13 -- I don't want to speak to the  
14 rules because I'm a member of the  
15 Board. I'm asking a member of the  
16 staff, legal counsel, an  
17 attorney, to come up to the Board  
18 and clearly explain why the rules  
19 call for denial of this  
20 exemption.

21 Mr. Chairman, I certainly  
22 understand that there is an  
23 appeals process in the rules. I  
24 get that. That's why we're going  
25 through this exercise, but I



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1 think it's important for the  
2 Board members to hear from LED  
3 legal counsel as to why the rules  
4 call for denial on the record.

5 MS. CLAPINSKI:

6 In section 505 of the rules,  
7 provision C, says "miscellaneous  
8 capital additions which do not  
9 have a pending contractual  
10 application as of June 24, 2016  
11 or those with pending  
12 applications as of June 24, 2016  
13 but do not provide for new jobs  
14 are not eligible for the property  
15 tax exemption," and I believe  
16 that is the provision of the  
17 rules upon which this Board  
18 denied those applications at the  
19 last meeting.

20 MR. RICHARD:

21 Thank you.

22 MR. WINDHAM:

23 We have Representative  
24 Carmody.

25 MR. CARMODY:



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1           Thank you, Mr. Chairman. I  
2 know we have a motion and a  
3 second on the floor and this  
4 discussion certainly is  
5 interesting, but I would like to  
6 go ahead and call a question.

7           MR. CHABERT:

8           Object.

9           MR. WINDHAM:

10          Objection by Mr. -- Senator  
11 Chabert. I'm sorry. And I  
12 honestly don't know how that  
13 works.

14          MR. CARMODY:

15          Go to the vote.

16          MR. WINDHAM:

17          All right. We will vote on  
18 the call of the question. Is  
19 there any objection?

20          MR. CHABERT:

21          Yeah. I object.

22          MR. WINDHAM:

23          I am sorry. So there is an  
24 objection. So now we vote on  
25 calling the question.



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1 MR. CHABERT:  
2 Yay is to call the question.  
3 Nay is against.

4 MR. WINDHAM:  
5 Yay is the call the question.  
6 Nay is against calling the  
7 question.

8 All in favor indicate with an  
9 aye calling the question.

10 PARTIAL BOARD MEMBERS:  
11 Aye.

12 MR. CHAIRMAN:  
13 I think we are going to have  
14 to do a roll call. Melissa,  
15 please step forward and do the  
16 roll call.

17 MS. SORRELL:  
18 Robert Adley.

19 MR. ADLEY:  
20 No.

21 MS. SORRELL:  
22 Robert Barham.

23 MR. BARHAM:  
24 Yes.

25 MS. SORRELL:



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1           Representative Schexnaydre  
2   for Abramson is not here.

3           MR. WINDHAM:

4           Can you speak up, Melissa.

5           MS. SORRELL:

6           Millie Atkins.

7           MS. ATKINS:

8           Yes.

9           MS. SORRELL:

10          Mayor Brasseaux.

11          MR. BRASSEAUX:

12          Nay.

13          MS. SORRELL:

14          Representative Carmody.

15          MR. CARMODY:

16          Yes.

17          MS. SORRELL:

18          Yvette Cola.

19          MS. COLA:

20          Yes.

21          MS. SORRELL:

22          Major Coleman is absent.

23   Ricky Fabra.

24          MR. FABRA:

25          Yes.



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1 MS. SORRELL:  
2 Manny Fajardo. Manny Fajardo  
3 is absent. Jerry Jones.

4 MR. JONES:  
5 Yes.

6 MS. SORRELL:  
7 Heather Malone.

8 MS. MALONE:  
9 Yes.

10 MS. SORRELL:  
11 Senator Ward for Senator  
12 Martiny.

13 MR. MARTINY:  
14 No.

15 MS. SORRELL:  
16 Robby Miller.

17 MR. MILLER:  
18 No.

19 MS. SORRELL:  
20 Jan Moller.

21 MR. MOLLER:  
22 No.

23 MS. SORRELL:  
24 Senator Chabert.

25 MR. CHABERT:



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1           No.  
2           MS. SORRELL:  
3           Anne Villa for Secretary  
4   Pierson.  
5           MS. VILLA:  
6           No.  
7           MS. SORRELL:  
8           Scott Richard.  
9           MR. RICHARD:  
10          No.  
11          MS. SORRELL:  
12          Darrel Saizan.  
13          MR. SAIZAN:  
14          No.  
15          MS. SORRELL:  
16          Daniel Schnexnaydre is  
17   absent. Rodney Slone.  
18          MR. SLONE:  
19          No.  
20          MS. SORRELL:  
21          Bobby Williams.  
22          MR. WILLIAMS:  
23          Yes.  
24          MS. SORRELL:  
25          Steve Windham.



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1 MR. WINDHAM:

2 No.

3 MS. SORRELL:

4 Dr. Wilson.

5 MR. WILSON:

6 No.

7 MS. SORRELL:

8 We have 13 no's. 7 yes's.

9 MR. WINDHAM:

10 So the motion fails, so we  
11 will continue our discussions. I  
12 believe the mayor is on deck.

13 MR. BRASSEAU:

14 I can understand the rules,  
15 but I want to go on record as  
16 being a mayor from one of these  
17 six municipalities in Lafayette  
18 Parish. When you get a vote of  
19 the school board that just lost a  
20 tax election, Lafayette  
21 consolidated counsel and the  
22 sheriff, I think I also saw a  
23 letter from Lafayette --  
24 Louisiana -- Lafayette Economic  
25 Development, this -- this



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1 facility is located in a  
2 neighboring community, it's not  
3 in mine, but I think sometimes  
4 there are exceptions to the rules  
5 and I think this may be one of  
6 them.

7 MR. WINDHAM:

8 Thank you, Mayor. Mr.  
9 Miller.

10 MR. MILLER:

11 Just a quick question. Do  
12 you -- I hope you know this. Do  
13 you know the amount of property  
14 tax you pay in Lafayette Parish  
15 now or your total property tax  
16 bill that you paid.

17 MR. SPENCE:

18 I'm not positive. It's  
19 significant. It's very large.

20 MR. MILLER:

21 Any ballpark? Everyone  
22 understand that you are not  
23 getting --

24 MR. SPENCE:

25 My wife would know.



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1 MR. MILLER:

2 I understand that. There is  
3 a --

4 MR. SPENCE:

5 And that was part of the  
6 reason why they were  
7 enthusiastic. You understood  
8 this was an expansion of jobs,  
9 and I had the numbers at those  
10 meetings. I just don't have them  
11 with me now.

12 MR. MILLER:

13 Like everyone else, I respect  
14 of the opinions and discussion  
15 points, they are very good, but I  
16 think, and it seems like there is  
17 an understanding by the general  
18 public and maybe others that when  
19 you get an exemption like this  
20 that ASH Industries is paying  
21 zero property tax in your parish,  
22 and I know that -- I know that  
23 that's not correct, but I think  
24 it needs to be kind of said, and  
25 if you have been to our meetings



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1 before, it's typically one of my  
2 questions, how much property tax  
3 do you pay now, and I was just  
4 hoping would you know that  
5 answer. Thank you.

6 MR. WINDHAM:  
7 Senator Chabert.

8 MR. CHABERT:  
9 Thank you. To counsel, so  
10 previously along the lines of  
11 some of the questions that Mr.  
12 Richard had and sort of piggyback  
13 with him on that one, you earlier  
14 stated the way we need to  
15 reconsider the vote, right,  
16 wasn't that you.

17 MS. CLAPINSKI:  
18 Yes, sir.

19 MR. CHABERT:  
20 And that is totally in  
21 accordance with --

22 MS. CLAPINSKI:  
23 That's typically how the  
24 Board handles an appeal, yes,  
25 sir.



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1 MR. CHABERT:

2 I know you are not a judge,  
3 and I'm not asking you to  
4 litigate this case should it go  
5 before the judicial system, but  
6 the question would be did we  
7 break the law in voting --  
8 reconsidering the vote of this  
9 Board based on an executive rule,  
10 right, executive rule, right?

11 MS. CLAPINSKI:

12 If the rule --

13 MR. CHABERT:

14 Legislature didn't vote on  
15 it?

16 MS. CLAPINSKI:

17 No. That's correct. This  
18 body put the rules in place.  
19 Yes, sir.

20 MR. CHABERT:

21 Thank you. Wait. Just to be  
22 clear before you take me off,  
23 there's a difference between  
24 breaking the rule of law and a  
25 difference between making a rule



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1 that you created as a Board, so  
2 we're clear on that.

3 MR. WINDHAM:

4 Thank you, Senator Chabert.  
5 Mr. Jones.

6 MR. JONES:

7 Danielle -- Mr. Bagger, I  
8 appreciate your suggestion on  
9 amending. Is that -- is that a  
10 potentiality.

11 MS. CLAPINSKI:

12 I think it would have to be  
13 -- it would depend upon the  
14 nature in which you drew that up.  
15 An advance serves a purpose for  
16 LED in the sense that it puts the  
17 department on notice that a  
18 company is intending or  
19 considering doing a project, so  
20 if you are talking about opening  
21 up the rules entirely and how we  
22 treat advances generally, I don't  
23 think that is probably a workable  
24 option. If you are discussing  
25 that the Board would potentially



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1 like to make some sort of  
2 consideration for companies like  
3 ASH and those similarly situated  
4 and it was drafted narrowly, I  
5 think the rules for ITEP are the  
6 Board's rules, and if that's  
7 something that y'all chose to  
8 move forward with, I think you  
9 are certainly within your right  
10 to do that.

11 MR. JONES:

12 Mr. Chairman, given that  
13 answer, and I'm brainstorming  
14 here, so work with me, what I  
15 would like to see us do perhaps  
16 is defer the action on this  
17 appeal and ask staff to help  
18 develop that kind of motion for a  
19 technical rule change.

20 MS. CLAPINSKI:

21 It would not be technical.  
22 It would have to go through the  
23 entire roll promulgation. I just  
24 want to make sure everyone is  
25 clear on what that would entail.



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1 MR. JONES:

2 I'm not asking for something  
3 insignificant, but ASH may be  
4 providing for us a -- a peephole  
5 -- a teachable moment, thank you,  
6 of the distinctions we may need  
7 to learn to make. And sometimes  
8 the rules are made to be fine  
9 tuned. It may be this is one of  
10 those times we do some fine  
11 tuning.

12 And, Mr. Bagger, I don't want  
13 to speak for you, but I think his  
14 suggestion is something that  
15 points us in the right direction.

16 MR. WINDHAM:

17 All right. Mr. Jones, we  
18 will take it into consideration.  
19 Mr. Moller.

20 MR. MOLLER:

21 I have to confess to being  
22 genuinely torn around this issue  
23 because you certainly have abided  
24 by the spirit of the Executive  
25 Order. You are creating jobs and



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1 you've kind of gotten local  
2 approval for this tax exemption,  
3 which would incline me to be  
4 sympathetic, but it also does go  
5 against the rules that this Board  
6 spent almost a year working on,  
7 and so I was wondering if it  
8 would be appropriate to offer a  
9 substitute motion along the lines  
10 of what Mr. Bagger suggested to  
11 allow to actually file in advance  
12 or would that be --

13 MS. CLAPINSKI:

14 Under the rules as they exist  
15 now, ASH is not eligible to file  
16 an advance on this project. It  
17 has to be filed prior to any cost  
18 being incurred.

19 MR. MOLLER:

20 Okay. All right.

21 MR. WINDHAM:

22 Answers that question, I  
23 guess. Senator Chabert.

24 MR. CHABERT:

25 Yes. And in spirit with what



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1 everyone is saying, I agree. I  
2 really like the concept of  
3 compromise. Anybody that knows  
4 me, I am a compromise king, I  
5 love it, okay. However, given  
6 the situation with this, I think  
7 the compromise may have to occur  
8 after we would take action upon  
9 this particular case.

10 MR. WINDHAM:

11 I would agree. Mr. Adley.

12 MR. ADLEY:

13 I have listened very  
14 carefully so that I can report  
15 back. I am very intrigued by the  
16 idea of being able to find some  
17 way to do it, but I think the  
18 point is well made that trying to  
19 do it in the middle of this one  
20 probably doesn't work because  
21 what it does here is it creates  
22 another precedent, and that  
23 regardless of how we write the  
24 rules, it puts us in the same  
25 boat. Some company comes and



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1 says, you know, you did it for  
2 him, you won't do it for me, and  
3 you say no and he gets his  
4 lawyers to work, and next thing  
5 you know, you are in court  
6 dealing with that issue, or you  
7 say yes and these good folks  
8 sitting out there behind them, we  
9 find ourselves in court with  
10 them.

11 It is the precedent issue  
12 that -- that's a problem. To  
13 address something for the future,  
14 I think it might have some merit  
15 and I -- as Chairman of the Rules  
16 Committee, I certainly want to  
17 look at that and I appreciate  
18 those comments. I mean, there's  
19 a way to figure out how to do it.  
20 I don't know how you do it here.  
21 I don't.

22 MR. WINDHAM:

23 Ms. Malone.

24 MS. MALONE:

25 The potential of rule change,



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1     could we consider a rule change  
2     under Section 505 for those  
3     applications for those companies  
4     who have spent their money prior  
5     to June 24 but if they comply as  
6     ASH has with the rules that we've  
7     set forth -- I mean, they would  
8     have filed for an advance and  
9     followed and complied with  
10    everything had that been in  
11    place, so can we add?

12           MS. CLAPINSKI:

13           I think that's an area of the  
14    rules that probably would make  
15    sense if you make that kind of a  
16    change to put it. I think some  
17    of the things you have to  
18    consider is what is your complete  
19    number of people you have those  
20    that have filed their MCA's and  
21    have been denied. You have got  
22    probable a whole collection of  
23    others that never filed because  
24    the Executive Order clearly  
25    stated they wouldn't be allowed,



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1 and so I think you also have to  
2 consider what else is opened up.  
3 I'm not saying you can or can't  
4 do it, but I'm saying that your  
5 number may not be -- depending on  
6 how you define that as limited as  
7 you think.

8 MR. WINDHAM:

9 Senator Ward.

10 MR. WARD:

11 Is there any option to adopt  
12 some type of emergency rule to  
13 give us the flexibility in a  
14 particular situation like this.

15 MS. CLAPINSKI:

16 I think if it rose to the  
17 standard that an emergency will  
18 require if it's something that is  
19 an imminent need. That is a  
20 possibility that the department  
21 would have to look at whether  
22 this rises to that level, and I'm  
23 not sure if it will or won't.

24 MR. WARD:

25 How long would it take to



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1 look at something like that.

2 MS. CLAPINSKI:

3 Not very long. I don't want  
4 to say here without the standards  
5 sitting in front of me.

6 MR. WARD:

7 I got you.

8 MR. WINDHAM:

9 All right. The Board is  
10 clear. Are there any other  
11 comments from the public  
12 concerning this motion on the  
13 floor to reconsider the denial of  
14 ASH's application.

15 MR. JONES:

16 Call for question.

17 MR. WINDHAM:

18 All right. Mr. Jones has  
19 called for the question. Is  
20 there any objection? So I know  
21 that this will require a roll  
22 call vote. I assume it will, so,  
23 Melissa, be prepared.

24 MR. JONES:

25 Mr. Chairman, can we be clear



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1 on the motion so we'll make sure  
2 that we are voting in the right  
3 direction.

4 MR. WINDHAM:

5 Yes. Ms. Clapinski, can you  
6 restate Senator Chabert's motion.

7 MR. CHABERT:

8 Because he said that.

9 MS. CLAPINSKI:

10 I believe what I said was  
11 that you would have to prove the  
12 appeal and that would require a  
13 reconsideration of their  
14 application for approval of  
15 exemption.

16 MR. WINDHAM:

17 So it's a two step process.

18 MS. CLAPINSKI:

19 Yes, sir.

20 MR. WINDHAM:

21 So approval of the appeal  
22 will allow the Board to  
23 reconsider its original denial.

24 MR. JONES:

25 So a yay vote is to grant the



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1 appeal, essentially; and a nay  
2 vote is to deny the appeal.

3 MR. WINDHAM:

4 That is correct. The yay  
5 vote is to grant the appeal, and  
6 a nay vote is to deny the appeal.

7 All in favor of granting the  
8 appeal indicate with an aye.

9 PARTIAL BOARD MEMBERS:

10 Aye.

11 MR. WINDHAM:

12 All opposed with a nay.

13 PARTIAL BOARD MEMBERS:

14 Nay.

15 MR. WINDHAM:

16 Let's do a roll call.

17 Melissa.

18 MS. SORRELL:

19 Robert Adley.

20 MR. ADLEY:

21 No.

22 MS. SORRELL:

23 Robert Barham.

24 MR. BARHAM:

25 Yes.



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1 MS. SORRELL:  
2 Daniel Schexnaydre for  
3 Representative Abramson. Millie  
4 Atkins.

5 MS. ATKINS:  
6 Yes.

7 MS. SORRELL:  
8 Mayor Brasseaux.

9 MR. BRASSEAU:  
10 Yes.

11 MS. SORRELL:  
12 Representative Carmody.

13 MR. CARMODY:  
14 Yes.

15 MS. SORRELL:  
16 Yvette Cola.

17 MS. COLA:  
18 Yes.

19 MS. SORRELL:  
20 Ricky Fabra.

21 MR. FABRA:  
22 Yes.

23 MS. SORRELL:  
24 Jerry Jones.

25 MR. JONES:



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 Yes.  
2 MS. SORRELL:  
3 Heather Malone.  
4 MS. MALONE:  
5 Yes.  
6 MS. SORRELL:  
7 Senator Ward.  
8 MR. WARD:  
9 Yes.  
10 MS. SORRELL:  
11 Robby Miller.  
12 MR. MILLER:  
13 Yes.  
14 MS. SORRELL:  
15 Jan Moller.  
16 MR. MOLLER:  
17 No.  
18 MS. SORRELL:  
19 Senator Chabert.  
20 MR. CHABERT:  
21 Yes.  
22 MS. SORRELL:  
23 Anne Villa.  
24 MS. VILLA:  
25 Yes.



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1 MS. SORRELL:  
2 Scott Richard.  
3 MR. RICHARD:  
4 No.  
5 MS. SORRELL:  
6 Darrel Saizan.  
7 MR. SAIZAN:  
8 Yes.  
9 MS. SORRELL:  
10 Ronnie Slone.  
11 MR. SLONE:  
12 Yes.  
13 MS. SORRELL:  
14 Bobby Williams.  
15 MR. WILLIAMS:  
16 No.  
17 MS. SORRELL:  
18 Steve Windham.  
19 MR. WINDHAM:  
20 Yes.  
21 MS. SORRELL:  
22 Dr. Wilson.  
23 MR. WILSON:  
24 No.  
25 MS. SORRELL:



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1           We have five no's. And 15  
2           yes's.

3           MR. WINDHAM:

4           So the motion to reconsider  
5           the denial is approved. Is there  
6           a motion to be entertained?

7           MR. CHABERT:

8           Motion for approval.

9           MR. WINDHAM:

10          Senator Chabert has a motion  
11          for approval. Is there a second?  
12          By Representative Carmody.

13          Would that be a substitute  
14          motion? I would have to ask  
15          legal counsel on that one.

16          MS. VILLA:

17          The question that I have can  
18          we motion to defer so that we,  
19          legal, can look at the emergency  
20          rules for the next Board meeting  
21          so that these are in the same  
22          situation as ASH can be  
23          reconsidered.

24          MS. CLAPINSKI:

25          Yes. I think that's a



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1 substitute motion to defer and  
2 that would basically mean it's  
3 sitting in the position as any  
4 other new application, you've  
5 overturned your denial and it's  
6 sitting there.

7 MS. VILLA:

8 Okay.

9 MR. RICHARD:

10 I will second that motion.

11 MR. WINDHAM:

12 Motion has been made by Ms.  
13 Villa to defer. It's been  
14 seconded by Mr. Moller.

15 I have two motions on the  
16 table, so I guess I vote on the  
17 second one.

18 Do you have any objection to  
19 deferring, Senator Chabert?

20 MR. CHABERT:

21 Yes.

22 MR. WINDHAM:

23 Okay. So we'll vote on the  
24 second one first.

25 Is there any discussion



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1 concerning the deferral of this  
2 application? Any comments from  
3 the public?

4 All in favor of deferring  
5 action on this application  
6 reconsideration indicate with an  
7 aye.

8 PARTIAL BOARD MEMBERS:

9 Aye.

10 MR. WINDHAM:

11 All oppose with a nay.

12 PARTIAL BOARD MEMBERS:

13 Nay.

14 MR. WINDHAM:

15 Roll call vote, Ms. Melissa.

16 I think they do, but I don't know  
17 if people want to be on the  
18 record.

19 MS. SORRELL:

20 Robert Adley.

21 MR. ADLEY:

22 Yes.

23 MS. SORRELL:

24 Robert Barham.

25 MR. BARHAM:



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1 No.  
2 MS. SORRELL:  
3 Millie Atkins.  
4 MS. ATKINS:  
5 Yes.  
6 MS. SORRELL:  
7 Mayor Brasseaux.  
8 MR. BRASSEAUX:  
9 Yes.  
10 MS. SORRELL:  
11 Representative Carmody.  
12 MR. CARMODY:  
13 No.  
14 MS. SORRELL:  
15 Yvette Cola.  
16 MS. COLA:  
17 Yes.  
18 MS. SORRELL:  
19 Ricky Fabra.  
20 MR. FABRA:  
21 Yes.  
22 MS. SORRELL:  
23 Jerry Jones.  
24 MR. JONES:  
25 No.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. WINDHAM:  
2 That would be a no?  
3 MR. JONES:  
4 No.  
5 MS. SORRELL:  
6 Heather Malone.  
7 MS. MALONE:  
8 Yes.  
9 MS. SORRELL:  
10 Senator Ward.  
11 MR. WARD:  
12 No.  
13 MS. SORRELL:  
14 Robert Miller.  
15 MR. MILLER:  
16 Yes.  
17 MS. SORRELL:  
18 Jan Moller.  
19 MR. MOLLER:  
20 Yes.  
21 MS. SORRELL:  
22 Senator Chabert.  
23 MR. CHABERT:  
24 No.  
25 MS. SORRELL:



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1 Anne Villa.  
2 MS. VILLA:  
3 Yes.  
4 MS. SORRELL:  
5 Scott Richard.  
6 MR. RICHARD:  
7 Yes, ma'am.  
8 MS. SORRELL:  
9 Darrel Saizan.  
10 MR. SAIZAN:  
11 Yes.  
12 MS. SORRELL:  
13 Ronnie Slone.  
14 MR. SLONE:  
15 Yes.  
16 MS. SORRELL:  
17 Bobby Williams.  
18 MR. WILLIAMS:  
19 Yes.  
20 MS. SORRELL:  
21 Steve Windham.  
22 MR. WINDHAM:  
23 No.  
24 MS. SORRELL:  
25 Dr. Wilson.



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1 MR. WILSON:

2 Yes.

3 MS. SORRELL:

4 16 yes's. 14 no's. I am  
5 sorry. 14 yes's. 6 no's.

6 MR. WINDHAM:

7 So the motion is deferred. I  
8 am sorry. Yeah. The appeal is  
9 granted. Action on the -- for  
10 approval is deferred, and I do  
11 not know what happens from here,  
12 Senator Chabert. I don't know  
13 what happens with yours. It just  
14 dies. Okay.

15 MR. CHABERT:

16 It's deferred.

17 MR. WINDHAM:

18 It's deferred.

19 MR. JONES:

20 But -- but --

21 MR. WINDHAM:

22 Wait. Mr. Jones.

23 MR. JONES:

24 But the motion to second is  
25 still on table at the next



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1 meeting.

2 MR. CHABERT:

3 Yeah.

4 MR. WINDHAM:

5 Say that again.

6 MR. JONES:

7 The motion to second is still  
8 on the table.

9 MR. WINDHAM:

10 Oh, okay. I got you. I  
11 understand. All right. Thank you  
12 very much for your time. Please  
13 work with us and understand where  
14 we are.

15 MR. SPENCE:

16 Yes, sir. Thank you.

17 MR. WINDHAM:

18 All right. Ms. Cheng.

19 MS. CHENG:

20 We have Bancroft Bag in  
21 appeals for application 20170183.

22 MR. WINDHAM:

23 Is there a representative  
24 from Bancroft Bag here? Please  
25 identify yourself.



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1 MR. ALEXANDER:  
2 My name is Jerry Alexander.  
3 I'm with Bancroft Bag in West  
4 Monroe, LA.

5 MR. WINDHAM:  
6 I am sorry. State your name  
7 again.

8 MR. ALEXANDER:  
9 Jerry Alexander.

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

12 MR. ALEXANDER:  
13 I am not an engineer. I'm a  
14 business graduate from Louisiana  
15 Tech, but we have a similar  
16 request, so it's been interesting  
17 to hear the comments that are  
18 made.

19 Basically Bancroft Bag is a  
20 company that's been in business  
21 since 1924. Our company is  
22 currently a female owned company.  
23 The second generation passed away  
24 a couple of years ago. He has  
25 three daughters that are now



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1 running the company. We employ  
2 over 400 people in Ouachita  
3 Parish, and we're in an industry  
4 that's been declining by three  
5 and a half percent a year for the  
6 last several years, and because  
7 of that, we've -- some of our  
8 competitors have gone away, but  
9 we've had to change our course of  
10 action and one of the markets  
11 that we went after was food and  
12 medical, and to do that we had to  
13 have a third party certification,  
14 which happened to be an AIB,  
15 American Institute of Banking,  
16 and to do business with large  
17 companies. To do that we have  
18 made a lot of expenditures to --  
19 for us to pass that third party  
20 certification.

21 The -- we are aware of the  
22 rule change and accept that, but  
23 we are asking for help on what  
24 happened before the Executive  
25 Order was issued. We did create



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1 an additional six jobs that pays  
2 approximately \$200,000 to comply  
3 with this certification, and  
4 we're in an industry that's  
5 struggling.

6 I did bring some products  
7 that we made. We are a paper bag  
8 manufacturer. We buy corrugated  
9 products from Spring Hill,  
10 Louisiana, International Paper.  
11 We buy paper from Hood Packaging  
12 in St. Francisville, Louisiana.  
13 We buy film from two companies in  
14 Ouachita Parish, and so we spend  
15 a lot of money in the state. We  
16 employ a lot of people, and we  
17 are just asking for similar help  
18 as my predecessor here.

19 MR. WINDHAM:

20 Are there any questions by  
21 any of the Board members for Mr.  
22 Alexander. Mr. Barham.

23 MR. BARHAM:

24 Unless I'm confused, the  
25 previous testimonies brought



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1 confirmation from all of the  
2 local government entities in the  
3 parish that they were in support.  
4 Do you have that.

5 MR. ALEXANDER:

6 We -- what I have with me  
7 today is just a confirmation that  
8 we supplied the information  
9 requested by Ms. Cheng, and I'm  
10 not sure that -- I don't see that  
11 that was information that was  
12 requested, but my understanding  
13 is prior that we have supplied  
14 everything that was requested.

15 MS. BOATNER:

16 Ronda Boatner with Didier  
17 Consultants. We can surely go to  
18 the locals and get this  
19 information as he -- as Mr.  
20 Alexander stated, this wasn't  
21 required in the request from LED,  
22 but going forward, if it will  
23 help with his argument or his  
24 story, we will be willing to go  
25 to locals to get the support from



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1 them.

2 MR. BARHAM:

3 Well, at least for me it  
4 would because what we want to  
5 have is a statement that you did  
6 create jobs and you have that  
7 full support of the local  
8 governing bodies and that would  
9 -- that would certainly tip the  
10 scale for me. I can't speak for  
11 anybody else on the Board, but I  
12 want to see that.

13 MR. ALEXANDER:

14 We can provide whatever  
15 information you would like to  
16 see.

17 MR. BARHAM:

18 I wouldn't feel much  
19 differently than the previous  
20 business if you had the same --  
21 you were in the same situation,  
22 so I guess I'd move to defer as  
23 we did the previous one.

24 MR. WINDHAM:

25 All right. There is a motion



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1 by Mr. Barham to defer. And there  
2 is a second by Ms. Malone.

3 So first we have to -- we  
4 have to approve the  
5 reconsideration, so we are going  
6 to go backwards.

7 MS. CHENG:

8 I believe he is deferring the  
9 appeals.

10 MR. WINDHAM:

11 Deferring the appeal  
12 entirely. Okay. Sorry. All  
13 right. Mr. Jones.

14 MR. JONES:

15 Are we going to act on the  
16 deferral?

17 MR. WINDHAM:

18 I didn't know if you have any  
19 comments or --

20 MR. JONES:

21 I was wanting to get more  
22 facts and situation, so let's act  
23 on the deferral and I will ask my  
24 questions for the next meeting.

25 MR. WINDHAM:



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1 Any question on the motion?

2 MR. BARHAM:

3 We're going to have to go  
4 down this road anyway. I withdraw  
5 my motion and we can get the  
6 information that the others would  
7 require and at that time, I --

8 MR. WINDHAM:

9 The motion has been  
10 withdrawn. Ms. Malone, I assume  
11 you will withdraw your second.  
12 So go back to Mr. Jones.

13 MR. JONES:

14 Bancroft, I'm -- and I may  
15 have missed it. I was trying to  
16 locate your -- or materials you  
17 apparently your -- the action on  
18 your situation was the same time  
19 happened at ASH, and I was  
20 looking at tables, but what was  
21 the -- what led to the problem  
22 here. What happened?

23 MR. ALEXANDER:

24 Well, the problem was we  
25 followed the rules that's been in



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1 place for decades and supplied  
2 everything that's been accepted  
3 in the past, so seems that the  
4 precedent was set and apparently  
5 when the Executive Order was  
6 issued, I'm not sure if we just  
7 were late on it, but we -- we had  
8 done everything that we had done  
9 in the past, and I'm not sure  
10 what we --

11 MR. JONES:

12 At what point did you realize  
13 you had missed the deadline.

14 MR. ALEXANDER:

15 I'm looking at some  
16 information from our financial --  
17 our Vice-President of Finance,  
18 and she had a letter to Ms.  
19 Cheng, and basically that was  
20 dated on June 14th, and it was --  
21 and then we were -- Ms. Cheng  
22 asked for information that  
23 project details, when the  
24 expenditures occurred, any other  
25 items that were discussed such as



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1 jobs that were created include  
2 the start and end dates of all  
3 individual projects and with the  
4 application that they included,  
5 and to have that information  
6 presented by Friday, May 26th,  
7 and --

8 MR. BARHAM:

9 Of what year?

10 MR. ALEXANDER:

11 I am sorry. 2017. So all of  
12 that was -- was supplied in a  
13 timely manner, and at the time we  
14 thought we had -- met all of the  
15 requirements.

16 MS. CHENG:

17 Can I clarify. This  
18 application originally went to  
19 the Board in April, and because  
20 there were jobs listed on it it  
21 was deferred in the group to June  
22 because the Board wanted to allow  
23 them time to come back with the  
24 information that I requested from  
25 them, which they did get to me,



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1 but local approval was never  
2 suggested, no.

3 MR. WINDHAM:

4 Okay. Mr. Jones.

5 MR. JONES:

6 My problem is I don't have a  
7 timeline. I'm --

8 MS. CHENG:

9 So, this was considered an  
10 MCA that was completed in 2016,  
11 which means it would have been  
12 due 90 days from completion,  
13 which was -- it was filed on time  
14 for an MCA when they were  
15 allowed. Then it went to the  
16 Board in April. It was deferred  
17 because they had jobs. The Board  
18 chose to deny all that had no  
19 jobs and deferred all of the ones  
20 that were showing jobs to allow  
21 for the companies to come back in  
22 June with additional information.

23 In June, all were denied with  
24 or without jobs and now this  
25 appeal is before you.



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1 MR. WINDHAM:

2 The reason I believe they  
3 were denied is because that's  
4 when the rules went into effect.

5 MS. CHENG:

6 Correct.

7 MR. WINDHAM:

8 So because of the rules were  
9 in effect they couldn't be  
10 approved the Board denied them  
11 all.

12 MR. JONES:

13 So by deferring them we did  
14 them harm. Y'all, these  
15 decisions have consequences. We  
16 shouldn't make them lightly.

17 By deferring -- by deferring  
18 because there was a piece of  
19 information missing, you may have  
20 just cost these people, how much  
21 money, ten times \$17,000 a year  
22 that they were otherwise entitled  
23 to under the rules.

24 So, I like the idea of  
25 deferring because if we're going



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1 to handle these appeals and I  
2 think that the point has been  
3 well raised that these -- I think  
4 it's going to have to be fact  
5 specific, and I would like to  
6 defer this and I would ask Mr.  
7 Alexander and Ms. Cheng, whoever,  
8 I would like to see more detailed  
9 in writing about how this  
10 happened and when it happened  
11 because I don't think if we're  
12 going to handle these appeals the  
13 way I think we ought to handle  
14 appeals, I think they are fact  
15 specific and I don't think we  
16 ought to do it by memory. I  
17 don't think we ought to do it by  
18 -- I think this is the way it was  
19 -- it's clear, Mr. Alexander  
20 needs a better understanding of  
21 how things happen so that this  
22 Board can make a decision that is  
23 based on facts, not speculation,  
24 or this is the way I think it  
25 happened. I would ask for a

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1 better record before we will  
2 consider this appeal. I move to  
3 defer.

4 MR. WINDHAM:

5 All right. Mr. Jones has  
6 moved to defer. Seconded by  
7 Representative Carmody.

8 Any comments from the public  
9 concerning this? Mr. Bagger.

10 MR. BAGGER:

11 You can feel the worms  
12 starting to spill out of the can.  
13 Miscellaneous capital additions  
14 were never the intent of the  
15 Industrial Tax Exemption program.  
16 It was intended as a program to  
17 attract or expand industry,  
18 manufacturing industry.  
19 Miscellaneous capital additions,  
20 by definition, are routine  
21 capital expenditures, the kind of  
22 thing that every firm has to make  
23 and things that firms have to  
24 make shouldn't get a public  
25 subsidy, are not legally capable



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1 of getting a public subsidy  
2 because the constitution  
3 prohibits giving public dollars  
4 to private entities unless  
5 there's some public good  
6 involved.

7 One of the fundamental  
8 contributions of the Executive  
9 Order in the rules of the past is  
10 to address that dysfunction that  
11 is unique to Louisiana  
12 subsidizing companies and routine  
13 expenditures. We have created a  
14 tool to be able to see what's  
15 happening with companies, and  
16 it's on our website, Together BR.  
17 This company, and this is not in  
18 any way an indictment, any of  
19 this. It is suggesting that we  
20 look at what our -- this program  
21 has brought about because this is  
22 the only program where people  
23 tend to say, well, a lot of money  
24 is being spent, let's assume it's  
25 doing a lot of good.



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1 Bancroft has received \$4.6  
2 million in exemptions over the  
3 last 20 years. One a year, 20  
4 total. In the first year they  
5 applied they had 552 employees,  
6 full time employees per their own  
7 applications. They currently,  
8 per their own applications, have  
9 -- sorry. They had 436  
10 originally and they now have 302,  
11 so with \$4.6 million in subsidies  
12 there's been a net job reduction  
13 of 134 jobs.

14 That's not the exception in  
15 this program, it's the norm.  
16 Mostly what we are subsidizing is  
17 capital investment, and if that  
18 has any affect economically it's  
19 to hasten the process of  
20 capitalization, increased  
21 productivity and displacement of  
22 labor, so we're spending billions  
23 of dollars to lose jobs.

24 This is an example of a  
25 company that is doing good things



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1 and making investments just like  
2 everybody else in their industry  
3 and the trend in that industry is  
4 toward greater capital investment  
5 and less need for people, so they  
6 are not doing anything wrong, but  
7 there is no argument for a public  
8 subsidy. For routine investment  
9 that a company has to make they  
10 have to make in this location,  
11 they already made, and if they  
12 have an affect on jobs, it's to  
13 decrease them, so this precedent  
14 is extremely troubling for us.

15 MR. WINDHAM:

16 I do have to agree with a  
17 couple of things that you said in  
18 there, though.

19 You said that the  
20 miscellaneous capital additions  
21 weren't considered additions, but  
22 the constitution said additions  
23 in it. It doesn't define what  
24 the additions are.

25 When I worked in this



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1 program, I know that companies  
2 would make additions during the  
3 year that they had not planned.  
4 An opportunity came up to buy a  
5 new machine so that they could be  
6 more productive. So they may go  
7 out and spend \$1 million to  
8 purchase that machine. It wasn't  
9 planned so there was no need for  
10 an advance notification. If they  
11 had known it was going to come  
12 up, I believe they would have  
13 filed advances.

14 I wasn't there in 1936, so I  
15 can't say what they intended to  
16 do with it, but it says in there  
17 additions, so --

18 MR. BAGGER:

19 And these are not. They are  
20 not additions. They don't add  
21 production, they don't add jobs.  
22 I understand that someone has  
23 described that they are -- they  
24 are routine capital expenditures  
25 and they are applied for every



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1 year on the year like clockwork.

2 MR. WINDHAM:

3 Wait. That's not what I heard  
4 Mr. Alexander describe. He was  
5 doing something so that he could  
6 step into a new market. Is that  
7 an addition or not or is that  
8 maintenance.

9 MR. BAGGER:

10 The norm in this program,  
11 especially for miscellaneous  
12 capital additions, but, frankly,  
13 about 90 percent of the overall  
14 subsidies are not expansions.  
15 There's no increase output.  
16 There is no increase in jobs.  
17 There is increase productivity  
18 but that can mean fewer jobs and  
19 it doesn't need to be  
20 incentivized with public dollars  
21 because when you are more  
22 productive, you make more money,  
23 and that's the incentive that we  
24 believe in in this free market  
25 society, right. We don't believe



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1 that you need to have public  
2 subsidies just for nothing. You  
3 only get public subsidies if  
4 there is some public good  
5 involved. And the way this Board  
6 has operated has dismissed that  
7 principal and started saying, do  
8 we like what you are doing. Not  
9 what does it yield for the  
10 public, but do we like what you  
11 are doing, and that's not --  
12 that's not a criteria that is  
13 constitutional.

14 MR. WINDHAM:

15 All right. Thank you. Mr.  
16 Miller.

17 MR. MILLER:

18 Mr. Bagger, thank you for  
19 your comments and thank you for  
20 the tool for us to be able easily  
21 find those exemptions.

22 Mr. Alexander.

23 MR. ALEXANDER:

24 Yes, sir.

25 MR. MILLER:



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BOARD OF COMMERCE AND INDUSTRY MEETING

1           This project and I think you  
2           said to us and I want to make I  
3           have this clear. This was a new  
4           production line, a new expansion.

5           MR. ALEXANDER:

6           It was a new market. We had  
7           to upgrade equipment, upgrade the  
8           building to comply with this  
9           third party certification. The  
10          loss of jobs, as I mentioned  
11          earlier, is three and a half  
12          percent decline in our industry  
13          over several years, so we're  
14          fighting.

15          MR. MILLER:

16          Does this work creating the  
17          additional jobs.

18          MR. ALEXANDER:

19          Created six additional full  
20          time jobs.

21          MR. MILLER:

22          Because of the additions that  
23          were done to this line.

24          MR. ALEXANDER:

25          Yes.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. MILLER:  
2 Okay. Thank you.

3 MR. WINDHAM:  
4 Mr. Jones.

5 MR. JONES:  
6 Mr. Bagger, first of all, I  
7 want you to know I sincerely  
8 appreciate the passion of  
9 Together Louisiana, and as  
10 uncomfortable as it may sometimes  
11 be, I think forcing us all to  
12 look back on our prior action is  
13 a good thing, and so I do  
14 appreciate that.

15 I think, however, though, is  
16 that we all struggle with  
17 attributing motives to behavior,  
18 and I think that's a very  
19 difficult task, and it's, by  
20 definition, speculative. And I  
21 think the thing that I struggle  
22 with in some of our -- and I'm as  
23 guilty of it as perhaps you are  
24 is our sweeping generalizations  
25 of this is why this is happening,



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1 and I want us to understand that  
2 at the end of the day businesses  
3 are -- are trying to make  
4 decisions, they are trying to  
5 take advantage of opportunities  
6 that government gives them as  
7 they can, as anybody does, just  
8 like if you take a deduction on  
9 your income tax, you've chosen to  
10 take advantage of a subsidy that  
11 government has given you. Are  
12 you evil because you took it, no.  
13 You just did it because it was  
14 available to you, and you have  
15 been stupid not to take it.

16 We're in a situation where  
17 for years and years and years  
18 this program has evolved. Has it  
19 evolved the way it should have,  
20 that's a matter of opinion. My  
21 opinion will probably differ from  
22 yours. I think anything that  
23 this state has done to make -- to  
24 make business -- to make this a  
25 more business friendly state is a



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1 good thing. Can you go overboard  
2 with that, absolutely you can. I  
3 don't think we have.

4 But the point is, as I listen  
5 to your comments, I don't want  
6 them to go unresponded to because  
7 I think we have a difference of  
8 opinion, that's what makes the  
9 world go around, that's why we  
10 have these discussions. But  
11 there is a -- your statements, as  
12 dogmatic as they are, I don't  
13 accept them as -- I don't accept  
14 some of the premises that they  
15 are based on and I don't accept  
16 some of the conclusions. That  
17 doesn't mean that I'm right, it  
18 just means that we disagree, so I  
19 hope you understand that as we  
20 work through these and we're  
21 trying to figure out how to  
22 thread this needle going forward,  
23 I want you to understand my  
24 perspective and I want you to  
25 understand my heart on it as well



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1 that please take it in the manner  
2 that I intended.

3 MR. WINDHAM:

4 Mr. Adley.

5 MR. BAGGER:

6 Can I respond very briefly to  
7 that.

8 MR. WINDHAM:

9 If you step up to the table.

10 MR. BAGGER:

11 The tax foundation, which is  
12 a business oriented think tank  
13 has been very critical of this  
14 program from a business  
15 perspective, and the fact of the  
16 matter is every other business  
17 that's not receiving these is  
18 paying higher taxes to subsidize  
19 them. Every man, woman and child  
20 is paying higher taxes to  
21 subsidize.

22 So any time you push on the  
23 balloon of the tax system, it  
24 comes out someplace else, and the  
25 other place it comes out is other



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 people paying that, so in East  
2 Baton Rouge Parish there are 76  
3 businesses that have gotten these  
4 over the last 20 years. There  
5 are hundreds and hundreds and  
6 hundreds, probably about three  
7 thousand that are paying \$18  
8 mills higher in property taxes to  
9 cover the cost of these  
10 exemptions only one percent of  
11 which were competitive. Only one  
12 percent of which were new  
13 companies coming in, right. So  
14 it is not as simple as saying if  
15 we're giving subsidies to  
16 business that's probusiness when  
17 other businesses flip the bill  
18 and some of the investments and  
19 infrastructure that create a  
20 productive business climate, we  
21 have had one philosophy of  
22 economic development for 80  
23 years, probably longer, which is  
24 give them money, cut their costs,  
25 and it's gotten us to be last to



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1 second to last in the nation of  
2 economic development.

3 The places that know how to  
4 do economic development make  
5 investments and they create a  
6 healthy business environment.  
7 They don't just cut cost. So  
8 that's what we are encouraging is  
9 that we shift toward that kind of  
10 economic development that is  
11 truly business friendly not one  
12 that picks favorites and helps  
13 one part of the business  
14 community and the citizens  
15 subsidizing the other without  
16 scrutinizing the public's benefit  
17 that's involved.

18 MR. WINDHAM:

19 But, Mr. Bagger, in relation  
20 to that, you and I talk about  
21 paper mills. If you shut down a  
22 paper mill you are destroying a  
23 community. You are destroying  
24 all the trucker jobs, all of  
25 chemical people that supply that



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1 in there, so, yeah, it may be the  
2 company that enjoys the benefit,  
3 but if there is other companies  
4 that are paying 18 mills higher  
5 it may be possible that they are  
6 supplying the transportation  
7 infrastructure for those  
8 companies. They are supplying  
9 the materials that go in there.  
10 They are supplying the packaging.  
11 They are supplying a lot of goods  
12 that are in there. If it weren't  
13 for those 76 companies being  
14 there they wouldn't exist either,  
15 possibly. Again, possibly.

16 MR. BAGGER:

17 If you don't scrutinize  
18 whether there's new likelihood of  
19 the paper mill shutting down,  
20 this Board approved exemptions at  
21 an approval rate of 99.95 percent  
22 up until the day of the Executive  
23 Order. 99.95 percent. Then you  
24 are not helping to incentivize  
25 something, you are giving away a



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1 giveaway.

2       What we're arguing for is  
3 scrutiny. To figure out when  
4 it's competitive and when it's  
5 not. That is why there is an  
6 advance notice. That is why you  
7 require local approvals. All of  
8 things that are built into the  
9 Executive Order are meant to say  
10 let's see if this is something  
11 that really needs public dollars  
12 not assume it does because when  
13 you do that, yeah, you may get  
14 those paper mills, but for every  
15 one you get, there are hundreds  
16 and hundreds and thousands and  
17 thousands of projects that would  
18 have happened anyway that you are  
19 subsidizing with extraordinary  
20 costs to the public sector, to  
21 the other parts of the business  
22 community. That's the reason  
23 nobody else does it like this.

24       MR. WINDHAM:

25       Thank you. Mr. Leonard.



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1 MR. LEONARD:

2 Thank you, Mr. Chairman.

3 Jimmy Leonard. Advantous

4 Consulting. I'm here

5 predominantly just to read the

6 old rules and kind of set the

7 record straight. There appears

8 to be a misconception of the

9 definition of a miscellaneous

10 capital addition.

11 The miscellaneous capital

12 addition definition is an

13 accumulation of capital assets

14 placed in service during the

15 previous ad valorem tax year.

16 The word "routine," the word

17 "maintenance," the word "prepare"

18 is not part of the definition of

19 a miscellaneous capital addition.

20 Now, I would not be surprised

21 that some of those activities are

22 part of a miscellaneous capital

23 addition application, but the

24 definition itself does not

25 dictate that's what was approved.



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1 There were many companies that  
2 used the miscellaneous capital  
3 addition definition in the  
4 application process simply as a  
5 means of filing for exemption.  
6 Their investments were less than  
7 \$5 million, an advance  
8 notification was not a formal  
9 requirement, so for decades there  
10 was an existing systematic  
11 process that was routinely  
12 approved by the Department of  
13 Economic Development and before  
14 Commerce of Industry and the  
15 Governor as a way of doing  
16 business.

17 The Executive Order changed  
18 the way that we are doing  
19 business going forward. We  
20 appreciate that and we're on a  
21 path for following that, but  
22 please understand that a number  
23 of these companies that are  
24 coming before you are coming to  
25 you after having done business a



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1 certain way with the state for a  
2 long period of time.

3 The policy debate regarding,  
4 you know, whether you should  
5 approve routine capital, who is  
6 coming, who would do it anyway,  
7 that's -- as Mr. Jones very  
8 accurately stated that's a very  
9 subjective and very difficult  
10 point to get to. As someone who  
11 works with companies on a daily  
12 basis in making investment  
13 decisions as to where they will  
14 put their capital dollars, it's  
15 also very accurate to say there  
16 is a package. It's not just  
17 property tax. It's not just  
18 sales tax. It's not just income  
19 tax. There is the entire tax  
20 system at the state level, at a  
21 local level and what the cost of  
22 doing business is in the State of  
23 Louisiana, and property tax is  
24 one piece of that puzzle. And no  
25 doubt it's part of the equation



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1 that the companies must go  
2 through before making a final  
3 investment decision.

4 But I wanted to just make  
5 that everybody understood that  
6 the miscellaneous capital  
7 addition application process was  
8 just an existing accepted means  
9 of filing an application for  
10 exemption that we all recognize  
11 has changed going forward.

12 And the last point, if I may  
13 please, is -- the analogies that  
14 I would like to share with  
15 everyone is the policy decision  
16 to only incentivize additions and  
17 expansions. I buy a house;  
18 therefore, the incentive is only  
19 to make my house larger. All  
20 right. Miscellaneous capital  
21 additions in the policy to  
22 incentivize people to keep their  
23 house up-to-date, to keep the  
24 facility to the best and highest  
25 standards available, as a



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1 corporation completes globally  
2 for capital, if they can buy a  
3 new valve as opposed to put a  
4 band aid on it, by the time the  
5 band aid gets too old, well, the  
6 new valve is too expensive.  
7 Well, they are going to put that  
8 money somewhere else in the  
9 world.

10 Our manufacturing  
11 establishments, not just  
12 completing locally, they are  
13 competing globally for their  
14 dollars to invest here in  
15 Louisiana.

16 So part of -- as we described  
17 it to our clients, part of the  
18 routine, you know, exemptions  
19 that are being, you know,  
20 perceived as being awful, we kept  
21 our companies competitive  
22 globally by doing that. We may  
23 not have created new jobs, which  
24 is very politically appealing,  
25 but we help maintain jobs. We



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1 help keep facilities current and  
2 competitive, and so, please, I  
3 get very disturbed when I hear  
4 the concept that you should only  
5 incentivize the new. You should  
6 only go for the addition.

7 There is value in having the  
8 facility nice, new, current  
9 modernized and safe, and that's  
10 just a point I felt compelled to  
11 make to everybody. Thank you.

12 MR. WINDHAM:

13 Thank you, Mr. Leonard. Mr.  
14 Adley.

15 MR. ADLEY:

16 Let me ask you a question.

17 MR. LEONARD:

18 Yes, sir.

19 MR. ADLEY:

20 Before you go, the biggest  
21 thing that we ran into when this  
22 Governor came into the office  
23 with the issue of MCA.

24 MR. LEONARD:

25 Yes, sir.



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1 MR. ADLEY:  
2 Tell us the process to get an  
3 MCA. You are a company. You  
4 wanted an MCA under the old rule,  
5 what did you do?

6 MR. LEONARD:  
7 Sure. Well, from an MCA, Mr.  
8 Adley, that was an application  
9 decision process is how much of  
10 an investment are we making.

11 MR. ADLEY:  
12 No. That's not what I want to  
13 know.

14 MR. LEONARD:  
15 Sure.

16 MR. ADLEY:  
17 Were you sitting in your  
18 office and you could -- were you  
19 able to go up on the computer and  
20 go to LED and file an MCA.

21 MR. LEONARD:  
22 Yes, sir.

23 MR. ADLEY:  
24 You decide, I want to do a  
25 project and I go to my computer



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1 and punch a button and I have now  
2 qualified for an MCA, and if I  
3 want and did the work, I could  
4 come to this Board and I would  
5 get the exemption. Is that  
6 fairly how it worked?

7 MR. LEONARD:

8 The application would be make  
9 a decision to prepare an  
10 application. I would present it  
11 to the Department of Economic  
12 Development's staff, at which  
13 time it would be vetted by staff  
14 and --

15 MR. ADLEY:

16 Is that the advance  
17 notification or MCA?

18 MR. LEONARD:

19 MCA.

20 MR. ADLEY:

21 MCA went to the department.

22 MR. LEONARD:

23 Yes, sir.

24 MR. ADLEY:

25 Before you started any work?



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1 MR. LEONARD:

2 No, sir. After the work was  
3 done.

4 MR. ADLEY:

5 That's my whole point. That  
6 you very much. I had a statement  
7 I want to make but you've  
8 answered my question.

9 What we ran into when this  
10 Governor came into office, you  
11 had two systems of doing  
12 business. You had advance notice  
13 that came to you, you had time to  
14 vet it, you had time to go  
15 through it. The MCA, on the  
16 other hand, was a matter of you  
17 could sit in your office and you  
18 could punch your computer on the  
19 screen and you qualified for an  
20 MCA. And if you went and did the  
21 work, you came to this Board, and  
22 this Board, according to what the  
23 members that have been here  
24 before me has said, this Board  
25 would meet and the meeting would



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1 last about 30 minutes and  
2 everything was approved.

3 This Governor shows up and  
4 what we found was is that there  
5 was work going on not for  
6 manufacturing, not related to  
7 manufacturing, office expenses,  
8 mandated environmental concerns  
9 that the federal government says  
10 you have to do. We were giving  
11 them tax breaks for doing -- to  
12 be environmentally safe and  
13 sound.

14 Now, if they did an advance  
15 notice normally you avoided those  
16 things, but under an MCA, you  
17 didn't.

18 Now, which brings me to the  
19 point: What happens was is when  
20 all of this came out, the  
21 Governor issued an Executive  
22 Order, and it's not him speaking.  
23 He issued an Executive Order and  
24 said, any MCA not after this date  
25 but even in process before this



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 date is over. Then after it left  
2 town, it came to us and we went  
3 through multiple public hearings  
4 to draft those rules in  
5 accordance, and we sat in those  
6 hearings, I know I'm looking at  
7 the faces of people that were  
8 there and those meetings with us,  
9 and with listened to every word  
10 you said. We made changes you  
11 told us to make. We did that.  
12 They came to this full Board and  
13 they made statements to you. We  
14 made more changes. Then it went  
15 to the legislature. Their  
16 approval, and then to the  
17 Governor. This has gone through  
18 a full process over a year.

19 Now, I know every law, every  
20 rule is never perfect, but there  
21 was a reason to deal with the  
22 MCA's. They were totally out of  
23 control. This gentleman talked  
24 about the capitalized expense.  
25 Y'all know what that means. That



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1 means I take every file folder, I  
2 take every paperclip, I take  
3 everything I got -- you shake  
4 your head if you want to, but we  
5 had people testify to this Board  
6 that that's what they did, and  
7 that's what happens in business.  
8 You can make the decision for  
9 your tax returns whether you are  
10 going to depreciate or take an  
11 immediate expense. Every  
12 business is -- I know that  
13 because I have been in this state  
14 for 40 years. That's the way it  
15 works. But you could get an MCA  
16 by just doing whatever you wanted  
17 to do. Now, that's not to say  
18 they were all bad, but there were  
19 clearly problems with them.

20 Now, do we need to look at  
21 some emergency rules some way to  
22 try to work our way through this  
23 process, those that were caught  
24 in a catch 22, I certainly think  
25 that's worth doing and have

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1 supported doing that here today.

2 But I just want everybody to  
3 understand this is just not  
4 something this Board came up  
5 with. These rules went through a  
6 long lengthy process, and some of  
7 us agreed with what went in, some  
8 of us disagreed with what went  
9 in, but we voted on them and they  
10 got here, and they are the rules.

11 Now, it's just very important  
12 for you to remember the moment  
13 you move away from them without  
14 making some other rule or replace  
15 it, Robert, to give you some  
16 guidance, this room is going to  
17 be packed a whole lot fuller than  
18 it was at the beginning of this  
19 meeting because there is going to  
20 be a whole lot of people who  
21 didn't think they could comply  
22 with the old rules, and now you  
23 open the door for another one.  
24 You are going to find yourself  
25 back in the same boat. I don't



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1 like it. I wish it wasn't that  
2 way, by it is.

3 I just want to remind people  
4 this Governor is not trying to do  
5 harm to business, he is trying to  
6 insure that that legitimate  
7 business that is out here helping  
8 this state, we are ready to help  
9 them. We are. But to be able to  
10 go do work and never get approval  
11 from anybody before you do the  
12 work and then come in and get a  
13 tax break, and, look, I looked at  
14 the records, ain't none of them  
15 to -- there's thousands of them.  
16 We looked today how we count jobs  
17 on these things. We now know that  
18 we can really count them --  
19 probably double counting them.  
20 This Governor doesn't want to do  
21 that. He wants it to be  
22 transparent. He wants it to be  
23 clear. That's all we are trying  
24 to do.

25 Now, look, I want to say this



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1 last thing to y'all. You can  
2 normally blame me for these  
3 meetings going on as long as they  
4 do. But y'all done a pretty good  
5 job for yourselves today, and I  
6 want to commend you for it  
7 because I think it's very, very  
8 healthy and I think it's very,  
9 very helpful. I do. I just want  
10 everybody to understand this  
11 Governor hears it and is more  
12 than willing to work toward  
13 whatever solution we can to make  
14 sure that everybody gets treated  
15 fairly, and that's what we're  
16 trying to do, but we can't just  
17 write these rules and then we  
18 come in here as a Board and say,  
19 well, you know -- you know, I  
20 hate what happened to you.  
21 Goodness sakes, this is terrible,  
22 so I'm just going to change my  
23 mind on that one.

24 That's not the right way to  
25 do it. The right way to do it is



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 exactly the motion that have been  
2 made here. You deferred this.  
3 Give the staff some time to see  
4 if there is not a way to work  
5 around this, and get that done,  
6 and if we need to change the  
7 rules, I can sit right here and  
8 tell you we'll have a meeting and  
9 get it done and do whatever has  
10 to happen. If it has to be an  
11 emergency process, we'll do that.  
12 But that -- that is the way to  
13 go. It is. It's ashamed that  
14 some that are doing good things  
15 get caught. Some of those that  
16 maybe didn't do such good things.  
17 I don't know about y'all but I  
18 get calls from people back home,  
19 business people telling me, I  
20 have been in this parish for 40  
21 years paying taxes and this  
22 company shows up across the  
23 street and he went down there and  
24 file for them ITEP and he just  
25 got here and he don't pay any



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1 taxes. That ain't right either.  
2 There's got to be a good reason  
3 for what we do. And that's all  
4 we have been trying to  
5 accomplish. It is. But you need  
6 to understand, you never forget  
7 there is a difference between an  
8 advanced notice and an MCA.  
9 There is a huge difference, and  
10 that's what was creating a  
11 problem and that's what was  
12 targeted by the Governor, and he  
13 made it real clear, and the  
14 Executive Order says and the  
15 rules now say whether you were in  
16 process or you came after it, it  
17 doesn't make any difference, if  
18 you had that MCA instead of the  
19 advanced notice, you were putting  
20 yourself at risk.

21 MR. WINDHAM:

22 Thank you, Mr. Adley. Ms.  
23 Villa.

24 MS. VILLA:

25 Thank you, Mr. Chairman. Mr.



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1 Bagger, there is a couple of  
2 things that struck a cord with me  
3 whenever you were addressing  
4 economic development and how  
5 Louisiana ranks as far as  
6 economic development being in the  
7 bottom half. I'll have you know  
8 that Site Selection Magazine  
9 rated Louisiana Economic  
10 Development efforts among the top  
11 ten in the prosperity rankings  
12 for 2017, and it's evaluation of  
13 economic development performance  
14 by each of the 50 states, the  
15 magazine ranked Louisiana No. 10  
16 citing its record of new and  
17 expanded facilities, high capital  
18 investment and substantial job  
19 creation. This is Louisiana's  
20 7th top ten showing in the past  
21 nine years in the prosperity cup,  
22 which formally was noticed the  
23 top competitive state rankings.  
24 Louisiana ranked No. 11 in 2016,  
25 so we did rise to No. 10.



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1           Also, I was going to wait and  
2 share this in my update from the  
3 secretary, but in July -- on July  
4 18th Louisiana ranked No. 1 in  
5 projects per capita for the ninth  
6 year in a row. Southern Business  
7 and Development Magazine ranked  
8 Louisiana No. 1 for the ninth  
9 consecutive year as the southern  
10 state claimed the most economic  
11 development project wins per  
12 capita. The magazine tracked the  
13 most significant capital  
14 investment in job creation  
15 projects across the south. The  
16 states earning points from large  
17 employment projects, 200 or more  
18 jobs, and large capital  
19 investment projects \$30 million  
20 or more attracted during 2016.  
21 Louisiana led the region with the  
22 most points per million people at  
23 84.4 outperforming second place  
24 South Carolina, 80.6; and third  
25 place Alabama, 65.8. Neither

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1 Louisiana nor Texas, the overall  
2 points leader, earned the 2017  
3 state of the year designation  
4 which the publication awarded to  
5 South Carolina.

6 Based upon the analysis of  
7 that state's 66 project wins in  
8 2016, Louisiana had 57 project  
9 wins and earned one of the three  
10 honorable mention awards for the  
11 state of the year along with  
12 Alabama and Kentucky. Thank you.

13 MR. WINDHAM:

14 Thank you, Ms. Villa.  
15 Senator Ward.

16 MR. WARD:

17 Thank you, Mr. Chairman. I'm  
18 not sure who can answer this, but  
19 this may be a little off track,  
20 but still I would like to ask it.

21 Now that some of the  
22 Executive Orders and some other  
23 changes have been made, how do we  
24 stack up with other states in  
25 terms of how generous this



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1 program is or is not, anyone  
2 know?

3 MR. ADLEY:

4 I can help with that.

5 MR. CHAIRMAN:

6 Mr. Adley.

7 MR. ADLEY:

8 The testimony that we  
9 received when we were going  
10 through the process was that if  
11 we actually lowered ITEP all of  
12 the way to 70 percent from one  
13 hundred, we'd still be at the  
14 top. We are at one hundred  
15 percent.

16 MR. WARD:

17 If we dropped it back another  
18 30 percent, we would still be --

19 MR. ADLEY:

20 Yeah. That was the testimony  
21 we received as we went through  
22 the rules process and we went  
23 through all of these changes,  
24 that's what we were told.

25 MR. WARD:



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1           The main reason I ask that,  
2    you know, as a legislature you  
3    read things that maybe certain  
4    groups put out there, certain  
5    heads of groups put out there,  
6    and it's, you, between the rule  
7    changes and the Executive Order  
8    it was promoted out there pretty  
9    heavily that the program was  
10   gutted, but that certainly  
11   wouldn't be the case from what I  
12   understand. Can anybody answer  
13   that for me?

14           MR. WINDHAM:

15           That the program was gutted?

16           MR. WARD:

17           Yeah. That essentially --

18           MR. WINDHAM:

19           No. I don't think the Board  
20   gutted the program.

21           MR. WARD:

22           Right. Exactly. I'm not  
23   talking about the Board. I'm  
24   talking about all of the  
25   different changes that were made.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 There was a lot of -- a lot of  
2 talk out there from people that  
3 represent certain groups that the  
4 program had been essentially  
5 gutted.

6 MR. WINDHAM:

7 No. I personally don't  
8 believe that. I don't know how  
9 the rest of the Board feels. I  
10 don't know how the Department of  
11 Economic Development feels, but,  
12 I mean, it has changed. Some of  
13 it -- you know, it's great to  
14 have the local input in there. I  
15 know even when the process --  
16 again, from when I worked there,  
17 no matter how much described, the  
18 miscellaneous capital additions  
19 applications that would come in  
20 for us, and, again, I can only  
21 speak from when I was there, we  
22 went through the applications and  
23 saw what the purchases were, and  
24 if they put in, you know, supply  
25 folders, we redlined. We would



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1 say, I'm sorry, this is not  
2 available for exemption, this  
3 wasn't a capital expenditure. If  
4 they put in paperclips as it has  
5 been said before, we scratch  
6 through them, and I'm assuming  
7 they still do that now. You go  
8 line by line and look at the  
9 applications to see what the  
10 items purchased are.

11 We used to have another  
12 process that gave Louisiana  
13 resources the opportunity to be  
14 used but that was ruled  
15 unconstitutional. So we had to  
16 even call them and say, you know,  
17 Mr. Alexander, I understand that  
18 you purchased this equipment from  
19 another state, who did you  
20 contact in Louisiana to give them  
21 a shot at it? And if he said no  
22 one, we had to get it from this  
23 other state, well, if it was had  
24 to be gotten from the other state  
25 then we would allow it. If it



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1 was something that they could get  
2 here, we would deny it because he  
3 didn't give Louisiana resources  
4 the opportunity to be used. That  
5 was -- that's gone. But, again,  
6 the process they go through and  
7 look at the applications, but,  
8 again to go back to your  
9 question, no, we're still  
10 competitive.

11 MR. WARD:

12 And that was really the point  
13 I was trying to make, and for  
14 whoever is left here --

15 MR. WINDHAM:

16 I got too many people. Mr.  
17 Adley.

18 MR. ADLEY:

19 We should look at your agenda  
20 today. I want you to look at the  
21 first one that we approved, and  
22 when we approved all of these,  
23 they were all filed before the  
24 Executive Order. We agreed to  
25 grandfather all of this. This



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1 Governor agreed in honor of  
2 Louisiana's word, although he  
3 didn't agree with me, but every  
4 time I say the word  
5 "administrative stuff" and they  
6 say they "redline it," I want you  
7 to read the first one. Look at  
8 the first one. Project  
9 description. Now, this was done  
10 years ago, long before this  
11 Governor got here. Probably while  
12 you were redlining. This is what  
13 it said, "upgrade to existing  
14 facilities only modest this year  
15 and to machinery and equipment  
16 used in manufacturing compressors  
17 including some office and other  
18 administrative equipment."

19 Now, where was the red line?

20 MR. WINDHAM:

21 Well, in that case those  
22 items were capitalizable, though.

23 MR. ADLEY:

24 Steve, Steve, every time I  
25 mention that, though, you begin



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1 to shake your head, and the truth  
2 of the matter is you have allowed  
3 -- this state has allowed for  
4 years the use of  
5 non-manufacturing parts that are  
6 not part of the process to get  
7 ITEP.

8 Now, these rules have changed  
9 that. Really, we've -- I think  
10 back on track, but if you just  
11 take the time, and I hate to say  
12 it, every time I get one of  
13 these, I read every one of them,  
14 and you'd just be surprised what  
15 you see. I didn't object to it  
16 because we grandfathered them in,  
17 and that's what he wanted to do.  
18 But to sit here and say this to  
19 Board, again, Mr. Chairman,  
20 repeatedly that those  
21 administrative items were not  
22 included, this is their  
23 application. It is their words.  
24 It was included, and we have  
25 sought to stop that. We made



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1 some really good changes,  
2 Senator. We have. Apparently  
3 from what we find out today, they  
4 are not totally perfect, and you  
5 keep working at it, but they are  
6 a whole lot better than they  
7 were.

8 MR. WINDHAM:

9 Mr. Ward.

10 MR. WARD:

11 Thank you. I guess the point  
12 I was trying to make is whether  
13 you are the business owner here  
14 today or the ones that represent  
15 those businesses, whenever it  
16 comes to press releases and  
17 everything else that you may put  
18 out there when you discuss the  
19 legislature, this Board, the  
20 Governor, please be truthful  
21 because we -- you know, we have  
22 sit there and take it on the chin  
23 whether it be this Board, the  
24 legislature or the Governor when  
25 groups put out there that we



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1 gutted something that helps  
2 provide jobs for the state when  
3 we, in fact, did not, and so it's  
4 a tough pill to swallow whenever  
5 you are up here trying to do the  
6 right thing, and if you just  
7 tweak something just a little bit  
8 so it actually does what it's  
9 meant to do then you are accused  
10 of gutting something and making  
11 it it no longer a workable  
12 program.

13 So it was more of a statement  
14 but I felt like it was a good  
15 time to put it out there because  
16 everybody on the Board and  
17 everybody in the legislature, and  
18 I believe the Governor as well,  
19 is interested in having a  
20 wonderful business climate for  
21 this state, but it's important  
22 that the people that say they are  
23 working for business are actually  
24 doing it in a productive way and  
25 in a way that's honest and



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1 truthful, and I know that  
2 sometimes that's a lot to ask  
3 from some of those folks, but I  
4 believe that it would do everyone  
5 a lot of good if press releases  
6 and everything that are put out  
7 there are honest and actually  
8 discussed the true changes that  
9 are made to programs. That's it.

10 MR. WINDHAM:

11 Thank you, Senator Ward. Mr.  
12 Barham.

13 MR. BARHAM:

14 Yes, Steve. I was sitting  
15 here and thinking, and despite  
16 his denial, Adley, these are  
17 reasons these meetings go so  
18 long, and I remember sitting with  
19 him for years in the senate and I  
20 think they were in those total  
21 years there were only seven bills  
22 he chose not to speak on, so I  
23 have some personal experience,  
24 but I am reminded listening to  
25 the comments today what we're



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1 trying to do is create a package,  
2 an environment in Louisiana where  
3 we're attractive to business to  
4 stay or to locate here, and the  
5 point was made earlier that  
6 businesses depend on improvements  
7 in their industry to remain  
8 competitive and to stay here, and  
9 if you only listen to some of the  
10 facts, and I'm sorry Mr. Bagger  
11 had to leave because I enjoy  
12 listening to his comments an  
13 awful lot, and he brings balance  
14 to some discussions we have, but  
15 he was talking about going back  
16 20 years. I'm old enough to know  
17 how valuable Bancroft Bag is to  
18 that part of the state and very  
19 familiar with them. 20 years ago  
20 he said we had 500 and something  
21 jobs, I can't remember the  
22 number, and today it's 400 and  
23 something, but if you look at the  
24 total payroll 20 years ago and  
25 compare it to the total payroll

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1 today, although the job numbers  
2 are down, I'll bet you that the  
3 total payroll is a great deal  
4 more, and that's what you got to  
5 consider in that package that  
6 we're trying -- it's not just  
7 about the loss of the job. They  
8 are more competitive now and  
9 they've had to make changes that  
10 allow them to remain in  
11 Louisiana. So, you are right,  
12 the decisions we make are  
13 important and there are  
14 complexities to the decisions we  
15 make, but we need to hear the  
16 whole package as much as we can  
17 put it together. And I don't  
18 mind saying. It was someone who  
19 leaned over to me and said, you  
20 and Adley don't get along very  
21 well, do you. On some things we  
22 don't, but I will publically say,  
23 he is one of me closes friends.

24 MR. ADLEY:

25 Ain't saying it no more.



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1 MR. BARHAM:

2 Well, that's right. It  
3 probably will ruin both of our  
4 reputations to acknowledge that,  
5 but I have enjoyed this  
6 discussion.

7 MR. WINDHAM:

8 Thank you, Mr. Barham. Ms.  
9 Villa.

10 MS. VILLA:

11 I just wanted to respond to  
12 Senator Ward. Our economic  
13 competitiveness team evaluated  
14 the ITEP program, and if we were  
15 to drop to 70 percent per capital  
16 intensive firms, we drop from  
17 first to 12th in the competitive  
18 ranking. From a ten year,  
19 basically.

20 MR. WINDHAM:

21 All right. Mr. Jones.

22 MR. JONES:

23 We have an appeal on the  
24 agenda. Our discussion has been  
25 very lively and interesting. Mr.



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1 Alexander is going, what the hell  
2 does that have to do with me. I  
3 bet he is.

4 MR. WINDHAM:

5 He is going to sit here and  
6 help us, right. He withdrew his  
7 motion.

8 MR. JONES:

9 I thought I made a motion to  
10 defer, but we all got --

11 MR. WINDHAM:

12 We do have a motion on the  
13 floor. Ms. Clapinski.

14 MS. CLAPINSKI:

15 I just wanted to respond, Mr.  
16 Jones. You had asked about the  
17 process and how things had  
18 happened, and I happen to have a  
19 copy of the April minutes of the  
20 meeting, and my understanding is  
21 the two that were approved at  
22 that meeting, based on the  
23 minutes, they could attest to the  
24 fact that all of the money was  
25 spent and the assets were placed



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1 in service prior to the date of  
2 the Executive Order, and I  
3 believe, based upon my reading of  
4 the minutes, that's why the Board  
5 allowed those two and approved  
6 those two. The others that were  
7 present could not make those same  
8 certainty statements that those  
9 moneys were extended and those  
10 assets were placed in service and  
11 so the Board asked them to come  
12 back with that information at a  
13 later date, and so I just wanted  
14 to put on the record, based on  
15 the minutes of the April meeting,  
16 that was how that worked.

17 MR. JONES:

18 And when they came back  
19 everything had changed.

20 MS. CLAPINSKI:

21 That is correct.

22 MR. WINDHAM:

23 So we have a motion on the  
24 floor to defer and second. Was  
25 there any further discussion of



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1 the board members? Any further  
2 questions? Any further comments  
3 from the public?

4 MR. ALEXANDER:

5 Mr. Chairman, I would like to  
6 say at that point we did submit  
7 everything that was required and  
8 dated appropriately as to what  
9 the expenditures were in great  
10 detail.

11 MR. WINDHAM:

12 All right. Thank you, Mr.  
13 Alexander. All in favor of the  
14 motion to defer indicate with an  
15 aye.

16 ALL BOARD MEMBERS:

17 Aye.

18 MR. WINDHAM:

19 All oppose with a nay.

20 Motion carries.

21 MR. JONES:

22 Mr. Chairman, Mr. Alexander,  
23 I would ask that you come back  
24 next time because the beating is  
25 not over, but what I would ask is



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1 if you could -- it will be two  
2 months away and I would have  
3 slept a couple times since then.  
4 If you could help us work out the  
5 chronology of what happened and  
6 how it happened and if we could  
7 work through the questions of the  
8 local support whether you have it  
9 or not and bring that information  
10 to us that would be very, very  
11 helpful. And Mr. Miller would  
12 like to know how much property  
13 tax the Bancroft pays with --  
14 pays. I don't care knowing right  
15 now, but what I -- what I'm  
16 saying if y'all could put  
17 together a good appeal package  
18 for us, and I think -- and for  
19 all of the consultants and  
20 whoever else is sitting here for  
21 future appeals, let's treat it  
22 like a real appeal. Just don't  
23 show up and say, please, don't  
24 boot me anymore. I would like --  
25 I think this Board is going to be

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1 asking for real information so we  
2 can have facts that we can make  
3 some decisions on.

4 MS. BOATNER:

5 Ronda Boatner with Didier  
6 Consultants. To answer Mr.  
7 Miller's questions, ASH  
8 Industries paid \$208,000 in  
9 property taxes last year. And  
10 that goes to the -- that thought  
11 is, you know, companies do not  
12 pay property taxes. If they have  
13 been there for 30 years, they do  
14 pay property tax. They get a  
15 temporary exemption from the  
16 property taxes or deferral, but  
17 if they are there for any  
18 extended amount of time they are  
19 going to pay property taxes.  
20 They paid \$208,000.

21 MR. WINDHAM:

22 Thank you, Rhonda. Ms.  
23 Villa, I believe we are finished  
24 with the other business. Ms.  
25 Cheng. Ms. Villa.



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1 MS. VILLA:

2 Before I make my President's  
3 comments or the secretary's  
4 comments, I just have a couple  
5 things for the record. The Board  
6 minutes refer to our last meeting  
7 being held at the Lasalle  
8 Building, and if we can get that  
9 corrected for the record that it  
10 was held here at the capitol, I  
11 would like to have that  
12 reflected.

13 MR. WINDHAM:

14 All right.

15 MS. VILLA:

16 We approved the minutes. So  
17 I don't know that I can  
18 technically do that. But I would  
19 like to make that.

20 MR. WINDHAM:

21 We'll make the correction.

22 MS. VILLA:

23 The second, Senator Adley  
24 asked the question about the  
25 Enterprise Zone. Senator Adley.



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 MR. ADLEY:

2 Sorry. I apologize.

3 MS. VILLA:

4 That's okay. You had asked  
5 the question about the Enterprise  
6 Zone and the restaurants and  
7 retail were made ineligible for  
8 July 1, 2015, and hotel and  
9 staffing were made ineligible  
10 April 1 of 2016. So if you would  
11 like staff to make note of that  
12 going forth on Enterprise Zone  
13 because we're going to continue  
14 to have applications that come  
15 forth because of the advances  
16 that were filed prior to those  
17 dates, we can make that note that  
18 way.

19 MR. ADLEY:

20 I know Mr. Barham doesn't  
21 want to hear this but I would  
22 have to tell you I would like  
23 that. I would appreciate it.  
24 Because I have a special interest  
25 in Enterprise Zone. Even before



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1 Barham got here, there was a  
2 fellow named Dan Richey in the  
3 senate, and the guy in the house  
4 named Robert Adley, and they sent  
5 us to Atlanta, Georgia back in  
6 the '80s, and they showed us this  
7 program Enterprise Zone. It was  
8 a new conservative program to  
9 help poor people. We thought it  
10 was a great thing. We brought it  
11 back and implemented it in the  
12 State of Louisiana only to watch  
13 it get so out of control and so  
14 out of hand by giving to it  
15 McDonald and Grips and everybody  
16 else that we could give it to.  
17 That's why I ask those questions.  
18 Honestly, it's just a personal  
19 place, so, yes I would appreciate  
20 that very, very much.

21 MS. VILLA:

22 We will, and we are very  
23 thankful that the legislature  
24 throughout the course of 2015 and  
25 2016 have made significantly



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1 reform measures to the Enterprise  
2 Zone, and so we brought -- we  
3 feel that it's been brought back  
4 to the original purpose, Mr.  
5 Adley, so thank you and the  
6 legislature for supporting those  
7 efforts.

8 MR. WINDHAM:

9 Thank you for those answers,  
10 Ms. Villa, and now you have the  
11 Secretary's report.

12 MS. VILLA:

13 The Secretary's report.  
14 Thank you, Mr. Chairman, fellow  
15 Board members. The Secretary  
16 regrets not being here. He is  
17 unable to attend, and, again, I  
18 welcome the opportunity to serve  
19 with you as his designee for  
20 today's Board meeting.

21 I just want to update a  
22 couple of things, a couple of  
23 announcements. I know everyone  
24 is ready to go to lunch. We had  
25 the Governor announce with



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 Plastipak Packaging CEO William  
2 Young on June 29 the  
3 manufacturing expansion in  
4 Pineville, and that's an  
5 expansion of existing business,  
6 you know, and we're all about  
7 economic development, and, again,  
8 earlier to took offense to being  
9 classified as one of the lower, I  
10 think LED, Louisiana Economic  
11 Development by far one of the  
12 best economic development  
13 organizations in the country, and  
14 we don't just say it. I think  
15 it's proven in our rankings, so  
16 -- and we're all about creating  
17 jobs and retaining jobs.  
18 Retaining these jobs are very  
19 important to us.

20 Also, if you haven't received  
21 our economic development  
22 quarterly, it used to be a  
23 publication that we did four  
24 times a year and we would mail it  
25 to everyone. It's not



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 electronic. It's very neat. If  
2 you don't receive it and you  
3 would like to receive it, I think  
4 post Board members do receive it,  
5 but in that you would see that  
6 you have a section dedicated to  
7 the Water Institute of the Gulf,  
8 which is being constructed right  
9 now, and I think everyone is  
10 aware of it is going to be the  
11 Baton Rouge Water campus. Well,  
12 the Governor on July 10th  
13 announced with Justin -- the CEO  
14 of the Water Institute, Justin  
15 Ehrenwerth announced the pact  
16 with Global Water Research leader  
17 Deltares, and they are going to  
18 work with Deltares of the  
19 Netherlands to pursue the world  
20 class solutions in coastal  
21 protection and restoration. The  
22 research partners are going to  
23 focus on key areas from software  
24 development and watershed  
25 modeling to infrastructure and



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1 nature based solutions that  
2 preserve our coastlines as a  
3 pathway for supporting  
4 Louisiana's 50 years, \$50 billion  
5 coastal master plan and for  
6 attracting private sector jobs  
7 employers that apply the research  
8 to water management projects  
9 worldwide.

10 LED targets the water  
11 management as one of our nine key  
12 industries that will most  
13 stimulate the state's economy  
14 with the potential for four  
15 thousand new direct jobs on the  
16 water campus in Baton Rouge and  
17 45 new direct and indirect jobs  
18 statewide in the water management  
19 sector over the next generation.

20 Also, there is a couple of  
21 different programs that are small  
22 business -- small business  
23 services group has announced we  
24 have a year long program that  
25 nurtures growth of Louisiana



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BOARD OF COMMERCE AND INDUSTRY MEETING

1 firms via peer learning and  
2 access to experts. It's called  
3 the CEO roundtable, and it first  
4 launched in New Orleans in 2014  
5 to help second stage firms grow  
6 jobs and revenue. CEO  
7 roundtables contain 15 to 18  
8 qualified decision makers from  
9 Louisiana based on their growth  
10 over a course of a year. They  
11 made a minimum of ten times a  
12 year peer to peer learning  
13 business networking and support  
14 for those CEOs are available to  
15 them. Louisiana is expanding it  
16 to six cities throughout the  
17 state. Classes had began this  
18 past summer and they are going to  
19 be in Alexandria and Shreveport  
20 -- are being added to the program  
21 this year joining New Orleans,  
22 Baton Rouge, Shreveport and  
23 Lafayette.  
24 I already -- we've got the  
25 Louisiana Small Contractors



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1 accreditation program is also  
2 underway. It's a six week course  
3 designed for emerging  
4 construction companies and  
5 innovative program to help those  
6 small construction companies  
7 build a solid foundation for  
8 business growth and success is  
9 going to return this fall and  
10 enrollment is now open for that  
11 Louisiana Contractors  
12 Accreditation Institute. It's a  
13 six week course conducted  
14 throughout the state and the  
15 institute offers critical  
16 information about construction  
17 management and how to prepare for  
18 the business and law portion of  
19 the contractors licensing exam.

20 LED is working in conjunction  
21 with LCTCS, Louisiana Community  
22 and Technical College System, and  
23 the Louisiana State Licensing  
24 Board for contractors. Earlier I  
25 already discussed our rankings

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1 within LED and how Louisiana  
2 ranks regarding the ranking that  
3 we received from the No. 1  
4 project -- how Louisiana ranked  
5 No. 1 in projects per capita for  
6 the ninth year, so I won't go  
7 through that again, but also for  
8 eight years in a row on July 20th  
9 LED FastStart ranked No. 1 for  
10 the state workforce training  
11 program in the nation. So this  
12 was business facilities No. 1  
13 ranking to LED FastStart for  
14 eight years and Louisiana earned  
15 that No. 1 ranking also for cyber  
16 security growth potential and  
17 additional top ten rankings among  
18 the best state for cost, economic  
19 growth, exports, infrastructure  
20 and utility cost. New Orleans,  
21 Lafayette, Shreveport and  
22 Gramercy foreign trade zone  
23 received top ten honors as  
24 regional economic development  
25 leaders with the port of south

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1 Louisiana based Gramercy Zone  
2 ranked No. 1 for imports.

3 So these are -- I think these  
4 are very important rankings that  
5 show that Louisiana is at the  
6 forefront of economic  
7 development. Thank you.

8 MR. WINDHAM:

9 Thank you very much, Ms.  
10 Villa. Mr. Alexander, I'm sorry,  
11 you didn't have to sit through  
12 all of that. Thank you for  
13 showing up. I saw you sitting  
14 there and I didn't know if you  
15 were waiting for --

16 MR. ALEXANDER:

17 I just was trying to be  
18 polite.

19 MR. WINDHAM:

20 All right. Is there a motion  
21 to -- is there any other  
22 business? Is there a motion to  
23 adjourn? Mr. Slone. Seconded by  
24 Ms. Cola. All in favor, aye.

25 ALL BOARD MEMBERS:



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Aye.  
MR. WINDHAM:  
Motion approved.

(Whereupon the meeting has adjourned at 12:51  
p.m.)



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REPORTER'S CERTIFICATE

I, RACHEL TORRES-REGIS, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this meeting was taken, do hereby certify that, after having been duly sworn by me upon authority of R.S. 37:2554, did testify as hereinbefore set forth in the foregoing pages;

That this testimony was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

That the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board, and that I am informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services;

That I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of



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1 Civil Procedure Article 1434 and in rules and  
2 advisory opinions of the board;

3 That I have no actual knowledge of  
4 any prohibited employment or contractual  
5 relationship, direct or indirect, between a court  
6 reporting firm and any party litigant in this  
7 matter nor is there any such relationship between  
8 myself and a party litigant in this matter. I am  
9 not related to counsel or to the parties herein,  
10 nor am I otherwise interested in the outcome of  
11 this matter.

12

13 Dated this 24th day of September, 2017.

14

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\_\_\_\_\_  
RACHEL TORRES-REGIS, CCR, RPR  
CERTIFIED COURT REPORTER

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