

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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BOARD OF COMMERCE AND INDUSTRY MEETING

- 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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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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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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BOARD OF COMMERCE AND INDUSTRY MEETING

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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BOARD OF COMMERCE AND INDUSTRY MEETING

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. BRASSEAUX:
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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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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BOARD OF COMMERCE AND INDUSTRY MEETING

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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BOARD OF COMMERCE AND INDUSTRY MEETING

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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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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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



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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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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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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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
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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
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BOARD OF COMMERCE AND INDUSTRY MEETING

August 23, 2017
Index: \$1..20130645

<hr/>	060743 11:5	16 107:9 188:4	20110996 11:12
\$	0659 32:4	17 16:25 89:7 147:1	20111111 86:1
\$1 206:7	<hr/>	17th 58:18	20111216 84:12
\$135,776 82:14	1	18 216:4 263:7	2012 28:20
\$17,000 200:21	1 58:11 130:4 236:4,8	18th 236:4	20120202 69:13
\$18 214:7	257:8,10 265:3,5,9,12,	1924 190:21	20120204 69:23
\$190,635 83:13	15 266:2	1936 206:14	20120269 21:23
\$2 40:14	1,400 44:4	1980s 150:9	20120271 21:23
\$200,000 192:2	1/1/2013 19:13	<hr/>	20120517 10:2
\$208,000 255:8,20	1/31/2019 20:21	2	20120563 80:2
\$227,498 83:4	1/8/2013 20:13	2 80:22	20120565 80:15
\$23 153:7	1/9/2013 20:12	2/1/14 20:20	20120566 80:3 82:8
\$23,394 83:8	10 235:15,25	2/28/2017 20:5	20120567 80:15
\$252,786 82:9	10/7/18 20:16	20 18:3 71:3,9 153:8	20120574 76:14
\$3 142:8	10/7/2016 20:18	204:3 214:4 248:16,19,	20120575 76:15
\$30 236:19	10/8/2013 20:16	24	20120765 19:24
\$31,000 104:11 133:25	100 11:19	200 236:17	20120766 10:4
\$4 142:9	102 11:15	20080018 74:4	20120965 9:25
\$4.6 204:1,11	10th 149:4 261:12	20080396 80:1	20120968 22:18
\$5 54:10 219:7	11 152:8 235:24	20090173 80:19	20121067 13:17
\$50 262:4	12 152:9	20090400 80:2	20121293 79:6
\$6 40:12	12/31/14 20:10	20090431 85:2	20121306 19:11
\$613,587 82:24	12/31/15 20:2,6	20091007 79:5	20130031 20:11
\$683,570 132:6 147:10	12/31/16 20:22	20091007A 79:5	20130182 15:23
\$700,000 104:10	12/31/2015 19:23	20091007B 79:6	20130318 80:20
\$8 40:10	12/31/2017 19:14	20100147 80:2	20130358 16:10
\$8,000 148:1	12:51 267:5	20100417 80:20	20130462 65:1
\$8,600 148:13,23	12th 250:17	20100779 20:3	20130463 64:25
\$8,675 132:8,12 133:5	13 16:25 17:9 163:8	20100873 21:22	20130465 65:1
134:14 147:11	13A 204:13	20110009 19:19	20130466 65:2
\$90,000 148:25	14 17:10 188:4,5	20110185 69:22	20130512 80:3 82:14
\$95,450 82:19	14,383 43:19	20110406 83:12	20130513 80:3
<hr/>	1428 13:13	20110449 80:20	20130643 81:4
0	14th 197:20	20110659 31:21	20130644 81:5
060229 84:18	15 96:19 151:21 152:9,	20110777 20:7	20130645 81:5
	17 182:1 263:7		



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BOARD OF COMMERCE AND INDUSTRY MEETING

August 23, 2017
Index: 20130646..84.4

20130646 81:5	20151315 15:22	24 102:7 157:10,12 174:5	500 125:4 127:25 248:20
20130647 81:6	20151546 11:25	24th 87:19,22 92:14,16, 21	505 157:6 174:2
20130648 81:6	20151855 16:6	253 32:8,12,13 34:21	507 34:19 38:13 39:17, 18
20130649 81:6	20151912 25:17,23	26 100:25	5353 11:18
20130650 81:7	2016 86:5 87:20 98:24 99:14 102:7 138:22	26th 99:25 198:6	552 204:5
20130651 81:7	157:10,12 199:10	28 95:22	57 237:8
20130849 11:17	235:24 236:20 237:8	29 64:19 79:25 260:2	5th 31:9,16
20130903 16:14	257:10 258:25		
20130937 21:23	20160791 79:7	<hr/> 3 <hr/>	<hr/> 6 <hr/>
20131050 65:1	20160819 86:2	3 112:24	6 188:5
20131200 20:15	20160908 13:13	3/1/2012 20:4	6-24 25:2 50:5
20131388 13:25	20160945 24:7,16	30 57:19 152:9 227:1 238:18 255:13	6/1/2016 20:9
20131432 20:19	20160946 24:6,15	302 204:10	6/2/2011 20:8
2014 17:9 263:4	20161002 62:12	31st 107:16	6/24/2016 51:16
20140297-A 33:20	20161060 80:5 83:7	32 58:11,24 60:3	6/28/2017 51:17
20140570 80:4 82:18	20161171 51:24	35 33:23,24,25 34:2,21 44:3	6/30/2017 19:15
20140571 80:4 82:24	20161257 57:4 80:21	36 58:14 60:6	65.8 236:25
20140963 16:4	20161636 13:19	<hr/> 4 <hr/>	66 237:7
20141311 16:2	20161778 13:21	4,331 65:22	7 163:8
20141472 16:12	20161825 13:15	4/14/2017 20:1	7/8/2015 20:14
20141535 80:25	20161943 8:19	4/15/2012 19:25	70 103:23 127:8 130:3 238:12 250:15
2014297 34:3	2017 4:5 42:19 95:22 99:16 102:23 139:8	40 93:16 229:14 233:20	76 214:2 216:13
2015 58:11,13,20 257:8 258:24	198:11 235:12 237:2	400 191:2 248:22	7th 235:20
20150087 15:25	20170038 13:23	43 30:1,12,14 34:21	<hr/> 8 <hr/>
20150189 8:25	20170183 189:21	436 204:9	8/31/2016 19:22
20150309 79:6	20170187 95:18	44 24:2	80 75:19 214:22
20150319 86:2	20170189 94:25	45 262:17	80.6 236:24
20150489 83:3	20170190 94:25	4th 34:25	80s 258:6
20150490 80:5	20170191 94:25	<hr/> 5 <hr/>	84.4 236:23
20150490 80:5	20170192 95:1	50 138:2 235:14 262:4	
20150589 80:4	2018 87:7 89:4 90:16		
20150953 16:8	20th 102:22 265:8		
20151041 8:22	21,000 153:10		
20151178 8:14	22 229:24		
20151287 8:17	23 4:5		



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86 148:2	accomplish 234:5	207:12 209:22 221:16, 21 240:18	adopted 70:21 71:13 155:13
<hr/> 9 <hr/>	accordance 166:21 228:5	address 173:13 203:10	advance 17:7,21 28:20 46:25 50:4 51:14,23 65:6 68:24 71:10 77:8 106:25 153:16 168:15 171:11,16 174:8 206:10 217:6 219:7 225:16 226:12 227:14
9,400 138:25 139:1	accreditation 264:1,12	addressing 235:3	advanced 25:1 117:15 154:10 234:8,19
9/1/2011 19:21	accumulation 218:13	adds 151:1	advances 46:21 49:3 65:5 168:22 206:13 257:15
90 199:12 207:13	accumulative 32:21	adjourn 266:23	advantage 211:5,10
90,000 148:3	accurate 32:24 36:6,12 38:19 41:5 44:9 220:15	adjourned 267:5	Advantous 218:3
901 11:14	accurately 220:8	Adley 4:9,10 16:20,21 17:11,16,23 18:6,11,17 24:20,21,22 26:5,9,20, 22 27:6,20,24 29:1,8, 19,25 30:5,13,18,22 31:7 32:5,11 33:2,6,18 34:4,10,18 35:6 38:1 39:4,24 40:22 41:23 47:22,23 53:21,22 54:2, 16,17 55:3,13,20,24 56:10,19 58:22,23 59:10 60:2,14,20 62:24, 25 63:5,15,24 65:14 66:15 67:6,10 70:18 71:7 72:4 73:1,3 75:7 77:21 78:4 87:13,14,21, 25 88:5 90:4,8 91:2,12 92:2,18 97:14,15,20 98:10,18 99:2 100:4 101:4 102:8,13 103:8 105:10,13,14 106:3 107:1,17 108:5,22 112:5 116:9,10,25 117:11 129:9,10 137:4 141:24,25 143:21 149:20 159:18,19 172:11,12 178:19,20 184:20,21 213:4 223:14,15,19 224:1,8, 11,16,23 225:15,20,24 226:4 234:22 238:3,6,7, 19 242:17,18 243:23 247:16 249:20,24 256:23,25 257:1,19 258:4 259:5	advised 125:11
99.95 216:21,23	accused 246:9	Adley's 36:25	advise 156:1
9:34 4:5	acknowledge 250:4	administrative 243:5, 18 244:21	advisor 76:23
9th 149:4	act 119:3 121:1 195:15, 22	admit 27:7	affect 204:18 205:12
<hr/> A <hr/>	action 115:10 169:16 172:8 184:5 188:9 191:10 196:17 210:12	adopt 72:18 175:11	affected 90:11
A.s.a.p 82:7,12,17,22 83:2,6	activities 89:24 218:21		affirmative 147:6
abandoned 84:15	activity 87:8		afraid 151:20
abatement 13:6,11 15:6 132:17 133:1,12	actual 49:13 53:6 65:24 66:7,10		AFS 15:22
abide 102:24	ad 79:11 150:3 218:15		agencies 137:24
abided 102:21 153:23 170:23	adamant 100:16		agenda 9:22 13:4 38:11 55:9 62:21 68:20 94:12 147:1 242:19 250:24
abiding 103:6	add 35:12 62:20 102:20 174:11 206:20,21		agree 92:25 124:3,18 127:3 130:21 139:13 141:15 172:1,11 205:16 243:3
ability 128:16	added 35:2,21 38:8,12, 14,16 58:20 113:3,11 128:9 134:1 141:8 263:20		agreed 230:7 242:24 243:1
Abita 13:15	addenda 69:22		ahead 124:15 158:6
Abramson 4:17,23 160:2 179:3	adding 32:19 34:25 36:9		AIB 191:14
absent 160:22 161:3 162:17	addition 77:8 113:16 207:7 218:10,12,19,23 219:3 221:7 223:6		aid 222:4,5
absolutely 47:11 92:19 135:2 212:2	additional 19:17 50:8 58:15 86:8 127:19 142:16 192:1 199:22 209:17,19 265:17		Alabama 236:25 237:12
Acadia 25:19 26:1	additions 49:5 157:8 202:13,19 205:20,21, 22,24 206:2,17,20		alarming 130:7
accept 65:8 77:18 79:9 81:11 115:16 191:22 212:13,15			
accepted 99:5 197:2 221:8			
access 263:2			



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albeit 72:5 101:11	anticipate 134:5	157:12,18 174:3 204:7, 8 240:19,22 241:9 242:7 257:14	123:23 124:10 127:9 137:18 193:23 205:7
Alexander 190:1,2,8,9, 11,12 192:22 193:5,20 194:13 196:23 197:14 198:10 201:7,19 207:4 208:22,23 209:5,18,24 241:17 251:1 253:4,13, 22 266:10,16	anticipated 19:18		arguments 129:16
Alexandria 263:19	anticipation 31:23 132:16,25	applied 75:13 204:5 206:25	Asap 80:1,6,14
Alissa 13:17	antithesis 140:18	applies 136:13	Ascension 10:7
allocation 37:16	anymore 18:1 254:24	apply 120:14 155:22 262:7	ASH 95:17,20 96:2,4,9 103:19 104:21 109:7 115:17 136:25 137:1 146:20 147:2 165:20 169:3 170:3 171:15 174:6 182:22 196:19 255:7
allowed 174:25 199:15 244:2,3 252:5	apologize 98:1,7 257:2	applying 59:12	ASH'S 176:14
allowing 49:3	apparently 196:17 197:4 245:2	approach 36:7 90:20	ashamed 233:13
Alloy 85:1	appeal 95:20 97:12 98:6,12 103:14 105:16 113:21 115:16,24 119:24 166:24 169:17 177:12,21 178:1,2,5,6,8 188:8 195:11 199:25 202:2 250:23 254:17,22	appropriately 253:8	Asma 11:15
alphabets 42:4	appealing 131:19 222:24	approval 35:10 91:3 98:15 115:23 171:2 177:14,21 182:8,11 188:10 199:1 216:21 228:16 231:10	assessor 84:19
Ambe 20:19	appeals 94:20,22 95:5, 9 151:22 156:23 189:21 195:9 201:1,12,14 254:21	approvals 217:7	asset 112:9,10
amend 153:15	appeared 57:15	approve 7:24 9:12 10:16 18:23 21:7 22:4 23:6 25:10 26:6 56:19 62:1 68:12 70:25 77:20 83:18 85:8 90:5 115:16 117:23 195:4 220:5	assets 32:2,18 42:12 53:7 56:6 59:16 82:25 83:4,8,13 84:13,14 85:3 106:8 218:13 251:25 252:10
amending 168:9	appears 29:20 218:7	approved 69:7 86:6 99:14,23,24 100:10 101:3 105:18 119:15 153:7 182:5 200:10 216:20 218:25 219:12 227:2 242:21,22 251:21 252:5 256:16 267:3	assume 14:5 27:12 55:5 176:22 196:10 203:24 217:12
amendment 153:20	applicants 38:23 154:1	approving 121:23	assuming 241:6
America 129:24 138:24	application 13:12 30:7,9,11 31:16 33:20 34:5,23 35:17 38:17 40:5 42:21 44:2 45:10 47:2,7 51:15 53:8 56:15,17 60:24 62:17 65:6,7 74:15 88:23 95:18 116:1 129:20 157:10 176:14 177:14 183:4 184:2,5 189:21 198:4,18 218:23 219:4 221:7,9 224:8 225:8,10 244:23	approximately 192:2	assumptions 149:14
American 191:15	applications 8:13 9:3, 7,11 10:15 13:10 14:3, 18 15:7,20 16:17 18:22 24:3,23,25 27:11 35:18 38:3,24 42:14 44:19,25 46:24 51:20 52:6 54:24 64:24 66:1 99:13,22 100:9 101:2 117:15	April 99:14,15,24 100:25 102:24 105:3 198:19 199:16 251:19 252:15 257:10	assure 46:9
amount 40:1,4,10,11 104:9 133:20 164:13 255:18		arbitrary 117:20 121:2 134:8	asterisk 38:5 39:15
analogies 221:13		area 127:20 138:18 174:13	Atkins 4:18,19,23,24 10:16 18:25 22:8 23:9 51:3 83:20 85:10 160:6, 7 179:4,5 185:3,4
analysis 122:11 237:6		areas 261:23	Atlanta 258:5
anchor 109:11		arguing 217:2	attend 259:17
Andrea 31:4,8		argument 101:22	attention 63:6
Angela 33:15			attest 251:23
Anne 6:18 162:3 180:23 187:1			attorney 156:10,17
announce 259:25			attract 202:17
announced 261:13,15 262:23			attracted 236:20
announcements 259:23			
annual 132:7			
answers 171:22 259:9			



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240:9 244:19 245:19,23 246:16 252:4,11 253:1, 16 254:25 256:5 259:15,20 261:4 264:24 266:25	bring 36:21 91:8 96:25 105:6 121:15 122:6 151:3 192:6 254:9	busy 71:24	capitalization 204:20
Board's 169:6	bringing 96:23	button 225:1	capitalized 228:24
boards 142:7	brings 227:18 248:13	buy 192:8,11,13 206:4 221:17 222:2	capitol 256:10
boat 172:25 230:25	Broderick 52:21,22 53:25 54:11	C	capricious 117:21 121:2 134:8
Boatner 99:10,11 100:24 102:4,10 193:15,16 255:4,5	broken 77:4	Cajun 15:23	care 143:2 254:14
boats 141:2	Brookfield 84:11	Calcasieu 13:22 69:14 80:22	carefully 172:14
Bobby 7:7 12:17 140:16 162:21 181:14 187:17	brother 57:22 74:16	call 4:2,6,7 49:20 50:18 57:21 116:20 122:11 156:19 157:4 158:6,18 159:2,5,14,16 176:16, 22 178:16 184:15 241:16	Carmody 5:6,7 7:25 43:4,5,16 44:6,13 45:6 65:10 95:7 157:24,25 158:14 160:14,15 179:12,13 182:12 185:11,12 202:7
bodies 90:7 97:10 194:8	brought 89:19 104:2,3 112:23 192:25 203:21 258:10 259:2,3	called 37:7 59:21 71:25 98:1 101:5 142:2 176:19 263:2	Carolina 236:24 237:5
body 109:14 167:18	Broussard 20:15	calling 158:25 159:6,9	carries 8:7 9:20 10:23 12:24 15:3 19:7 21:17 22:15 23:16 50:2 51:13 57:2 62:10 64:17 67:20 69:6 73:23 76:8 78:15 79:23 81:25 84:7 85:22 94:8 95:15 253:20
book 144:23	BTU'S 112:24	calls 233:18	Carter 31:3,5,19 32:9, 15 33:4
boot 254:24	budget 87:5 130:12	Calumet 64:20,21,22 94:23	case 61:14 96:13 101:11 124:5 144:18,22 154:19 167:4 172:9 239:11 243:21
Bossier 85:4	build 264:7	Cameron 45:20	cases 144:19
bottom 38:6 235:7	building 42:19,22 52:1 53:9,10,24 209:8 256:8	campus 261:11 262:16	catch 41:15 48:18 229:24
bought 59:6	built 217:8	cancel 11:23 12:2	caught 63:6 101:15 104:24 229:23 233:15
Boulevard 11:15	bunch 136:24 139:25	cancellation 21:20 22:18 23:3,7 84:16,25 85:5,9,15	CEA 61:15
bounced 84:23	Burton 8:10,11 9:5,21 10:24 12:25 13:1	cancellations 84:10 85:12	Cellxion 51:25 52:2,18, 24
box 48:11,13	business 87:1 94:19 96:22 105:7 113:24 114:2,14,25 118:1 128:8 130:18 140:11 145:12,13 149:13 151:4,14 155:6 190:14, 20 191:16 194:20 211:24,25 213:12,14,16 214:16,20 215:6,11,13 217:21 219:16,19,25 220:22 226:12 229:7,12 231:5,7 233:19 236:6 245:13 246:20,23 248:3 255:24 260:5 262:22 263:13 264:8,18 265:12 266:22	Candlewood 16:1	Center 16:15
boy 108:17	businesses 126:8 140:10,12 151:6,17 211:2 214:3,17 245:15 248:6	capable 202:25	Century 99:16 102:11
BP 76:15,19,22,23		capita 236:5,12 265:5	CEO 260:1 261:13 263:3,6
BR 203:16		capital 157:8 202:13, 19,21 204:17 205:4,20 206:24 207:12 218:10, 11,13,19,22 219:2 220:5,14 221:6,20 222:2 235:17 236:13,18 240:18 241:3 250:15	CEOS 263:14
brainstorming 169:13		capitalizable 243:22	Certainteed 24:4,5,13, 14
brand 53:11			
Brasseaux 5:2,3 12:16 160:10,11 163:13 179:8,9 185:7,8			
break 35:13 72:12 167:7 231:13			
breaking 167:24			
breaks 227:11			
briefly 213:6			



Certainteed's 55:19	chastised 116:11	Citizen 123:24	Coleman 5:14 160:22
certainty 252:8	Chauvin 141:1	citizens 123:25 125:8 126:9 140:23 215:14	colleague 116:14
certification 191:13,20 192:3 209:9	check 26:4 38:22	citizenship 124:2,6,22	colleagues 112:4 116:12 125:1
Chabert 6:14,15 109:4, 5 110:3,8,13,18,23 111:2,9,14,19 112:17 113:1,7,18 114:6,12,17, 22 115:11 116:2,7 119:19 123:14,15,18 124:8,19 138:6,8 140:16 144:11 158:7, 11,20 159:1 161:24,25 166:7,8,19 167:1,13,20 168:4 171:23,24 177:7 180:19,20 182:7,10 183:19,20 186:22,23 188:12,15 189:2	cheer 68:23	claimed 236:10	collection 174:22
Chabert's 177:6	chemical 28:18 33:8, 11,16 59:24 110:5,20 112:9 215:25	Clapinski 115:21 156:3,8,9 157:5 166:17, 22 167:11,16 168:11 169:20 171:13 174:12 175:15 176:2 177:5,9, 18 182:24 251:13,14 252:20	College 264:22
chain 111:21	Cheng 23:25 24:1,12, 20 25:11,15,16,22 27:18,22 38:21 39:20 42:11 44:10 46:19 49:1, 10,16 50:3,6,17 51:19 52:13 54:22 55:8,16,22 56:1 57:3 59:15 60:5 61:10,16 62:11 63:3,13, 19 64:18 66:9 67:4 68:1,6 69:8,12,20 71:5 74:3 76:13 78:20 79:4, 24 80:13 82:1,6 84:8 85:23 87:18,23 88:3 94:9,14,16,21 95:16 97:17 105:20 147:5,12, 16,22 148:6,14 189:18, 19 193:9 195:7 197:19, 21 198:16 199:8 200:5 201:7 255:25	clarification 46:8	column 35:1,12,13,15, 20 41:14 43:13
Chair 152:24	chief 86:19 112:11	clarified 135:9	columns 36:8 43:10
Chairman 24:24 34:11 42:5 43:6 44:15 68:22 93:6 107:18 115:6,12 138:9 143:24 152:22 155:3 156:21 158:1 159:12 169:12 173:15 176:25 218:2 234:25 237:17 238:5 244:19 253:5,22 259:14	child 213:19	clarify 92:12 198:17	comeback 129:7
Chairman's 63:17	chin 245:22	class 261:20	commend 232:6
challenge 137:14	choice 105:4 143:7	Classes 263:17	comment 137:5 140:24
challenged 122:9 128:25	choose 107:24 108:14	classified 260:9	comments 9:9 10:13 12:14 14:17 18:20 21:5 23:3 26:8,24 44:18,23 49:18 51:4,5 56:14,16 61:24 65:13 68:18 73:14 75:24,25 78:8 79:16 81:15,16 83:24 85:13 92:9 93:3,25 117:2,4,12 129:12 131:9 173:18 176:11 184:2 190:17 195:19 202:8 208:19 212:5 247:25 248:12 253:2 256:3,4
chance 7:22	chose 103:1 169:7 199:18 247:22	clear 35:7 36:5 45:13 91:16 100:23 139:5 167:22 168:2 169:25 176:10,25 201:19 209:3 231:23 234:13	Commerce 4:4 95:21 219:14
change 11:2,10 17:8 43:8 74:22 78:21 79:10 118:7 140:2 149:10 169:19 173:25 174:1,16 191:9,22 232:22 233:6	chosen 211:9	client 99:19	Commission 63:22
changed 26:14 45:23 96:15 144:4,6 151:16 219:17 221:11 240:12 244:8 252:19	chronology 254:5	clients 74:18 222:17	committee 96:17 100:22 116:17 173:16
Changing 11:18	Chuck 74:14	climate 214:20 246:20	common 59:23 144:12
	chunk 142:6 143:15	clockwork 207:1	community 123:8 145:15,21 164:2 215:14,23 217:22 264:21
	circumstance 145:7,9	closed 84:21	companies 36:8 42:13 72:8 101:10 103:19 106:11 122:22 125:5,6 134:10 150:8 152:11 153:9,13 169:2 174:3 191:17 192:13 199:21 203:12,15 206:1 214:13 216:3,8,13 219:1,23
	circumstances 146:1	closely 48:17	
	cited 125:22	closes 249:23	
	cities 90:11 263:16	co-pilot 144:10	
	citing 235:16	coast 114:5 150:13	
		coastal 261:20 262:5	
		coastlines 262:2	
		Coating 92:22	
		Coatings 86:1,12	
		Cola 5:10,11 160:18,19 179:16,17 185:15,16 266:24	



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220:11 221:1 222:21 255:11 264:4,6	comply 48:7 54:21 174:5 192:2 209:8 230:21	constructed 261:8	corporations 124:2,7 125:3
company 12:2 16:5 21:25 22:20,24 24:17 45:24 47:4 48:12 53:13 55:18 59:3 69:14,17 74:17 75:14 84:15,22 85:5 86:16,23 88:10 105:1 110:5,15 112:6, 10 125:4,9 127:25 128:7 132:3,19 136:2 139:9 141:6 145:20 146:5 148:20 153:4 168:18 172:25 190:20, 21,22 191:1 203:17 204:25 205:9 216:2 224:3 233:22	compressors 243:16	construction 43:13,19 44:12 264:4,6,16	correct 26:10 27:23 34:6 35:5 42:12,15 48:12 54:12,13 55:4 61:11 66:20 68:11 69:1 92:3,19 111:5 117:25 142:4 148:8 165:23 167:17 178:4 200:6 252:21
compare 46:25 47:7 248:25	computer 139:22 224:19,25 226:18	Constructors 15:23	corrected 256:9
compared 75:11	computers 36:17	consultants 99:12 193:17 254:19 255:6	correction 25:12 26:4 256:21
compelled 223:10	Conagra 78:23	Consulting 218:4	correspond 42:6
competing 222:13	concept 36:23 48:2 124:21 172:2 223:4	contact 241:20	corrugated 192:8
competitive 214:11 217:4 222:21 223:2 235:23 242:10 248:8 249:8 250:17	concern 134:6,17 151:15 153:2	continuation 86:7	cost 171:17 200:20 214:9 215:7 220:21 265:18,20
competitiveness 250:13	concerned 149:16,17	continue 45:25 146:4,6 163:11 257:13	costly 37:18
competitors 191:8	concerns 227:8	continuing 88:19	costs 214:24 217:20
complete 11:25 37:5 42:19 98:23 150:23 174:18	concludes 9:2 14:2 15:5 20:23 23:18 94:10	contract 11:4,5,11,24 12:3,7 19:9,12,20,25 20:4,20,23 21:20 31:20, 22 32:4,14,17 79:25 80:15,25 82:2,8,13,23 84:9,12 85:2 86:1 117:19 118:3,4	council 135:18
completed 199:10	conclusions 212:16	contracting 20:3 22:19	counsel 31:5 97:21 100:6,15 155:18 156:16 157:3 163:21 166:9 182:15
completely 89:8,11 133:23	conditions 14:12	contractors 11:7 16:7 83:12 263:25 264:11, 19,24	count 35:23 36:13 41:7 155:25 231:16,18
completes 16:16 222:1	conducted 264:13	contracts 21:4,9 23:7 32:1 81:13 83:20 85:13	counted 34:22 66:14
completing 222:12	confess 170:21	contractual 157:9	counter 138:2
completion 199:12	confirm 63:2	contravenes 134:15	counting 231:19
complex 16:9 110:20	confirmation 193:1,7	contravention 120:19	country 121:8 122:8 130:5 139:4 260:13
complexities 249:14	confused 192:24	contributions 203:8	couple 88:9 190:24 205:17 235:1 254:3 256:4 259:22 262:20
complied 174:9	conjunction 264:20	control 228:23 258:13	court 126:21 128:18 173:5,9
compliment 47:24 48:20	connected 87:2	controller 29:17	courts 122:9
	consecutive 236:9	cookie 145:1	cover 214:9
	consequences 200:15	cooler 112:22	crazy 124:23
	conservative 115:4 126:15 258:8	coordinating 89:23	create 48:11,12 71:1 104:11 136:17 191:25
	consideration 22:6 169:2 170:18	copy 251:19	
	considered 126:20 147:2 199:9 205:21	cord 235:2	
	consolidated 163:21	Corners 16:12	
	constitution 120:22 121:12 203:2 205:22	corporation 11:17 24:4,5,13,14 33:17 124:23 222:1	
	constitutional 129:3 208:13		



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194:6 214:19 215:5 248:1	Danos 11:6,7 83:11,14	decline 209:12	departments 122:3,4
created 39:1,19 41:2, 19 43:20 56:4 63:23 71:2 103:19 105:25 114:18 125:9 134:25 135:4 136:24 168:1 198:1 203:13 209:19 222:23	Darrel 7:2 162:12 181:6 187:9	declining 191:4	depend 106:1 168:13 248:6
creates 172:21	data 37:25 38:19	decrease 205:13	depending 105:21 175:5
creating 98:3 170:25 209:16 234:10 260:16	database 37:3	dedicated 261:6	deploy 37:8
creation 235:19 236:14	date 17:4,13,17,21,25 18:12 19:14,22 20:2,6, 17,22 227:24 228:1 252:1,13	deduction 211:8	depreciate 229:10
creations 125:22	dated 197:20 253:8	deep 123:6	describe 86:15 207:4
Credits 52:23	dates 48:5 198:2 257:17	defer 64:23 95:1 97:1 169:16 182:18 183:1,13 194:22 195:1 201:6 202:3,6 251:10 252:24 253:14	description 47:1,8 52:10 53:2,14 55:12 243:9
crime 127:20	daughters 190:25	deferral 22:5 51:1,6 65:9 95:8 97:9 184:1 195:16,23 255:16	descriptions 49:5
criteria 208:12	day 88:1 113:9 126:9,11 128:24 137:11 211:2 216:22	deferrals 21:22 67:13 95:5	designation 237:3
critical 213:13 264:15	days 199:12	deferred 21:21 50:5,7, 22 51:16 52:2 55:5 58:6 68:8,11 188:7,10,16,18 198:21 199:16,19 233:2	designed 264:3
crux 113:20	dba 8:18 15:25 16:9 51:25	deferring 183:19 184:4 195:8,11 200:13,17,25	designee 259:19
cup 235:21	deadline 197:13	define 175:6 205:23	desk 100:10 103:10 107:25
curiosity 71:11	deadlines 48:6	definition 202:20 210:20 218:9,12,18,24 219:3	destroying 215:22,23
Curole 11:6 83:11,14	deal 25:7 101:9 228:21 249:3	delay 37:20 101:16	detail 253:10
current 223:1,8	dealing 31:17 108:16 173:6	Deltares 261:17,18	detailed 201:8
customer 89:15	dealt 25:8	denial 156:19 157:4 176:13 177:23 182:5 183:5 247:16	details 197:23
cut 153:9 214:24 215:7	debate 108:23 220:3	denied 97:12 105:23 118:5 119:23 134:11 157:18 174:21 199:23 200:3,10	determination 120:23
cutter 145:2	decades 103:21 113:15 197:1 219:9	deny 95:23 106:20 136:8 155:15 178:2,6 199:18 242:2	determine 120:25
cutting 126:12	decide 143:7 224:24	denying 77:24 117:25	determined 122:10
CWLC 15:25	decision 65:18 87:15 91:19 95:21 101:13 103:2 108:1 139:19 152:14 201:22 221:3,15 224:9 225:9 229:8 263:8	department 36:15 168:17 175:20 219:12 225:11,21 240:10	develop 169:18
cyber 265:15	decisions 144:17 149:13 150:20,21 200:15 211:4 220:13 249:12,14 255:3		developed 33:1 150:25
<hr/> D <hr/>			
daily 220:11	deck 163:12		development 112:20 114:4 121:15 155:10 163:25 214:22 215:2,4, 10 219:13 235:4,6,10, 13 236:7,11 240:11 260:7,11,12,21 261:24 265:24 266:7
Dale 28:16,17 29:6			Development's 225:12
Dan 258:2			develops 37:2
Daniel 4:22 162:16 179:2			deviate 146:2
Danielle 156:9 168:7			dialog 155:8
Danny 7:2			Diane 117:8



dictate 218:25	documents 71:18	easily 208:20	employees 58:1,2,4,9, 15,19,24 59:4,5,7 60:12 204:5,6
Didier 99:11 193:16 255:5	doggone 140:7	east 8:20 11:20 114:4 214:1	employers 120:4 262:7
dies 188:14	dogmatic 212:12	economic 86:22 112:19 121:15 155:9 163:24 214:22 215:2,4, 10 219:13 225:11 235:4,6,9,13 236:10 240:11 250:12 260:7, 10,12,21 265:18,24 266:6	employment 28:25 236:17
differ 211:21	doit 232:25	economical 125:12	empowered 120:21
difference 101:16,20 167:23,25 212:7 234:7, 9,17	dollars 37:16 121:25 122:1,18 203:3 204:23 207:20 217:11 220:14 222:14	economically 86:15 204:18	encouraging 215:8
differences 101:7,8	door 230:23	economics 104:16	end 31:21 32:3 45:16, 17 58:13 126:11 127:1 130:11 131:14 198:2 211:2
differently 194:19	double 35:23 66:14 231:19	economy 127:14 134:2 138:18,20 262:13	ended 46:23 49:4
difficult 123:20 149:10 210:19 220:9	doubt 136:7 220:25	education 143:15	endorsements 14:6,9
direct 120:19 262:15,17	Douglas 150:4	Edwards 140:15	energy 28:18 84:11 87:2
directed 119:21 131:21	Dow 27:1,2 28:4,17 39:10,11	effect 17:19 200:4,9	engaged 113:23
direction 170:15 177:3	draft 228:4	effective 17:4 102:22 117:17	engineer 190:13
directly 104:13 135:2	drafted 169:4	efforts 48:9 235:10 259:7	engineering 8:15 111:15
disagree 40:23 212:18	dramatic 131:7	Ehrenwerth 261:15	enhance 151:2,5
disagreed 230:8	Dresser-rand 84:17	election 133:19 163:20	enjoy 248:11
disapprove 71:1	drew 168:14	electronic 261:1	enjoyed 250:5
disconnected 84:24	drop 250:15,16	elegant 120:6	enjoys 216:2
discuss 245:18	dropped 77:13 238:17	element 126:19	enrollment 264:10
discussed 106:7 197:25 247:8 264:25	due 12:3 199:12	eligible 157:14 171:15	entail 169:25
discussing 168:24	duplicate 43:21	Ellender 33:14,16 34:1, 8	enter 7:23
discussion 143:11 158:4 165:14 183:25 250:6,24 252:25	duplicates 66:13	eloquent 119:20	entered 31:22
discussions 100:6 163:11 212:10 248:14	dysfunction 203:10	embarrassing 149:23	Enterprise 25:17,23
dismissed 208:6	E	emergency 175:12,17 182:19 229:21 233:11	enterprise 15:16,20 18:22 21:4 23:18 118:23 122:19 123:5 256:25 257:5,12,25 258:7 259:1
displacement 204:21	e-mail 18:7 84:22,23	emerging 264:3	enterprises 122:20
distinctions 170:6	Eagle 80:22	employ 59:3 93:13 125:21 126:8 127:17 145:16 191:1 192:16	entertained 182:6
distribution 89:23	ear 74:19		enthusiastic 165:7
District 84:11	earlier 148:22 166:13 209:11 248:5 260:8 264:24		entire 118:22 123:5 169:23 220:19
disturbed 223:3	earned 237:2,9 265:14		
document 146:21	earning 236:16		
documentation 63:4 88:17 91:4,8	ease 91:7		



entities 122:6 193:2 203:4	excited 133:16	221:17	F
entitled 129:6 200:22	exciting 109:9	expect 90:16	
entity 56:5 59:21 119:22 155:6	exclusively 87:1	expecting 132:11	Fabra 5:14,15 93:5,9,18 160:23,24 179:20,21 185:19,20
environment 125:13 215:6 248:2	excuse 17:9 110:9	expenditure 106:16 122:24 241:3	fabric 123:3
environmental 227:8	executive 48:4 51:22 52:5,7 54:23 57:16 86:19 88:1 97:19,22 99:3 102:25 103:6 106:10,19 107:3,8 108:11 109:1 117:14,17 153:21 154:18 167:9,10 170:24 174:24 191:24 197:5 203:8 216:22 217:9 219:17 227:21,23 234:14 237:22 239:7 242:24 252:2	expenditures 191:18 197:24 202:21 203:13 206:24 253:9	faces 228:7
environmentally 227:12	exempted 88:15	expense 228:24 229:11	facilities 223:1 235:17 243:14 265:12
EOG 81:3	exemption 23:24 40:5, 11,19 46:2,4 59:13 72:21 81:12 88:20 94:11,20 95:24 116:1 117:19 121:20 122:12, 15 136:18 144:9 147:11,15,20 148:4,12, 23,25 153:6 154:6,19 155:15 156:20 157:15 165:19 171:2 177:15 202:15 219:5 221:10 225:5 241:2 255:15	expenses 227:7	facility 31:25 53:17 57:25 58:3,13 84:20 86:4 135:5 164:1 221:24 223:8
Epic 8:25	exemptions 120:22 121:8,13 122:7 123:1 126:13 136:20 153:8 204:2 208:21 214:10 216:20 222:18	expensive 104:18 222:6	fact 40:17 66:23 77:6,9 121:21,23 130:1 155:13 201:4,14 213:15 246:3 251:24
equate 125:8	exercise 66:2 156:25	experience 139:7 247:23	facts 143:12 195:22 201:23 248:10 255:2
equation 220:25	exist 171:14 216:14	experienced 138:23	fails 144:15 163:10
equipment 98:24 104:13 135:6 209:7 241:18 243:15,18	existing 219:10 221:8 243:13 260:5	experts 263:2	fairly 225:6 232:15
Eric 8:9	expand 202:17	explain 42:3 74:21 156:18	Fajardo 5:18 161:2
ES4 63:20	expanded 53:9 235:17	explaining 56:3	fall 42:15 264:9
Essen 11:18	expanding 263:15	explanation 55:6 103:5	falls 151:6
essence 113:2	expansion 53:8,17 54:9 165:8 209:4 260:3, 5	explicit 117:13	familiar 123:24 132:4 248:19
essentially 178:1 239:17 240:4	expansions 207:14	exploration 87:5	fan 124:25
established 92:17		explore 154:23	fast 37:3
establishments 222:11		export 37:24	Faststart 265:9,13
estimate 148:7		exports 265:19	Favaloro 15:11,12,13, 15,17,18 16:19 17:6,14, 20 18:2,9,14 19:8 21:18 22:1,16 23:17,21
evaluated 250:13		exposure 136:1	favor 8:2 9:14 10:18 12:18 14:22 19:1 21:11 22:9 23:5,10 49:21 51:7 56:21 61:22 62:4 64:11 67:13 69:2 73:17 76:2 78:9 79:17 81:19 84:1 85:16 94:2 95:8 159:8 178:7 184:4 253:13 266:24
evaluation 235:12		Express 8:17	
everyday 128:18		extended 252:9 255:18	
evil 211:12		extensions 71:19	
evolved 211:18,19		extent 141:16	
exact 99:18		extra 105:1	
exam 264:19		extraordinary 217:19	
exception 133:22 136:16 145:10 146:3 204:14		extremely 75:10 104:18 133:15 205:14	
exceptions 141:20 146:11,14 164:4		eyes 120:2	
		EZ 22:21	



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favorites 215:12	finished 153:19 255:23	221:11	gathering 61:7
federal 227:9	finite 105:19	found 101:20 227:4	gave 63:7,10 101:10 124:1,6 241:12
feel 116:16 194:18 202:11 259:3	firemen 126:4	foundation 119:2 213:11 264:7	Geismar 29:18
feels 240:9,11	firm 37:2 202:22	fourth 41:16 42:2	general 8:19 130:15,16 165:17
fellow 258:2 259:14	firms 202:23 250:16 263:1,5	fraction 31:24	generalizations 210:24
felt 223:10 246:14	fit 108:14	Francisville 192:12	generally 168:22
female 190:22	flexibility 175:13	Frank 15:10	generation 37:7,13,15, 21 190:23 262:19
fence 151:7	flight 50:10,15	frankly 207:12	generous 237:25
fewer 207:18	flip 214:17	free 207:24	gentleman 228:23
fight 126:21	floor 44:21 158:3 176:13 251:13 252:24	Fresh 20:7	genuinely 170:22
fighting 209:14	FMP 102:12	Friday 198:6	Georgia 150:11 258:5
figure 35:8 173:19 212:21 217:3	FMT 99:17	friendly 211:25 215:11	get along 249:20
file 25:1 42:14,20 60:24 71:18 171:11,15 224:20 229:1 233:24	focus 261:23	friends 125:1 149:24 249:23	give 35:7 91:10 109:6 130:2,6 143:8 175:13 214:24 230:15 233:3 241:20 242:3 258:16
filed 17:7,22 28:19 45:14 50:4 51:14 65:5,6 72:3 75:1 77:15 97:18 106:25 171:17 174:8, 20,23 199:13 206:13 242:23 257:16	folder 229:1	front 31:21 32:3 45:17 135:14 142:12 146:21 176:5	giveaway 217:1
files 59:19	folders 240:25	full 58:12,19 65:20 93:16 97:5,10 144:23 150:3 194:7 204:6 209:19 228:12,18	giving 124:22 133:24 203:3 214:15 216:25 227:10 258:14
filing 219:5 221:9	folks 136:23 173:7 247:3	fuller 230:17	glad 48:10 138:10
filings 63:21	follow 43:9,12 129:22 131:21	fully 77:17 93:11,15 128:15	Global 261:16
filling 15:10,15	food 191:11	fund 130:16	globally 222:1,13,22
film 192:13	Foods 78:23	fundamental 203:7	goal 131:22
final 11:22 155:21 221:2	forcing 210:11	funds 130:15 142:15,16	good 8:12 13:9 23:25 24:2 31:4 48:18 125:1 149:7,8 165:15 173:7 203:5,25 204:25 208:4 210:13 212:1 232:4 233:14,16 234:2 245:1 246:14 247:5 254:17
finally 62:12	forefront 266:6	future 77:12 133:11 173:13 254:21	Goodness 232:21
Finance 197:17	foreign 265:22	<hr/> G <hr/>	goods 216:11
financial 197:16	forget 234:6	game 57:13	governing 14:10 88:13 194:8
find 18:4 58:7 99:7 172:16 173:9 208:21 230:24 245:3	form 26:13	garage 125:10	government 99:9 111:24,25 125:24
fine 23:21 39:21 92:6 116:20,21 151:18 152:14 170:8,10	formal 219:8	garner 126:25	
	formally 59:4 235:22	Gary 45:4	
	fortune 125:4 127:25	gas 112:11,24	
	forward 27:4 29:14 31:1 33:12 38:4,24 39:8 41:10 45:1 52:19 57:9 61:3 69:18 74:10 75:5 76:20 77:19 86:14 96:5 101:14 103:2 117:6 144:25 159:15 169:8 193:22 212:22 219:19	gather 61:6	



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126:2,5 130:17 137:8,9, 16,20,22,25 138:4 140:5,7,9 142:5,24 143:2,14 144:15 152:3, 4 193:2 211:6,11 227:9	145:13 146:5 263:5	217:18 232:20 251:18 254:5,6	highest 221:24
governments 130:23 133:15 144:21,24	growing 125:14,25	happening 203:15 210:25	Hill 192:9
Governor 100:7 103:4 107:20 112:2 114:23 117:13 154:15 219:15 223:22 226:10 227:3,21 228:17 231:4,20 232:11 234:12 243:1,11 245:20,24 246:18 259:25 261:12	growth 262:25 263:9 264:8 265:16,19	hard 122:14	hire 122:5 127:18
Governor's 36:4 48:4 65:17 103:10 116:18	guess 31:10 43:8 45:12,17,21 46:5 90:14 171:23 183:16 194:22 245:11	Hardy 96:8 129:16	hold 24:21 56:6
gracious 78:1	Guest 13:15	harm 200:14 231:5	Holdings 8:22
graduate 190:14	guidance 230:16	hasten 204:19	holds 56:5
Gramercy 265:22 266:1	guilty 210:23	hate 72:5 77:4 232:20 244:11	hole 130:12
grandfather 242:25	Gulf 150:13 261:7	head 31:12 97:7 229:4 244:1	home 19:24 97:1 113:16 114:8 233:18
grandfathered 65:19 244:16	guttled 239:10,15,20 240:5 246:1	heads 239:5	Homes 13:23
grant 120:22 177:25 178:5	gutting 246:10	healthcare 12:4	Homewood 16:9
granted 188:9	guy 75:12 129:16,18,21 258:3	healthy 215:6 232:8	honest 246:25 247:7
granting 134:13 178:7	guys 61:6	hear 155:17 157:2 190:17 223:3 249:15 257:21	honestly 158:12 258:18
great 135:20 136:1 140:20 240:13 249:3 253:9 258:10	<hr/> H <hr/>	heard 54:19 134:7 207:3	honor 243:1
greater 205:4	habit 121:22	hearing 124:17 129:11	honorable 237:10
greatest 138:23	habitation 121:22	hearings 228:3,6	honors 265:23
greatly 131:11	half 38:14,15 130:14,15 137:6,15 138:21 191:5 209:11 235:7	hears 232:11	Hood 192:11
green 112:22	halfway 154:13	heart 212:25	hope 7:22 152:16,20 164:12 212:19
Grips 258:15	hand 66:23 131:16 226:16 258:14	heat 110:1	hopes 104:19 133:11
group 11:12 24:6,15,25 28:1 104:21 109:23 150:1 198:21 262:23	handle 74:18 92:17 108:18 139:23 201:1, 12,13	Heather 5:22 161:7 180:3 186:6	hoping 26:16 166:4
groups 239:4,5 240:3 245:25	handled 71:17 102:14	heavily 239:9	horizon 86:15,22
grow 113:24 126:8,10	handles 74:17 166:24	held 117:16 256:7,10	Hospitality 19:20
	Handley 117:7,8 123:4	hell 251:1	hotel 257:8
	handling 114:4	helpful 41:11,20 67:3 232:9 254:11	Houma/terrebonne 139:6
	happen 77:12 136:22 201:21 233:10 251:18	helping 216:24 231:7	hourly 12:4
	happened 38:9 63:18 72:6 92:15 99:9 100:13 131:13 191:14,24 196:19,22 201:10,25	helps 215:12 246:1	house 13:15 108:8 130:9 221:17,19,23 258:3
		high 104:19 127:19 133:10 235:17	Houston 85:25 86:12 89:14 92:22
		higher 213:18,20 214:8 216:4	Howard 86:17,18,24 89:10,21 93:14
			huge 72:12 130:12 234:9
			Hugh 11:14



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human 126:18	68:13	ineligible 257:7,9	interpretation 139:18
hundred 135:12 238:13,14	incentive 118:17 121:17 150:14,24 207:23 221:18	Informatics 8:20	Intralox 9:25
hundreds 153:25 154:1 214:5,6 217:15, 16	incentives 151:11	information 40:25 45:22 49:2 50:9 61:7,12 62:16 193:8,11,19 194:15 196:6 197:16,22 198:5,24 199:22 200:19 252:12 254:9 255:1 264:16	intrigued 172:15
I	incentivize 150:7 216:24 221:16,22 223:5	infrastructure 214:19 216:7 261:25 265:19	invest 122:21 222:14
Iberia 81:2	incentivized 121:19 207:20	inherence 119:4	investment 40:1,3,9 105:5 121:18 132:6,10, 15,24 133:4 147:3,9 148:19 204:17 205:4,8 220:12 221:3 224:10 235:18 236:14,19
IBM 11:17	incline 171:3	inherent 119:4	investments 46:1 106:12 120:15 205:1 214:18 215:5 219:6
idea 172:16 200:24	include 66:5 198:1	inhouse 51:21	involved 203:6 208:5 215:17
ideas 109:10	included 28:24 53:7 62:16 198:4 244:22,24	initial 28:10,22 30:7,8, 11,15 32:13,17 34:5,23 35:16,17 38:16 65:25	issue 100:8 131:5 132:4 170:22 173:6,11 223:23
identify 27:5 28:14 29:14 31:2 33:12 39:16 45:1 52:19 57:10 69:18 74:11 76:20 86:14 96:6 117:6 156:7 189:25	includes 34:20	initials 28:19	issued 191:25 197:6 227:21,23
idiot 152:19	including 243:17	injection 109:21	item 9:22
idle 86:5 88:7	income 127:2,7 211:9 220:18	innovative 264:5	items 11:22 197:25 241:10 243:22 244:21
ignorance 27:9	incomplete 150:19	input 240:14	ITEP 24:23 38:12 48:1 60:4 123:6 143:18 144:7 147:21 150:20 169:5 233:24 238:11 244:7 250:14
illegal 120:20	incorrectly 53:16	insignificant 170:3	J
immediately 58:17 117:18	increase 28:24 207:15, 16,17	instance 39:10	James 81:9
imminent 175:19	increased 204:20	institute 191:15 261:7, 14 264:12,15	Jan 6:10 161:20 180:15 186:18
impact 32:25 131:6 139:2	increases 87:6	insure 63:11 231:6	January 16:24 58:11 77:15
implemented 258:11	incredible 139:2	Intelligent 20:11	Jay 20:19
implications 124:16, 21	incurred 171:18	intended 115:1 202:16 206:15 213:2	Jeff 13:17
important 40:13,20 48:3 75:15 90:23 104:17,23 123:2 131:4 139:16 144:20 155:16 157:1 230:11 246:21 249:13 260:19 266:4	indictment 203:18	intending 168:18	Jefferson 8:16 10:3
imports 266:2	indirect 262:17	intensive 250:16	Jerry 5:18 161:3 179:24 185:23 190:2,9
impossible 41:9	individual 198:3	intent 202:14	Jessie 52:22
improvement 87:4	individually 101:24	interest 120:24 257:24	
improvements 248:6	industrial 23:23 94:11, 19 110:19 144:8 202:15	interested 246:19	
in-globo 25:3,10 26:7	industries 52:1 80:1,6, 14 81:2 82:7,12,17,22 83:2,6 95:17,20 96:4,9 103:20 104:22 115:17 165:20 255:8 262:12	interesting 48:8 97:25 158:5 190:16 250:25	
	industry 4:4 87:2 95:22 191:3 192:4 202:17,18 205:2,3 209:12 219:14 248:7	internally 37:23	
		International 19:11 50:16 80:24 192:10	



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Jimmy 218:3	Joyce 15:16	labor 204:22	layout 26:13
Jindal 140:16	judge 167:2	lack 55:6 106:14	LCTCS 264:21
job 23:22 52:9 61:12 62:16 114:24 125:21 127:13 138:23 139:7 204:12 232:5 235:18 236:14 249:1,7	judicial 167:5	lady 31:11	lead 122:23 153:25
jobs 8:9 9:3,23 10:12 11:1 19:17 25:5 28:2,4, 9 30:1,8 32:8 33:23,24 34:2,14,15,20 35:8,12, 16,21 38:7,13,15,25 41:3,7,17 43:11,20 44:12 52:4 55:2,7,9,15 56:4,6 60:4,7,15,16 62:22 63:2,23 65:20 66:22 89:20 93:13,17 98:3 105:25 114:19 125:14,17,24 126:7 127:12 134:25 135:4 136:24 138:25 139:1,25 146:6 153:10 157:13 165:8 170:25 192:1 194:6 198:1,20 199:17, 19,20,24 204:13,23 205:12 206:21 207:16, 18 209:10,17,20 215:24 222:23,25 231:16 236:18 246:2 248:21 260:17,18 262:6,15,17 263:6	July 58:18 236:3 257:8 261:12 265:8	Lafayette 11:16 86:3 95:18 96:9 97:11 125:10,21 133:17 138:13,19,22 141:7 146:7 163:17,20,23,24 164:14 263:23 265:21	leader 237:2 261:16
	jumped 138:10	Lafourche 11:8 13:24 138:19	leaders 265:25
	June 37:8 87:19,22 92:14,16,20 95:22 97:2, 9 98:13,20,23 99:6 102:6,22 105:24 107:9 157:10,12 174:5 197:20 198:21 199:22,23 260:2	Laitram 10:2	learned 249:19
	justification 122:17	Lamb 78:23,24	learn 151:18 152:15 170:7
	justify 120:2	Lambert 13:5,7,8 14:8, 15 15:4,9	learning 263:1,12
	Justin 261:13,14	land 118:5	leave 248:11
	K	Landry 25:18,25	leaves 103:24 142:9
	keeping 66:23	lane 11:18 37:3	led 32:22 35:11 84:18 95:19 100:15 113:9 155:18,19 156:10 157:2 168:16 193:21 196:21 224:20 236:21 260:10 262:10 264:20 265:1,9, 13
	Kentucky 237:12	laparoscopic 109:15	left 228:1 242:14
	key 261:23 262:11	large 75:11 104:25 132:19 164:19 191:16 236:16,18	legal 97:21 100:6,15 128:12 132:20 155:18 156:16 157:3 182:15,19
	kidneys 109:17,18	larger 29:21 221:19	legally 91:19 119:3 202:25
	kind 46:6 53:3 113:2 124:12 153:19 165:24 169:18 171:1 174:15 202:21 215:9 218:6	largest 143:15	legislative 17:8,24 128:20
	king 172:4	Lasalle 84:18 256:7	legislature 17:1 167:14 228:15 239:2 245:19,24 246:17 258:23 259:6
	Knighton 16:14	lastly 137:3,4	legitimate 231:6
	knowing 71:9 75:10 106:18 118:14 254:14	late 69:9,21 70:15,20,23 71:11 74:25 77:16 197:7	lends 145:9
	knowledge 118:22	launched 263:4	lengthy 100:5 230:6
	Kristin 23:25 46:17 58:18 60:13 72:1 77:14 146:20	law 118:6 128:1,2 167:7,24 228:19 264:18	Leonard 217:25 218:1, 3 223:13,17,24 224:6, 14,21 225:7,18,22 226:1
	KW 16:2,23	laws 136:15,17,18 139:15	letter 27:14 163:23 197:18
	L	lawsuit 131:15,18	letters 138:12
	L'auberge 13:19	lawsuits 154:3	level 175:22 220:20,21
	LA 190:4	lawyers 122:25 154:15 173:4	
		Laxmi 20:15	



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licensing 264:19,23	96:4	149:5 154:14 191:18	150:20,21 152:13,18
lick 127:25	lobbying 123:8	192:15,16 203:23,25	170:8 172:18 183:12
licking 128:6	local 88:13 90:7 92:21	216:11 230:17,20 240:1	190:18 191:18 192:7
Lien 8:17	98:15 99:8 122:5 128:7	245:6 247:2,5 248:13	205:11 228:10,13,14
light 40:6	130:16,23 133:14	Louisiana 10:6 11:13	233:2 234:13 237:23
lightly 200:16	136:25 137:7,8,15,20	16:10 25:17,23 29:18	239:25 244:25 247:9
likelihood 216:18	138:4 139:12 142:5,24	69:13,17 70:5 81:4	248:5 251:9 257:7,9
limited 175:6	143:1,13 144:20,23	89:11,13 96:10,23,24	258:25 263:11
Lincoln 22:20	152:2,4 171:1 193:2	104:8 114:19 117:9	magazine 235:8,15
lines 39:23 166:10	194:7 199:1 217:7	119:11 125:10 128:7	236:7,12
171:9	220:21 240:14 254:8	140:19 141:7 149:19	mail 260:24
Link 99:16 102:11	locally 140:11 222:12	150:6 151:6 155:10	main 239:1
liquid 31:23	locals 14:7,10 92:13	163:24 190:14 192:10,	maintain 89:14 222:25
list 18:5 28:8 34:14	193:18,25	12 203:11 210:9 220:23	maintained 89:12
35:20	locate 196:16 248:4	222:15 235:5,9,15,24	maintenance 32:20
listed 25:18,24 28:2,4	located 110:24 111:3	236:4,8,21 237:1,8	153:5 207:8 218:17
31:9 198:20	164:1	241:12,20 242:3 248:2	Major 5:14 160:22
listen 71:14 212:4	location 11:10 112:8	249:11 258:12 260:10	majority 127:1,5 142:4
248:9	205:10	262:25 263:9,15,25	143:13,17
listened 172:13 228:9	Logistical 11:25	264:11,21,23 265:1,4,	make 25:12 37:19,22
listening 247:24	Logistics 15:22 81:8	14 266:1,5	41:1,4 44:8 46:5 50:20
248:12	long 36:2 42:18 92:4	Louisiana's 235:19	66:18 75:8,18 78:1
literally 48:15 130:25	107:4 116:13 175:25	243:2 262:4	91:19 96:25 103:2,16
140:9 153:25	176:3 220:2 230:6	love 172:5	109:12 119:13 120:16
litigate 167:4	232:3 243:10 247:18	lower 260:9	127:13 129:4 138:16
live 136:13 151:19	262:24	lowered 238:11	141:11,12,19 144:17
lively 250:25	longer 214:23 246:11	LP 20:4 69:14 81:9	145:2,20 146:3,11
livers 109:19	looked 27:10 101:19	Lubricants 64:21,22	152:24 154:25 169:1,24
living 61:5	133:7 231:13,16	76:15,24 94:23,24	170:7 174:14,15 177:1
Livingston 9:1	Lori 71:16,19 77:6	lunch 259:24	200:16 201:22 202:22,
LLC 8:16,20,23,25 9:25	lose 126:22 139:24	<hr/> M <hr/>	24 205:9,10 206:2
10:4,5,6 11:7 12:1	204:23	machine 112:25 206:5,	207:22 209:2 211:3,23,
13:14,16,20,22,23 14:1	losing 150:10,11,12	8	24 215:4 221:4,19
15:22,24,25 16:3,5,9,	loss 138:23 139:7	machinery 10:2	223:11 225:8 226:7
11,13 19:12,20 20:12,	145:23 209:10 249:7	243:15	228:11 229:8 232:13
16,20 22:20 25:24	lost 109:12 133:9,18,	made 9:13 10:16 12:15	234:17 242:13 245:12
51:25 52:18 57:5 80:1,	19,20 138:25 139:1	14:20 18:24 22:6 23:8	249:9,12,15 252:7
7,14,17,19,22,25 81:2,4	163:19	45:13 48:7 51:2 56:19	255:2 256:2,19,21
82:13,15,18,20,23 83:3,	lot 77:22,23 113:17	62:2 64:9 65:10,17 78:4	257:11,17
7,9,12,14 84:12,17 85:2	114:3 126:16 128:24,25	79:10 81:13 83:20 85:9	makers 263:8
	129:2,22 133:9 134:10	87:17 91:16 95:6	makes 41:14 68:12
	135:21,23 140:21	101:12 103:22 106:11,	212:8
	141:11 144:1,14 146:10	16 116:6 121:19 132:5,	making 37:17 40:6
		10,14,24 133:3,25	50:11 103:21 139:10
		137:5 139:20 149:12	145:10 167:25 205:1
			220:12 221:2 224:10
			230:14 246:10



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Malone 5:22,23 161:7,8 173:23,24 180:3,4 186:6,7 195:2 196:10	97:16,18 100:23 199:10,14 223:23 224:3,4,7,20 225:2,17, 19,21 226:15,20 227:16,24 229:15 234:8,18	25 94:4 95:11 103:13 115:9 117:3 130:10 157:2 159:10 178:9,13 184:8,12 192:21 226:23 253:1,16 259:15 261:4 266:25	216:4 217:14
man 213:19			mind 12:9 79:13 108:16 232:23 249:18
management 262:8, 11,18 264:17	MCA'S 55:1 98:21 99:13 174:20 228:22	memory 142:13 201:16	mine 74:17,19 164:3
mandated 227:8	Mcdonald 150:4 258:15	men 118:6	minimum 12:4 263:11
manner 198:13 213:1	means 33:21 199:11 212:18 219:5 221:8 228:25 229:1	mend 86:25	minutes 7:23 227:1 251:19,23 252:4,15 256:6,16
Manny 5:18 161:2	meant 217:9 246:9	mention 237:10 243:25	mirrors 138:19
manufacturer 104:21 113:4 192:8	measures 46:6 120:13, 18 259:1	mentioned 48:3 209:10	mis 53:3
manufacturers 87:3	medical 16:15 114:3 191:12	merit 173:14	miscellaneous 157:7 202:13,19 205:20 207:11 218:9,11,19,22 219:2 221:6,20 240:18
manufacturing 50:12 80:7 82:8,13,18,23 83:3,7 86:4 89:7,17 110:12,14 113:12 128:9 141:6 202:18 222:10 227:6,7 243:16 260:3	meet 22:21 143:1 154:13 226:25	merits 121:10	misconception 218:8
marathon 92:15	meeting 4:3 12:3 50:20 51:17 52:3 57:16,24 58:5 62:15,19 63:7 64:25 92:16 95:2,23 97:3 101:1 105:24 108:9 143:10 157:19 182:20 189:1 195:24 226:25 230:19 233:8 251:20,22 252:15 256:6 259:20 267:5	met 14:11 19:17	Mise 45:3,4,7,8 46:14 47:5,14,19 48:22
March 107:16	meetings 92:20 135:21 143:5 145:4,19 165:10, 25 228:8 232:3 247:17	met all 198:14	missed 75:12,17 196:15 197:13
Marine 11:6 83:11	Melissa 159:14 160:4 176:23 178:17 184:15	Methanex 10:4,5,6	missing 88:25 200:19
mark 18:8	member 45:5 108:13 155:5,24,25 156:14,15	Metoyer 15:16	Mississippi 111:4 150:22
market 20:7 207:6,24 209:6	members 8:3 9:8,16 10:11,19 12:12,20 14:17,24 18:19 19:3 21:2,13 22:11 23:2,12 43:3 44:18 49:23 51:9 54:6 56:23 62:6 64:3,8, 13 67:16 68:17 69:3 73:13,19 76:4 78:11 79:15,19 81:21 83:23 84:3 85:18 87:11 93:4,	Mick 74:16	miswritten 53:4
markets 191:10		Mickey 57:22	Mixed-use 16:8
Martiny 6:2,3 161:12, 13		microscopic 109:13	MJMT 13:21
Mary 83:15		middle 149:11 172:19	modeling 261:25
massive 125:3		midst 37:10	modernized 223:9
master 262:5		mill 215:22 216:19	modest 243:14
materially 123:9		Miller 6:6,7 14:20 54:6, 7 64:10 75:23 83:21 89:2,3,18,25 90:3 92:10,11 93:21 134:21, 22 135:7,13,25 136:5 138:11 161:16,17 164:9,10,20 165:1,12 180:11,12 186:14,15 208:16,17,25 209:15,21 210:1 254:11	mold 109:25 110:1
materials 196:16 216:9		Miller's 255:7	molding 109:21,23,24
Matex 19:11		Millie 4:18,23 160:6 179:3 185:3	Moller 6:10,11 8:1 21:9 131:24,25 132:21 133:2 134:3 141:16 161:20,21 170:19,20 171:19 180:15,16 183:14 186:18,19
matter 121:6 211:20 213:16 226:16 240:17 244:2		million 40:10,12,14 54:10 112:24 204:2,11 206:7 219:7 236:19,22	moment 66:3 170:5 230:12
mayor 5:2 12:16 138:14 160:10 163:12, 16 164:8 179:8 185:7		mills 214:8 215:21	money 97:1 104:7,10 106:24 107:11,15 109:22 118:13,15,20,21
MCA 51:15 54:8 60:25			



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125:15,16,17,20 126:1 133:9,20,24 137:15 142:5 152:2,5 154:14 174:4 192:15 200:21 203:23 207:22 214:24 222:8 251:24	moved 113:14 202:6	ninth 236:5,8 265:6	
moneys 252:9	multi-part 45:11	NMC 16:4	O
Monomers 57:5,8 59:22 61:25 80:19	multiple 35:18 228:3	no's 163:8 182:1 188:4, 5	Oak 8:22
Monroe 190:4	mumbo-jumbo 128:13	NOLA 16:13	object 65:16 158:8,21 244:15
month 77:16 104:12 119:25	municipalities 163:17	non-contested 120:17	objecting 35:10
monthly 134:1	N	non-manufacturing 244:5	objection 158:10,19,24 176:20 183:18
months 119:25 154:5 254:2	named 258:2,4	norm 204:15 207:10	objections 26:11
morning 8:12 13:9 23:25 24:2 27:9 31:4 74:20	names 58:16 60:11	normal 87:8 125:7	obtaining 90:6
mortgage 22:19	narrowly 169:4	Norris 80:24	obvious 70:19
motion 7:24 8:7 9:12, 19 10:15,22 12:15,24 14:19 15:3 18:23 19:7 21:7,17 22:4,15 23:6,16 26:6 44:20 49:16 50:2, 25 51:13 56:18 57:2 62:1,10 64:9,17 65:8 67:10,20 68:12 69:6 73:2,15,22 75:4,9 76:8 78:2,4,15 79:9,23 81:11,25 83:18 84:7 85:8,22 90:5 94:8 95:4, 15 115:10,15,20,22 116:6 158:2 163:10 169:18 171:9 176:12 177:1,6 182:4,6,8,10, 14,18 183:1,10,12 188:7,24 189:7 194:25 196:1,5,9 233:1 251:7, 9,12 252:23 253:14,20 266:20,22 267:3	Natchez 13:25	North 11:19 81:1	occur 172:7
motions 183:15	nation 96:20 103:23 136:14 139:14 215:1 265:11	note 24:3 38:6 257:11, 17	occurred 102:6 197:24
motives 210:17	nationally 140:3	notice 25:1 117:16 153:16 154:10 168:17 217:6 226:12 227:15 234:8,19	October 50:23 51:2 64:24 95:2
move 54:18 61:3 73:4 75:5,17 77:19 90:23 101:14 103:2 115:15 116:3 169:8 194:22 202:2 230:13	native 96:22	noticed 235:22	offense 124:25 260:8
	natural 112:8,11	notification 206:10 219:8 225:17	offer 171:8
	nature 96:21 168:14 262:1	notifications 50:4 51:23	offered 133:5
	nay 8:6 9:19 10:22 12:23 15:2 19:6 21:16 22:14 23:15 50:1 51:12 57:1 62:9 64:16 67:19 76:7 78:14 79:22 81:24 84:6 85:21 94:7 95:14 159:3,6 160:12 178:1,6, 12,14 184:11,13 253:19	notified 71:18 84:19,21 96:16	offers 264:15
	neat 261:1	Nu 13:23	office 36:4 65:17 138:15,16 223:22 224:18 226:10,17 227:7 243:17
	necessarily 40:3	number 27:14 29:3 32:22 36:10 41:3,5,9 43:19 65:20 66:5,8,10, 20 72:7 174:19 175:5 219:22 248:22	Officer 86:19
	needed 96:16 97:4	numbered 146:23	officially 121:1
	needle 212:22	numbers 27:10 29:2 36:6 43:21 79:3 133:8 142:11 165:9 249:1	Oil 140:25 141:1
	neighboring 164:2	nurtures 262:25	older 46:1
	nervous 135:20	Nustar 81:8	onerous 154:9
	net 204:12	nuts 115:2	ongoing 27:16 28:1 29:21
	Netherlands 261:19		Oops 108:21
	networking 263:13		open 46:23 49:4 230:23 264:10
	newer 46:3		opened 119:16 175:2
	nice 223:8		opening 168:20
			operate 112:25 138:1
			operated 74:20 208:6



operating 16:4 61:9 141:2	original 44:1 48:15 65:5,7 177:23 259:4	paper 192:7,10,11 215:21,22 216:19 217:14	197:3,9 203:9 235:20 263:18
operation 93:12	originally 198:18 204:10	paperclip 229:2	path 219:21
operational 42:13 93:16	Orleans 8:18 12:1 13:14,18,20 14:1 20:8 62:13 84:13 127:20 263:4,21 265:20	paperclips 241:4	pathway 262:3
operations 8:15 32:19 89:13	Ouachita 191:2 192:14	paperwork 91:25	patiently 71:22
opinion 211:20,21 212:8	outcome 122:10	parish 8:16,18,21,24 9:1 10:1,3,7 11:8,16,21 12:1 13:14 22:20 25:18, 19,25 26:1 45:21 62:14 69:14 74:6,24 79:1 80:8,18,23 81:2,9 82:11,16,21 83:1,6,10, 15 84:14,18,19 85:4 86:3 90:10 95:19 97:6 127:20,21 135:18 137:10,11,21,25 138:1, 13 139:13 142:14,25 163:18 164:14 165:21 191:3 192:14 193:3 214:2 233:20	pattern 121:22
opinions 165:14	outperforming 236:23	park 114:8	pay 59:20 125:16 127:13 142:17 164:14 166:3 233:25 255:12, 14,19
opportunities 211:5	output 207:15	part 28:5 29:21 32:12 33:22 40:18 45:20 57:24 109:16 149:25 154:9 165:5 215:13 218:18,22 220:25 222:16,17 244:6 248:18	paying 165:20 213:18, 20 214:1,7 216:4 233:21
opportunity 136:1,10 206:4 241:13 242:4 259:18	overboard 212:1	partial 82:2 83:19 159:10 178:9,13 184:8, 12	payroll 104:11,15 134:1 248:24,25 249:3
oppose 8:6 9:19 10:22 12:23 15:2 19:6 21:16 22:14 23:15 50:1 51:12 57:1 62:9 64:16 67:19 73:22 76:7 78:14 79:22 81:24 84:6 85:21 94:7 95:14 184:11 253:19	overseas 104:5	partners 261:22	pays 192:1 254:13,14
opposed 178:12 222:3	overturned 183:5	Partnership 80:17 82:10,15,20,25 83:5,9	PDQ 80:16 82:10,15,19, 25 83:5,9
opted 32:21	overwhelming 127:5	parts 59:24 103:21 109:13,14 119:12 217:21 244:5	peephole 170:4
option 77:24 136:11 168:24 175:11	owned 190:22	party 191:13,19 209:9	peer 263:1,12
options 70:24	owner 59:16,18 61:8 245:13	pass 30:23 31:1 191:19	penalize 114:24
order 4:3 48:5 51:22 52:5,7 54:23 57:17 88:2 97:19,23 99:3 103:1,7 104:10 106:10,19 107:3,8 108:11 109:1 117:14,17 121:14 153:21 154:18 170:25 174:24 191:25 197:5 203:9 216:23 217:9 219:17 227:22,23 234:14 239:7 242:24 252:2	owns 59:14,19	passed 134:16 190:23	penalty 71:2 77:17
Orders 237:22	<hr/> P <hr/>	passion 123:22 210:8	pending 52:6 54:25 55:1 157:9,11
organ 120:7	p.m. 267:6	past 27:11 66:7 71:16 72:15,20 73:7 91:13	pennies 137:13
organization 140:20	pace 139:6		people 58:7,12 105:2 109:10 122:5 125:20 126:7,8 127:11 135:3, 22,24 138:17 144:2 145:16 149:12 150:16 174:19 184:17 191:2 192:16 200:20 203:22 205:5 214:1 215:25 221:22 228:7 229:5 230:20 231:3 233:18,19 236:22 240:2 242:16 246:22 258:9
organizations 260:13	package 96:2 150:14, 23,24 151:2,3,5,25 220:16 248:1 249:5,16 254:17		perceived 222:20
oriented 213:12	packages 151:10		percent 71:3,9 75:19 103:23 127:8 130:4 135:12 138:3 148:18 191:5 207:13 209:12 214:10,12 216:21,23



238:12,15,18 250:15	Pigment 69:13,17 70:5	police 122:4	precedents 153:5
perfect 112:14 228:20 245:4	pill 246:4	Polick 76:21,22 77:3 78:16	predecessor 192:18
performance 16:6 140:7 235:13	Pin 8:22	policy 71:13 72:18 220:3 221:15,21	predominantly 218:5
performing 123:5	Pineville 260:4	polite 266:18	premises 212:14
period 19:13,21,25 39:12 220:2	Piping 8:25 85:1	political 125:12	prepare 218:17 225:9 264:17
permanent 34:14 43:11 93:12	Placage 13:19	politically 222:24	prepared 77:18 176:23
person 89:22	place 32:17 37:12 45:22 84:15 98:25 122:16 167:18 174:11 197:1 213:25 236:23,25 258:19	politician 140:14	present 8:13 92:1 225:10 252:7
personal 247:23 258:18	places 104:4 135:4 151:8 215:3	poor 258:9	presented 8:9 23:24 92:5 101:25 198:6
personally 240:7	placing 31:23	population 138:21	presenting 13:9
personnel 74:23	plan 37:7 262:5	port 265:25	preserve 262:2
perspective 155:20 212:24 213:15	planned 206:3,9	portion 94:11 264:18	President 96:8 97:7 137:10 139:13 142:2
persuasive 119:20	plant 29:18 59:6 93:11	position 25:9 71:12 72:15,17 100:11,17 108:7,12 183:3	President's 138:15 256:2
petroleum 111:8	plants 59:24,25 89:14 152:6	positive 164:18	press 245:16 247:5
phase 28:23 39:2	Plaquemine 62:14	possessed 47:25	pretty 48:3 71:12 100:16 131:6 232:4 239:8
phases 42:17	plastic 103:22,24 109:25	possibility 152:25 153:14 175:20	previous 62:15 147:25 192:25 194:19,23 218:15
phasing 42:6	Plastipak 260:1	possibly 216:15	previously 139:20 155:14 166:10
PHH 57:4,8,24,25 58:8 59:14,22 61:25 80:19	Plating 85:25 86:12 92:22	post 261:4	principal 208:7
Philadelphia 96:19	play 144:13	potential 173:25 262:14 265:16	principle 119:18 121:5
philosophical 107:13	playing 106:13	potentiality 168:10	prior 17:7 25:1 50:4 51:15 65:23 98:13 100:13 102:6 106:13 107:12 124:5 147:1 171:17 174:4 193:13 210:12 252:1 257:16
philosophies 155:9	plenty 104:7	potentially 37:18,20, 24 61:17 168:25	private 122:19,20 203:4 262:6
philosophy 149:2 214:21	pocket 109:11	Poydras 19:24	privately 137:6
phone 50:18 84:22,24 98:2 129:18	point 36:22 38:18 45:25 46:13 48:8 100:14 106:11 124:12 143:6 144:12 145:3 148:21 172:18 197:12 201:2 212:4 220:10 221:12 223:10 226:5 227:19 242:12 245:11 248:5 253:6	PPG 57:24,25 58:2 59:5,6	pro 121:17
pick 43:25	pointed 138:11	practically 119:15,22	probable 174:22
picks 215:12	points 165:15 170:15 236:16,22 237:2	pragmatic 119:12	problem 90:18 98:5 173:12 196:21,24 199:6
picture 40:21		pray 152:16	
piece 200:18 220:24		preach 140:13	
pieces 35:14		preaches 113:9,10	
Pierson 6:19 162:4		precedent 70:22 99:21 122:23 128:11 153:3 172:22 173:11 197:4 205:13	
piggyback 166:12			



<p>234:11</p> <p>problems 229:19</p> <p>probusiness 214:16</p> <p>proceed 51:18 67:25 69:11</p> <p>process 50:12 67:1 91:7 99:5 107:6 109:20 129:15 131:8 154:11 156:23 177:17 204:19 219:4,11 221:7 224:2,9 227:25 228:18 229:23 230:6 233:11 234:16 238:10,22 240:15 241:12 242:6 244:6 251:17</p> <p>produce 53:11,18</p> <p>producing 120:5</p> <p>product 53:18</p> <p>production 53:23 87:5 104:1 206:21 209:4</p> <p>productive 206:6 207:22 214:20 246:24</p> <p>productivity 204:21 207:17</p> <p>products 24:6,15 53:12 85:1 96:25 104:3 120:5 141:11 192:6,9</p> <p>program 8:9 10:12 13:7 14:13 15:6,17,21 19:16 22:21 23:19,24 37:19 40:17 41:4 71:21 72:11 77:9 96:15 103:18 104:23 118:23, 25 130:3 133:10 144:8 202:15,16 203:20,22 204:15 206:1 207:10 211:18 213:14 238:1 239:9,15,20 240:4 246:12 250:14 258:7,8 262:24 263:20 264:1,5 265:11</p> <p>programs 150:25 247:9 262:21</p> <p>prohibits 203:3</p> <p>project 27:16,17 28:6,</p>	<p>11 29:22 31:18 32:25 33:22 35:19 39:3,15 42:7,18 45:11,20 46:23 47:1,8 49:9,12,13 52:9 53:1,14 55:12 58:8 99:19 101:14,17 104:16 147:2 153:18 168:19 171:16 197:23 209:1 224:25 236:11 237:7,8 243:8 265:4</p> <p>projects 42:17 45:14, 15 96:24 105:22 106:2 198:3 217:17 236:5,15, 17,19 262:8 265:5</p> <p>promoted 239:8</p> <p>promptly 72:2</p> <p>promulgated 117:22</p> <p>promulgation 169:23</p> <p>proper 14:6 90:20</p> <p>Properly 44:21</p> <p>Properties 13:21</p> <p>property 59:14 88:15 130:24 157:14 164:13, 15 165:21 166:2 214:8 220:17,23 254:12 255:9,12,14,16,19</p> <p>prosperity 235:11,21</p> <p>protection 261:21</p> <p>prove 124:11 177:11</p> <p>proven 129:1,2 260:15</p> <p>provide 52:14 146:6 157:13 194:14 246:2</p> <p>provided 63:4,14,20 122:13 123:1</p> <p>providing 112:12 122:17 170:4</p> <p>provision 157:7,16</p> <p>public 9:9 10:13 12:15 14:19 18:20 21:5 23:4 26:8 44:24 45:5 46:10 49:19 51:5 56:16 61:25 68:19 73:15 76:1 78:8 79:16 81:17 83:25</p>	<p>85:14 94:1 117:5 121:25 122:7,18 125:15,16,17 126:1 165:18 176:11 184:3 202:8,24 203:1,3,5 205:7 207:20 208:1,3,4, 10 217:11,20 228:3 253:3</p> <p>public's 215:16</p> <p>publically 249:22</p> <p>publication 237:4 260:23</p> <p>publicly 137:5</p> <p>pull 110:2</p> <p>punch 225:1 226:18</p> <p>purchase 206:8</p> <p>purchased 98:25 241:10,18</p> <p>purchases 240:23</p> <p>purpose 168:15 259:4</p> <p>pursue 261:19</p> <p>push 213:22</p> <p>put 36:8 37:12,16 38:5 39:15 53:10 59:7,11 72:2 98:25 106:17 139:22 167:18 174:16 220:14 222:3,7 239:4,5 240:24 241:4 245:17,25 246:15 247:6 249:17 252:14 254:16</p> <p>puts 168:16 172:24</p> <p>putting 36:10 127:24 128:6 234:19</p> <p>puzzle 220:24</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>qualified 225:2 226:19 263:8</p> <p>qualify 40:16</p> <p>Quality 8:8 9:3,23 10:12 11:1</p>	<p>quarterly 260:22</p> <p>question 12:10 16:22 26:21,24 28:3 30:6 33:7,23 34:11 41:25 45:9,12,18 46:18 47:3, 16 49:21 63:17 65:15 70:19 91:17 93:10 98:12 118:12 130:18 132:1,9 143:16 146:19 156:5 158:6,18,25 159:2,5,7,9 164:11 167:6 171:22 176:16,19 182:17 196:1 223:16 226:8 242:9 256:24 257:5</p> <p>questions 9:6 10:10 12:11 14:16 18:18 21:1 23:1 25:4,6 26:7,14 43:2 44:17 54:5,16 56:14 61:20 64:2,7 65:12 68:14,15,18 70:16 73:12 75:25 76:1 78:7 79:14 81:15,17 83:22,24 85:11 87:10 92:9 93:24 103:12 106:7 115:8 117:1,3 166:2,11 192:20 195:24 253:2 254:7 255:7 258:17</p> <p>quick 41:25 109:6 164:11</p> <p>quid 121:16</p> <p>quo 121:17</p> <p>quorum 7:19</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>Railyard 81:3</p> <p>raised 201:3</p> <p>Rampart 16:8</p> <p>ran 223:21 226:9</p> <p>ranked 235:15,24 236:4,7 265:4,9 266:2</p> <p>ranking 250:18 265:2, 13,15</p>
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rankings 235:11,23 260:15 264:25 265:17 266:4	reconsider 137:2 139:18 166:15 176:13 177:23 182:4	releases 245:16 247:5	representing 27:2 76:23 100:18 125:2
ranks 235:5 265:2	reconsideration 115:25 177:13 184:6 195:5	relief 132:8,12 133:5 134:14	reprogramed 36:18
rate 216:21	reconsidered 182:23	remain 248:7 249:10	republican 115:4
rated 235:9	reconsidering 167:8	remainder 68:2,5	reputations 250:4
raw 113:6	record 28:15 77:5 107:22 153:11 155:17, 23 157:4 163:15 184:18 202:1 218:7 235:16 252:14 256:5,9	remarks 119:21	request 11:2,10,23 37:1 40:11 65:9 66:12 86:8 87:12 95:19,23 190:16 193:21
re-look 149:8	recorded 116:18	remember 131:3 149:20,21 230:12 247:18 248:21	requested 12:2 19:14, 22 20:1,5,9,13,17,21 21:25 50:8,22 52:8 135:10 193:9,12,14 198:24
reaction 111:21	records 231:14	remind 129:13,23 231:3	requests 12:14 19:10 20:24 78:22 84:16,25 85:5,25 117:23
read 12:9 79:3 218:5 239:3 243:7 244:13	red 19:19 243:19	reminded 247:24	require 154:4 175:18 176:21 177:12 196:7 217:7
readied 31:24	redline 243:6	removed 85:3	required 52:5 118:2 193:21 253:7
reading 252:3	redlined 240:25	renditions 59:20	requirements 92:13,23 219:9
ready 231:8 259:24	redlining 243:12	renew 66:20	requirements 12:5 19:16 22:22 70:23 198:15
real 48:18 109:6,9 124:20 133:8 234:13 254:22 255:1	reduce 130:1	renewal 66:11	requires 118:4 146:13
reality 38:13 128:22	reduction 204:12	renewals 9:24 10:11 64:19,20 65:4,16,18 67:3 68:3,5,16,20 69:7, 9,21	research 261:16,22 262:7
realize 27:13 197:12	refer 256:6	repeatedly 244:20	resolution 97:10 154:8
reason 34:12 40:16 45:17 55:5 77:1 104:14 121:4 143:18 150:5 165:6 200:2 217:22 228:21 234:2 239:1	Refinery 74:23	replace 109:25 230:14	resolutions 97:4
reasons 247:17	Refining-meraux 74:5	replaced 40:14	resources 11:13 81:3 241:13 242:3
reattaching 109:14	reflect 32:24	report 41:2 43:9 66:11 88:11 172:14 259:11,13	respect 112:2,4 123:22 165:13
recall 57:23	reflected 256:12	reported 65:21	respond 213:6 250:11 251:15
receive 46:20 61:12 91:25 117:19 261:2,3,4	reform 118:24 120:12, 17 140:4 149:2,6,19 259:1	reporting 25:5 66:4	response 36:25 58:10 72:9 147:7
received 12:6 95:19 204:1 238:9,21 260:20 265:3,23	reforming 118:23	reports 65:24	rest 119:1 240:9
receiving 91:3 213:17	reforms 126:17	represent 240:3 245:14	restate 177:6
recipients 121:10	region 139:2 146:7 236:21	representation 148:1	
recognize 36:1 221:10	regional 265:24	representative 4:17 5:6 7:25 22:25 29:13 30:25 33:10 43:4 50:14 52:17 56:3 57:7 64:4,6 65:10 69:16 74:8 76:18 86:11 95:7 96:3 116:22 155:19 157:23 160:1,14 179:3,12 182:12 185:11 189:23 202:7	
recommending 120:10	regrets 259:16		
reconfigurations 37:11	related 36:22 45:9 60:4,7 227:6		
	relation 215:19		
	relationships 89:15		



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restaurants 16:2,23 17:2 18:1,3 257:6	Roderick 119:10	100:11,12,14,16,19,22 102:21,24 106:9,15 107:5,14,21 108:10,19, 25 112:1 117:21 118:2, 8,10,14 119:5 120:20, 25 131:17,22 132:14,18 134:15 136:7,14 139:16 145:2,23 146:2 149:11 151:16 153:15,22 154:12 155:12,22 156:12,14,18,23 157:3, 6,17 163:14 164:4 167:18 168:21 169:5,6 170:8 171:5,14 172:24 173:15 174:6,14 182:20 196:25 200:4,8,23 203:9 218:6 228:4 229:21 230:5,10,22 232:17 233:7 234:15 238:22 244:8	Schexnaydre 4:22 7:3 160:1 179:2
restoration 13:6,11 15:6 261:21	Rodney 162:17	Schmidtke 13:18	
Restricted 78:6	role 144:13	Schnexnaydre 162:16	
restriction 75:6	roll 4:7 116:19 159:14, 16 169:23 176:21 178:16 184:15	school 90:10 97:8 133:17 135:17 137:17, 19 138:14 142:7 163:19	
result 39:1 87:4	rolls 40:18	schools 122:1 125:23 126:3	
retail 257:7	Roma 28:17	Schumacher 11:12	
retaining 260:17,18	Ronda 193:16 255:5	Scott 6:23 76:22 162:8 181:2 187:5	
retired 71:20	Ronnie 7:3 181:10 187:13	scratch 241:5	
return 264:9	Roofing 24:5,14	screen 226:19	
returns 229:9	room 149:22 230:16	scrutinize 216:17	
revenue 127:1,6,12 137:7 138:3 142:15 263:6	rose 175:16	scrutinizing 215:16	
review 7:23	rotate 110:1	scrutiny 217:3	
rewrite 37:5	rotational 109:23,24	seconded 8:1 9:13 10:17 12:16 14:20 18:24 21:9 22:7 23:8 44:21 51:3 56:20 62:2 64:10 65:11 68:13 73:10 75:22 78:5 79:11 83:21 85:10 91:6 95:6 116:7 183:14 202:6 266:23	
Rhonda 99:11 255:22	Rouge 8:21 11:19,20, 21 76:16 117:10 214:2 261:11 262:16 263:22	secretary 6:18 162:3 236:3 259:15	
Richard 6:23,24 91:6, 16 154:25 155:2 156:11 157:20 162:8,9 166:12 181:2,3 183:9 187:5,6	roughly 4:5	secretary's 256:3 259:11,13	
Richey 258:2	roundtable 263:3	section 157:6 174:2 261:6	
Richland 78:25	roundtables 263:7	sector 217:20 262:6,19	
Ricky 5:14 160:23 179:20 185:19	route 145:6	security 265:16	
rightfully 142:7	routine 120:14 153:5 202:20 203:12 205:8 206:24 218:16 220:5 222:18	selection 56:18 235:8	
rise 235:25	routinely 219:11	senate 247:19 258:3	
rises 175:22	row 236:6 265:8	Senator 6:1,14 103:8 109:4 116:7,8 117:11 119:18 123:13 137:4 138:6 141:23 143:22 144:11 146:16 158:10 161:11,24 166:7 168:4	
risk 234:20	ruin 250:3		
River 111:4 150:22	rule 90:14,21,22 107:7 118:6 128:1 136:12 155:11,12 167:9,10,12, 24,25 169:19 173:25 174:1 175:12 191:22 224:4 228:20 230:14 239:6		
road 11:14 196:4	ruled 241:14		
Robby 6:6 161:16 180:11	rules 14:12 45:23 46:1, 3 48:6,16 54:21 97:23		
Robert 4:9,13 159:18, 22 178:19,23 184:20,24 186:14 230:15 258:4			
Robert's 79:13			
		S	
		Sabine 30:23 31:1 39:14	
		Sabre 51:25	
		safe 223:9 227:12	
		Safety 50:15	
		Saizan 7:2 162:12,13 181:6,7 187:9,10	
		sake 124:10	
		sakes 232:21	
		salaries 43:12	
		sales 127:2,7,14 220:18	
		sat 116:12 228:5	
		save 154:14,15	
		savings 148:18	
		scale 194:10	
		scenario 43:17	



171:23 175:9 177:6 180:7,19 182:10 183:19 186:10,22 188:12 237:15 245:2 247:11 250:12 256:23,25	shift 215:9 Shintech 16:10 Shipyards 99:17 102:12 shorten 72:20 shot 241:21 show 27:8 32:7 40:9 43:10 66:3 96:18 101:12 113:23 114:9 254:23 266:5 showed 258:6 showing 43:18 55:7 199:20 235:20 266:13 shown 30:1 40:2 shows 33:23 96:20 105:6 147:3 227:3 233:22 Shree 20:19 Shreveport 64:22 94:24 149:25 150:5 263:19,22 265:21 shut 215:21 shutting 216:19 sic 123:13 side 119:13 sign 154:17 signature 103:4 significant 71:20 105:5 144:5 148:20 150:7 164:19 236:13 significantly 102:15 258:25 similar 36:22 139:7 151:11 190:15 192:17 similarly 169:3 simple 120:12 214:14 simply 77:13 219:4 simulator 50:10 sincerely 210:7	single 119:22 140:15 sir 15:19 17:15 18:15 22:2 29:24 30:21 32:10 43:3 48:25 54:1 57:2 60:19 70:13 72:24 88:4 89:4 98:9,17 110:7,17, 22 111:1,13,18 112:16, 22 114:1,11,16,21 136:4 147:13 148:15 166:18,25 167:19 177:19 189:16 208:24 223:18,25 224:22 225:23 226:2 sit 100:9 137:11 226:17 233:7 244:18 245:22 251:5 266:11 site 29:17 47:6,12 85:4 235:8 sitting 88:7 100:21 103:9 130:10 173:8 176:5 183:3,6 224:17 247:14,18 254:20 266:13 situated 169:3 situation 151:24 154:16 172:6 175:14 182:22 194:21 195:22 196:18 211:16 size 75:14 slept 254:3 slight 101:8 Slone 7:3,4 9:14 18:24 21:10 41:24 42:23 64:9 68:13 78:5 81:14 162:17,18 181:10,11 187:13,14 266:23 Slumber 16:12 small 75:11 104:9 125:8 128:7 129:18 140:11 141:5 148:20 153:13 262:21,22 263:25 264:6 society 207:25 software 261:23 solar 53:12,13	sold 58:3 sole 104:14 solid 264:7 solution 232:13 solutions 261:20 262:1 someplace 151:12,13 213:24 Sorrell 4:6,8,12,16,21 5:1,5,9,13,17,21,25 6:5, 9,13,17,22 7:1,6,10,14, 18,21 159:17,21,25 160:5,9,13,17,21 161:1, 6,10,15,19,23 162:2,7, 11,15,20,24 163:3,7 178:18,22 179:1,7,11, 15,19,23 180:2,6,10,14, 18,22 181:1,5,9,13,17, 21,25 184:19,23 185:2, 6,10,14,18,22 186:5,9, 13,17,21,25 187:4,8,12, 16,20,24 188:3 sort 166:12 169:1 sought 97:8 244:25 sound 77:4 227:13 sounds 115:2 120:9 south 236:15,24 237:5 265:25 southern 236:6,9 speak 156:13 160:4 170:13 194:10 240:21 247:22 speaking 32:22 91:21 227:22 special 12:13 85:24 257:24 specials 10:25 specific 39:2 45:15 49:8,11 103:14 201:5, 15 specifically 43:24 speculation 201:23 speculative 210:20
---	---	--	--



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Spence 96:7,8,14 98:8, 16,22 100:1 103:17 109:8 110:6,11,16,21, 25 111:6,12,17 112:15, 21 113:5,13,25 114:10, 15,20 132:2,13,23 133:6 134:18 135:1,11, 16 136:3 164:17,24 165:4 189:15	starting 202:12	stood 133:21	success 264:8
spend 192:14 206:7	starts 140:9	stop 130:20 244:25	suggest 24:24 35:9,11 44:5 88:22 107:19
spending 102:6 204:22	startup 104:18	stopped 89:8,12	suggested 171:10 199:2
spent 106:23 107:11,15 118:13,15,21 171:6 174:4 203:24 251:25	state 96:12 103:23,24 104:4,6 112:12,20 113:12 119:1 120:25 121:7 123:7 125:13 126:24 127:6 128:10 129:24 130:14,16 134:12 137:6,12,24 138:3 139:3,15 150:8 151:1,4 190:6 192:15 211:23,25 220:1,20,22 229:13 231:8 235:23 236:10 237:3,11 241:19,23,24 244:3 246:2,21 248:18 258:12 263:17 264:14,23 265:10,18	story 193:24	suggesting 203:19
spillage 202:12	state's 237:7 262:13	straight 218:7	suggestion 152:25 168:8 170:14
spirit 128:2 153:20 170:24 171:25	stated 103:8 166:14 174:25 193:20 220:8	strategic 112:8	suing 134:12
spite 139:10	statement 155:1 194:5 226:6 246:13	stream 149:12	Suite 16:1
spoiled 77:5	statements 97:5 103:15 152:18 212:11 228:13 252:8	street 11:19 38:10 233:23	Suites 16:9
Spring 192:9	states 138:24 235:14 236:16 237:24	striving 112:18 128:10	summer 263:18
St 8:23 13:16 25:18,24 74:5,24 81:9 83:14 192:12	statewide 140:3 262:18	strong 115:3 126:15	Summit 52:23
stack 237:24	stay 248:4,8	struck 235:2	super 71:24
staff 32:19,20,23 39:25 42:9 43:7 45:12 46:9 54:20 61:2 84:25 91:9, 15,18 101:5 105:15 115:14 132:20 155:25 156:9,16 169:17 225:12,13 233:3 257:11	step 27:4 29:14 31:1 33:12 45:1 52:19 57:9 69:18 74:10 76:19 86:13 96:5 117:5 131:8 159:15 177:17 207:6 213:9	structure 126:24	supplemental 142:17
staffing 257:9	Steve 7:11 42:2 162:25 181:18 187:21 243:24 247:14	struggle 210:16,21	supplied 193:8,13 197:1 198:12
stage 263:5	stick 19:19 108:19 111:10	struggling 192:5	supply 215:25 240:24
standard 175:17	stimulate 262:13	stuff 77:7 128:3,21,23 140:21 143:25 243:5	supplying 216:6,8,10, 11
standards 176:4 221:25	Stollhaven 62:13	stump 140:14	support 88:19 90:6 97:6 100:20 123:6 126:2,3,4,16 135:10 137:1 138:13 139:12 140:5,20 193:3,25 194:7 254:8 263:13
standpoint 53:5		stupid 211:15	supported 230:1
start 36:10 48:1,13 123:2 137:18 198:2		subject 26:7 68:14 90:5 91:3	supporting 259:6 262:3
started 92:24 103:20 129:14 131:16 208:7 225:25		subjective 220:9	supports 137:22,25
		submit 153:16 154:10 253:6	surely 193:17
		submitted 16:24 17:13 60:13 62:18	surgical 109:15
		subsequent 92:20	surprised 218:20 244:14
		subsidies 204:11 207:14 208:2,3 214:15	swallow 246:4
		subsidize 213:18,21	sweeping 210:24
		subsidized 153:9	sympathetic 171:4
		subsidizing 203:12 204:16 215:15 217:19	synergistic 111:22
		subsidy 122:18 202:25 203:1 205:8 211:10	synopsis 109:6
		substantial 235:18	
		substitute 171:9 182:13 183:1	



system 37:5 52:1 137:17 139:22 167:5 213:23 220:20 264:22	163:20 164:14,15 165:21 166:2 171:2 202:15 211:9 213:11,23 218:15 220:17,18,19,23 227:11 229:9 231:13 254:13 255:14	testimonies 192:25	127:24 140:2,13 146:11,12 155:20 189:12 196:7,18 198:13,23 199:13 204:6 209:20 213:22 220:2 222:4 225:13 226:13,14 233:3 243:4,24 244:11, 12 246:15 253:24 255:18
system's 137:19		testimony 238:8,20	
systematic 219:10		Texas 150:10 237:1	
systems 20:12 226:11		text 18:7	
T		Thailand 104:5 112:23	
tab 100:2	taxes 59:21 125:18 152:10 213:18,20 214:8 233:21 234:1 255:9,12, 16,19	thankful 258:23	theory 148:11
table 73:16 131:11 153:1 155:7 183:16 188:25 189:8 213:9	teachable 170:5	thing 67:2 72:9 75:13, 18 90:12 102:19 111:22,24 112:14 113:8 116:13,15 128:1 141:5, 8 142:20 149:7,16,24 173:4 202:22 210:13,21 212:1 223:21 232:1 246:6 258:10	timeline 199:7
tables 196:20	teachers 127:17	things 89:5 121:23 125:18 126:19 142:19 144:4,7,9 146:4 149:6, 15 174:17 201:21 202:23 204:25 205:17 217:8 227:16 231:17 233:14,16 235:2 239:3 249:21 251:17 256:5 259:22	timely 64:20 198:13
tabs 146:22	team 250:13	thinking 150:18,19 247:15	times 41:8 66:5 88:9 141:19 144:15 148:13 170:10 200:21 254:3 260:24 263:11
takes 17:19 107:6 140:14	Tech 190:15	thought 16:25 48:19 54:19 142:1 146:10 154:22 198:14 251:9 255:10 258:9	timing 101:9 102:1,14 104:25 105:21 106:2
talk 37:13 119:11 129:17 215:20 240:2	technical 169:19,21 264:22	things 89:5 121:23 125:18 126:19 142:19 144:4,7,9 146:4 149:6, 15 174:17 201:21 202:23 204:25 205:17 217:8 227:16 231:17 233:14,16 235:2 239:3 249:21 251:17 256:5 259:22	tip 194:9
talked 98:2 228:23	technicality 153:17,24	thought 16:25 48:19 54:19 142:1 146:10 154:22 198:14 251:9 255:10 258:9	today 38:8,10 74:9 104:2 150:3 155:8 193:7 230:1 231:16 232:5 242:20 245:3,14 247:25 248:22 249:1
talking 112:6 125:15, 19,25 132:7 168:20 239:23,24 248:15	technically 256:18	thousand 66:22 214:7 262:15	today's 259:20
Tammany 13:16	telling 59:14 233:19	thousands 217:16,17 231:15	told 97:3 98:14 99:7 108:8 228:11 238:24
Tangipahoa 10:1 137:10,21 138:1	tells 134:9	thread 212:22	tool 203:14 208:20
tank 19:12 213:12	temporary 255:15	throw 57:12 137:16	tools 109:15
tardiness 70:17	ten 15:19 46:2 147:23, 25 148:3,18 151:20 152:8,16 200:21 235:11,20 250:18 263:11 265:17,23	tight 133:8	top 72:14 235:10,20,23 238:14 265:17,23
tardy 77:2	tend 203:23	time 17:3 18:13 36:3 39:11 52:7 54:25 55:2, 10 58:12,19 65:20 73:5 74:12 77:11 93:17 98:20 101:15 106:8,11, 15 107:4,6 108:23 119:1 122:7 126:18	torn 170:22
targeted 234:12	tendon 109:11	time 17:3 18:13 36:3 39:11 52:7 54:25 55:2, 10 58:12,19 65:20 73:5 74:12 77:11 93:17 98:20 101:15 106:8,11, 15 107:4,6 108:23 119:1 122:7 126:18	total 32:24 34:2,3,19 35:24 43:18 65:22,23, 25 66:6 164:15 204:4 247:20 248:24,25 249:3
targets 262:10	term 19:14,22 20:4,6, 10,14,17,20,22	thousand 66:22 214:7 262:15	totally 166:20 228:22 245:4
task 210:19	Terminals 19:12	thousands 217:16,17 231:15	touch 72:1 77:14
tasked 128:15	termination 19:10 20:1,24 21:3,8 46:13	thread 212:22	tough 246:4
tax 13:6,11 15:6 23:24 28:18 31:5 42:15 72:12 76:23 81:12 88:15 94:11,20 95:24 121:12 125:19 126:1,10,11,23 127:2,5,7,14 130:23,24 132:7,12,17,25 133:5, 11,19 134:14 142:22 143:9 144:8 157:15	terminations 21:6	throw 57:12 137:16	town 228:2
	terms 112:19 144:7 237:25	tight 133:8	track 140:22 237:19 244:10
	Terrebonne 80:8,17 82:10,16,20 83:1,5,10 127:21 138:18	time 17:3 18:13 36:3 39:11 52:7 54:25 55:2, 10 58:12,19 65:20 73:5 74:12 77:11 93:17 98:20 101:15 106:8,11, 15 107:4,6 108:23 119:1 122:7 126:18	
	terrible 232:21		
	testify 229:5		



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tracked 236:12	turn 89:5 145:14	USA 10:4,5 76:15 84:12 150:3	vitality 144:19
trade 96:18,19 101:12 105:6 113:23 114:9 265:22	tweak 246:7	utility 265:20	vote 107:22,23 108:12, 13 116:18,23 119:14 120:2 128:21,23 133:22 141:17 155:21 158:15, 17,24 163:18 166:15 167:8,14 176:22 177:25 178:2,5,6 183:16,23 184:15
training 265:10	tying 48:13	utilize 127:12	voted 140:6 155:14 230:9
transfer 81:12	type 99:18,22 175:12	utilizes 110:19	votes 129:4
transferred 80:6,16,21 81:1,8	typically 109:20 166:1, 23	<hr/> V <hr/>	voting 167:7 177:2
transferring 82:9,14, 19,24 83:4,8,13	<hr/> U <hr/>	Valero 74:4,9,23 75:10	<hr/> W <hr/>
transfers 79:25 81:18 82:3 83:19	Uh-huh 147:6	Valero's 75:14	wait 167:21 188:22 207:3 236:1
transparent 36:5 40:7 231:22	unable 259:17	valorem 218:15	waiting 71:23 266:15
transport 20:12 120:7	uncomfortable 210:10	valuable 120:5 248:17	walking 38:9
transportation 142:15 216:6	unconstitutional 121:3 128:23 129:1 241:15	valued 120:3	Wallis 11:14
transporting 109:17, 18	undermine 119:6 123:3	valve 222:3,6	wanted 35:9 43:6 46:5 53:1 55:11 97:1 129:12 198:22 221:4 224:4 229:16 244:17 250:11 251:15 252:13
treat 73:5 168:22 254:21	undermined 120:11	varying 155:9	wanting 195:21
treated 232:14	understand 27:21 41:13 70:25 102:5 118:11 119:19 130:14 132:22 134:4 156:22 163:14 164:22 165:2 189:11,13 206:22 211:1 212:19,23,25 219:22 230:3 232:10 234:6 239:12 241:17	verify 38:25 44:11 46:20	Ward 6:1 116:8 143:22, 23 146:16 161:11 175:9,10,24 176:6 180:7,8 186:10,11 237:15,16 238:16,25 239:16,21 242:11 245:9,10 247:11 250:12
tremendous 133:12,20 140:2	understanding 165:17 193:12 201:20 251:20	vet 39:6 63:1,11 226:14	watch 258:12
trend 205:3	understood 133:23 165:7 221:5	veto 154:17	watching 48:17
troubling 205:14	underway 264:2	vetted 225:13	water 112:9 261:7,11, 14,16 262:8,10,16,18
trucker 215:24	unique 203:11	Vice-president 197:17	watershed 261:24
trucking 89:12	United 123:25 124:1 138:24 140:24	view 143:25	Waxes 64:23 94:24
true 247:8	unlike 121:6	Villa 6:18,20 10:17 23:8 36:19,23,24 56:20 62:2 68:11 102:17,18 117:12 162:3,5 180:23,24 182:16 183:7,13 187:1, 2 234:23,24 237:14 250:9,10 255:23,25 256:1,15,22 257:3 258:21 259:10,12 266:10	Webber 71:16 77:6
trust 119:2,6 123:3	unresponded 212:6	violated 108:9	website 203:16
truth 244:1	unresponed 212:6	violates 107:21 108:10, 11	
truthful 245:20 247:1	up-to-date 221:23	violating 131:17	
TSG 11:13	update 236:2 259:21	violation 97:22	
TTF 142:16	upgrade 209:7 243:13	visit 47:6	
tune 130:24	Ursulines 13:13	visits 47:13	
tuned 170:9			
tuning 170:11			
turmoil 77:10			



