MEETING MINUTES FOR
THE BOARD OF COMMERCE AND INDUSTRY OF THE

LOUISIANA STATE EMPLOYEES' RETIREMENT SYSTEM BUILDING
FOURTH FLOOR BOARD ROOM
8401 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA
ON THE 8TH DAY OF DECEMBER, 2015 COMMENCING AT 1:32 P.M.

REPORTED BY: DESIREE DELATTE, CCR, RPR

## APPEARANCES OF BOARD MEMBERS:

Charles Soprano
Richard Gonsoulin
Michelle Ducharme for Senator Danny Martiny
Mayor Glenn Brasseaux
Anne Villa
Millie Atkins
Wilda Smith
R.K. Mehrotra

Lance Belcher
Thomas Holden
Representative Stephen Pugh

APPEARANCES OF STAFF MEMBERS:

Melissa Sorrell
Brenda Guess
Susan Bigner
Eric Burton
Becky Lambert
Joyce Metoyer
Lori Weber

MS . ATKINS :
Hello, everyone. The
December 8, 2005, Commerce and Industry
Board meeting is now called to order.
Melissa, roll call, please.
MS . SORRELL:
Matt Parker for Governor
Jindal.
(No response.)
MS . SORRELL:
Steve Windham for Lieutenant
Governor Dardenne.
(No response.)
MS . SORRELL:
Millie Atkins.
MS . ATKINS:
Here.
MS . SORRELL:
Lance Belcher.
MR. BELCHER:
Here.
MS . SORRELL:
Mayor Brasseaux.
MR . BRASSEAUX .
Here.

MS . SORRELL:
Gordon Burgess.
(No response.)
MS . SORRELL:
Jeffrey Elmore.
(No response.)
MS . SORRELL:
Andre Fruge.
(No response.)
MS . SORRELL:
Richard Gonsoulin.
MR. GONSOULIN:
Here.
MS . SORRELL:
Anne Villa for Secretary
Grissom.
MS. VILLA:
Here.
MS . SORRELL:
Tom Holden.
MR. HOLDEN :
Here.
MS . SORRELL:
Jerry Jones.
(No response.)

MS . SORRELL:
William King.
(No response.)
MS . SORRELL:
Michelle Ducharme for
Senator Danny Martiny.
MS . DUCHARME :
Here.
MS . SORRELL:
R.K. MEHROTRA

MR. MEHROTRA :
Here.
MS . SORRELL:
Representative Pugh.
MR. PUGH:
Here.
MS . SORRELL:
Senator Riser.
(No response.)
MS . SORRELL:
Gale Potts-Roque.
(No response.)
MS . SORRELL:
Wilda Smith.
MS . SMITH:

Here.
MS . SORRELL:
Charles Soprano.
MR. SOPRANO:
Here.
MS . SORRELL:
We have a quorum.
MS. ATKINS:
Thank you, Melissa. I want to welcome you-all here to our meeting today. If there are any here that would like to come before the board on any one of the items that are coming up, I ask that you fill out one of the blue forms from the table on the back and hand that to Melissa. Thank you.

MR. VAN HOOK :
Ma'am, how many members are
there on the board?
MR. ATKINS :
There are, what, 24? 24, I
believe.
MS . GRECO:
21 seats.
MS . ATKINS:

21 seats. Yes.
MR. VAN HOOK:
Okay. Thank you.
MS . ATKINS:
You're welcome. I would
like to take this minute to also
recognize Ms. Lana Triche. Lana has
been working with Mr. Gonsoulin for a number of years.

MR. GONSOULIN :
38. She started with me
when she was 2.
MS . ATKINS:
All right. But thank you.
We welcome you here to the board.
MS. TRICHE :
Thank you.
MR. ATKINS:
You have received copies of the minutes from our October 27th meeting. Are there any corrections to the minutes?

MR. BELCHER:
Motion to approve the
minutes.

MS. ATKINS:
Motion has been made by
Mr. Belcher.
MS . SMITH:
Second.
MS. ATKINS :
Second by Ms. Smith that the minutes be accepted. Any discussion on the motion?
(No response.)
MS . ATKINS:
Hearing none, all in favor, respond by saying "aye."
(Several members respond

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"aye.")
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MS. ATKINS :
Any opposition?
(No response.)
MS. ATKINS:
Motion passed. It is ordered. We will now move down to our programs, and we will start with the Quality Jobs Program. Mr. Burton.

MR. BURTON :
Yes. Before we move to
that, I have one application that is being deferred due to the applicant's request. That's 20111089 IFG Port Holdings, LLC, in Calcasieu Parish. Moving on to the new applications, we have 20131164, AAR Aircraft Services, Inc., in Calcasieu Parish; 20131178, Big Lake Fuels, LLC, in Calcasieu Parish; 20141254, Cameron LNG, LLC, in Cameron Parish; 20140198, Lubrication Technologies, Inc., in Caddo Parish; 20141403, PennTex Midstream Management Company, LLC, in Lincoln Parish; 20151384, TriWest Healthcare Alliance in Jefferson Parish; 20141117, Yuhuang Chemical, Inc., in Saint James Parish.

This concludes my new applications for Quality Jobs.

MS. ATKINS:
Thank you. Motion to
approve.
Motion made by Senator Pugh, second by Mr. Holden.

All in favor, respond by

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saying "aye."
    (Several members respond
"aye.")
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                                MS . ATKINS:
                                Any opposition?
    (No response.)
    MS . ATKINS:
    Motion passed. It is
    ordered.
MR. BURTON :
Next I have the Quality Jobs
renewal applications. There's only two.
20101022, Aqueos Corporation in
Lafayette Parish and 20100996, Nucor
Steel Louisiana, LLC, in Saint James
Parish.
MS . ATKINS :
Thank you, Mr. Burton.
Motion to approve.
MR. GONSOULIN :
So moved.
MS . ATKINS:
Motion by
Mr. Gonsoulin. Second by Mr. Soprano.
All in favor, respond by

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saying "aye."
    (Several members respond
"aye.")
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                                MS. ATKINS:
                                Opposition?
                            (No response.)
                    MS . ATKINS:
                    It is ordered. Motion
    passed.

MR. BURTON:
My last items are going to
be specials. I have a request for a change in name only of the following contracts: Number 060764 from Momentive Specialty Chemicals, Inc., to Hexion, Inc., in Saint Charles Parish, and I have a request for a change in location only for the following contract: 20121040, Settoon Towing LLC, 1711 Dunn Street, Houma, Louisiana 70361 to 209 Blackwater Court, Gibson, Louisiana 700356 in Terrebonne Parish, and this concludes the Quality Jobs Program.

MR. ATKINS:
Thank you, Mr. Burton.

Motion to approve.
Motion made by
Mr. Gonsoulin. Second by Representative Pugh. Any discussion?
(No response.)
MS . ATKINS:
Hearing none, all in favor
responds by saying "aye."
(Several members respond
"aye.")
Opposition?
(No response.)
MS . ATKINS:
It is ordered. Motion
passed.
And we're now moving down to our Restoration Tax Abatement Program. Ms. Lambert.

MS . LAMBERT :
Good afternoon. We have six
new applications for restoration tax abatement. The first one is 20141155, 800 Perdido Place, LLC, in Orleans. 20150415, Dennis Thomas and Kendra Thomas in Saint Tammany. 20141095,

Glenn Goss \& Sally Goss in Orleans
Parish. 20140246, International
Shipholding Corporation in Orleans. 20131242, Neville Development, LLC, in

Orleans. 20141472, Slumber Corners
NOLA, LLC, in Orleans Parish. For a
total of six new applications,
$\$ 66,320,000$.
MS . ATKINS:
Thank you. Motion to
approve.
MS . SMITH:
Motion made.
MS . ATKINS :
Motion made by Ms. Smith.
Second by Mr. Holden. Any discussion on the motion?
(No response.)
MS . ATKINS :
All in favor, respond by
saying "aye."
(Several members respond
"aye.")
MS. ATKINS:
Opposition?
(No response.)
MS . ATKINS :
Motion passed. It is
ordered.
MS . LAMBERT :
We have one renewal
application, number 070900 Stirling
Forterra, LLC, in Orleans Parish. That
concludes the renewal applications.
MS . ATKINS:
Thank you, Ms. Lambert.
Motion to approve.
Motion made by Mr. Mehrotra.
Second by Ms. Smith. Any discussion?
(No response.)
MS. ATKINS :
All in favor, respond by
saying "aye."
(Several members respond
"aye.")
MS . ATKINS:
Opposition?
(No response.)
MS . ATKINS:
It is ordered. Motion
passed. Thank you.
We will now move into our
Enterprise Zone Program with
Ms. Metoyer.
MS . METOYER :
Good afternoon. We have 19
applications for approval today. The first is 20111171, Anjaneya Hospitality, LLC, Bossier Parish; 20141378, Auto Title Services, LLC, Tangipahoa Parish; 20130810, BBP Sales, LLC, EBR Parish; 20130113, Belk, Inc., Livingston Parish; 20131390, Care, Inc., Tangipahoa; 20131391, Care, Inc., Saint Tammany Parish; 20131392, Care, Inc., East Baton

Rouge Parish; 20131393, Care, Inc.,
Saint John the Baptist Parish; 20110870
Entergy Louisiana LLC, Jefferson Parish;
20130031, Intelligent Transportation
Systems, LLC, East Baton Rouge Parish;
20131095, ISC Constructors, LLC,
Calcasieu Parish; 20140988, Isidore
Newman School, Orleans Parish; 20120783,
Our Lady of the Lake Regional Medical
Center, EBR Parish; 20131292, Pizza

Domenica, LLC, Orleans Parish; 20140555,
Prime Source Machine, LLC, Lafayette
Parish; 20141442, Pulp \& Grind LLC,
Orleans Parish; 20130114, SWVP New
Orleans, LLC, Orleans Parish; 20130393,
The National World War II Museum, Inc.,
Orleans Parish; and 20121133, Tulane
University, Orleans Parish.
MS . ATKINS:
Thank you, Ms. Metoyer.
Motion to approve. Motion made by
Mr. Soprano. Second by Mr. Gonsoulin.
Any discussion?
(No response.)
MS . ATKINS:
Hearing none, all in favor,
respond by saying "aye."
(Several members respond
"aye.")
MS . ATKINS:
Opposition?
(No response.)
MS. ATKINS:
Motion passed. It is
ordered. Thank you.

Next on the agenda we have
the contracts for cancellation.
20120316, VCS, LLC, Saint Tammany
Parish. Company did not meet the EZ
Program hiring requirements and requests
cancellation of their contract.
That part is -- that's my
error that they did not request
cancellation.
20111066, Zelia, LLC,
Orleans Parish. Company did not meet
the EZ Hire program hiring requirements and they did not request cancellation.

MR. ATKINS :
Thank you. And I believe under these two we have to two persons here that wish to approach. You have two minutes.

MR. VAN HOOK:
Two minutes?
MS . ATKINS:
Yes. Two minutes.
MR. VAN HOOK:
Okay. In that case, the
first thing I'd like to point out, this
is the contract issued by this board, and the first sentence of Section 4 says, "The contract holder, its successor, or assign, shall own, operate, and maintain said business and shall add approximately one new employee." Under the statute, we had to add one net new employee within the first 12 months. We hired a new employee within the first 12 months. Now, the reason that this is here is because LED has a procedure, possibly -- well, a regulation and a procedure that they say you have to average. So let me explain to you how that works. I have twelve months to create one net new job. If I hire one employee on the first day, I've met that requirement. Okay. I'm building
something. In this case, I was doing renovations to a building. So if I wait six months, now in order to create that one net new job, according to their procedure, $I$ now have to hire two people. Because I got zeros for the six
first; I got to have twos in the next six months in order to average one. I'm still building. Eleven months have gone by. Now I have one month. I still have time to create that one net new job.

How many people, according to their procedure, do I have to hire? Twelve. Because I've got zeros in the first eleven months, I've got to hire twelve people according to their procedure to get my one net new employee. And I can keep going. If I wait till the last day, I got to hire 365 people, according to their procedure, to create one net new job. That's not what the statute says. That's not what the contract says.

MS. ATKINS:
Thank you, Mr. Van Hook.
MR. LALA:
Hi. Brett Lala representing
VCS. Going along the lines of what Mr. Van Hook said, the contract -- this
is a contract issued by the Board of
Commerce. It's signed by the Board of

Commerce. It states that the contract holder shall add approximately eight new employees. Not net new, not average new. That's the obligation that was imposed on my client. They hired 21 new employees, 9 of them being full-time. In Article 6 where it discusses the actual tax credits, it does state that for a $\$ 2,500$ tax credit, it's per net new employee as determined by the company's average annual employment.

It's very evident that the law and the regulation's average applies to the tax credit. The contract, the law, the regulations for eligibility, it's purely the net new, not an average of the employment.

So today if we have to leave here and pursue this outside of this board, unfortunately, there's going to be a breach of contract issue with a board that has signed a contract, issued a contract, and now is going to terminate it when the contract holder has clearly met the requirements that
was imposed on him.
So one other item that I
want to bring up and Mr. Jared Jones
brought up in the last one is the consistency of how this has been applied. The LED has agreed that there have been contracts post August 2011 where they've not required this.

They've claimed that advanced
notifications may have been filed, but the contracts that were approved by this board after 2011, they have not required this averaging, but yet today you're going to try to terminate or cancel my client's contract and saying that it should be averaged. The LED is very inconsistent in this, and it's very clearcut that the contract should prevail and the statute should prevail. MS . ATKINS : Thank you. I'm going to ask at this time if staff has anything else that they want to add or a staff representative would like to add.

MS . GRECO :

Leu Anne Greco, LED
executive counsel.
You know, $I$ certainly regret that the companies are not happy with the existing rule, but the rule is prevailing law, and we are required to follow it. It was promulgated under the Administrative Procedures Act in 2011. Our review of all contracts with advances filed after that date, which are subject to that rule, as are the two before you this afternoon. The rule has been consistently applied to interpret and calculate net new jobs based upon an average across the year.

They might prefer an
interpretation where you could hire one person on December 31st and meet a requirement of being within the year, but the fact is that, legally, we have added an interpretation to the statute, which is precisely the purpose of rules is to help implement and interpret the substantive part of the statute as well as provide procedures, and what the
rules provides is that net new jobs is determined on an averaging basis, so
that's what we have done.
I will also note that as far
as any ambiguity in the contract, it is
still absolutely clear in the contract that it is subject to the statute and the rules. It says so in the contract and as a matter of law. Contractually, we can't change the law to deliver
incentives that are not available under prevailing law.

So it's really a pretty
simple question. Is there a rule that is effective as to these two contracts?

Yes, there is, and the rule requires averaging. That rule could be replaced in the future by another rule. It could certainly be superseded by a change in the statute to give explicit directions to the Department, but that's not what we have here today.

MS . ATKINS:
Thank you.
MR. VAN HOOK:

Do I get to respond to that?
MS . ATKINS:
Sure.
MR. VAN HOOK:
It's not correct that the rule is the law. This statute is the law, and if the rule conflicts with the statute, the rule is invalid. This statute prevails. And that's the problem here. Their rule and their procedure conflicts with the law. The law controls, not their rule, and if this has to go to litigation, I'm reasonably confident that a judge is going to say the regulation is invalid; they need to go fix the regulation to comply with the law. Thank you.

MS. ATKINS:
Thank you. Members of the board. Okay.

MR. MEHROTRA :
May I? I'd like some clarification on something. At the last meeting, we had discussed or there was some conversation about how was there
consistency in the applying of the rule.
Seem to be a little unsure about that.
Was there any clarification on that
issue?
MS . GRECO :
Of course, the rule was not
applicable to advances filed prior to the promulgation of the rule, but since promulgation of the rule, every advance filed after that, including those for these companies, the rule has been applied. We cannot find any inconsistencies. Those that were cited were projects that were grandfathered. The advances were filed prior to the effective date of the rule.

MR. MEHROTRA :
And that rule was in 2011,
right? August 2011?
MS . GRECO :
Correct.
MR. MEHROTRA:
Okay. So when y'all contend
that it hasn't been --
MR. LALA:

The contracts were entered
into after August 2011, so this board has approved contracts after that date, and the LED has gone through those contracts and not required this averaging post 2011, August 2011. She's saying the advances were filed, but contracts are what's controlling here. The contracts were not entered into until after August 2011. We know for a fact from our own representation, and I'm sure there are many other claimants out there that were not required to average after August and for contracts entered into after August 2011.

MS . ATKINS:
Based upon your legal
opinion of the staff's due diligence on this issue, are you satisfied that they followed the rules in this instance that they followed?

MS . GRECO :
Yes. I believe this is an
area where the staff really has no
discretion to ignore the rule. It's
clearly applicable to these projects, and the rule is clear.

MR. VAN HOOK:
And it conflicts with the
statute.
MS. ATKINS :
Are there any other comments
from the board?
MR. LALA:
Can I make one more comment?
Just from a reasonable person's standard, commonsense standard, that now after this rule, my client was building a hotel and hiring these jobs in the 22nd month because he had to build the hotel. So based on this rule, if he waits till the 24 th month, he would have to hire 120 jobs to have a net 5. It makes no sense.

That's not -- the law up until 2011, I believe, the Board of Commerce and the LED agrees that they didn't require this. They implement a rule, interpreting an existing law that impacts a taxpayer that drastically?

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They would have had to hire 5 but now they have to hire 120? That's not an interpretation. That's a new law.
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MS . GRECO :
I won't get too much down in the weeds on hypothetical numbers, but I will point out that the rule requires an average by month. It's not a daily average, so you don't get to that high multiple.

MS. ATKINS:
Okay. Thank you.
MR. SOPRANO:
Madam Chairman, is my
understanding correct that if we do not vote on this today, it will go to court?

MR. VAN HOOK :
Yes.
MR. SOPRANO:
No, I'm saying if we don't vote.

MR. VAN HOOK :
If you vote to cancel the contract, yes, that will be the result.

MS . GRECO :
$\square$
Of course, that's up to the
companies if they choose to litigate the matter. That's up to them to initiate.

That's not LED's position. You could, you know, certainly assume that's at least a probability if they don't get whatever they want one way or the other from the board.

MR. SOPRANO:
All right. Thank you.
MS. ATKINS:
And the request from LED is
and the program is that for the contracts to be canceled; is that correct?

MS . METOYER:
Yes.
MS. ATKINS :
So I ask the board, are we ready for the question?

MR. BRASSEAUX:
I so move.
MS. ATKINS:
Motion made by
Mr. Brasseaux. Second by Mr. Soprano

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that we cancel the contract.
Any discussion on this
motion?
(No response.)
MS . ATKINS:
Okay. All in favor, respond
by saying "aye."
(Several members respond
"aye.")
MS . ATKINS:
Opposition?
(No response.)
MS . ATKINS:
Hearing none, it is ordered.
Thank you.
MR. VAN HOOK:
Thank you.
MS. ATKINS :
Okay. We're ready.
MS . METOYER :
Next I have the contract
terminations. 20110915, Arcadia Gas
Storage, LLC, Bienville Parish.
Termination date: 9/30/2014. The reason
for termination: The program

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requirements have been met and no additional jobs are anticipated. 20090978, Associated Marine Equipment, LLC, Saint John Parish.

Existing contract: $1 / 1 / 2011$ to
12/31/2015. Requested termination date:
12/31/2013. The hiring requirements have been met and no additional jobs are anticipated.

> 20091175, Baton Rouge

General Medical Center, East Baton Rouge Parish. Existing contract period:
12/20/2009 to 12/19/2014. Requested contract termination date: 6/19/2012.

Client no longer wishes to pursue the benefits of EZ.

20081291, Bollinger Marine Fabricators, LLC, Saint Mary Parish. Existing contract period: 8/22/2010 to 8/1/2015. 7/31/2014 is the requested termination date. The program requirements have been met and no additional jobs are anticipated.

20090267, Cadeville Gas
Storage LLC, Ouachita Parish. Existing
contract period: 10/15/2011 through
10/14/2016. Requested termination date, 9/30/2014. The hiring requirements have been met and no additional jobs are anticipated.

20071256, JAE Properties,
Inc., Iberia Parish. Existing contract period: 4/1/2012 to 3/31/2017.

Requested termination date: 12/31/2014.
The hiring requirements have been met and no additional hiring is anticipated.

20071146, LDG Multifamily,
LLC, East Baton Rouge Parish. Existing contract period: 2/7/2012 through 2/6/2017. Requested termination date: 12/31/2014. The hiring requirements have been met and no additional hiring is anticipated. 20120923, LD Star, Inc., Caddo Parish. Existing contract period, 6/8/2012 through 6/7/2017. Requested termination date, 12/31/2014. The program requirements have been met and no additional jobs are anticipated.

20110916, Perryville Gas

Storage, LLC, Franklin Parish. Existing contract period: 2/1/2012 through

1/31/2014. The requested termination date is 9/30/2014. The program requirements have been met and no additional jobs are anticipated. 20120799, Premium Hotels LLC, Natchitoches Parish. Existing contract period: 9/1/2012 through 8/31/2017. The requested term date is 8/30/2015. The program requirements have been met and no additional jobs are anticipated.

## MS. ATKINS:

Thank you, ma'am. Do I have a motion to approve? Motion made by Mr. Gonsoulin. Second by Mr. Mehrotra. Any discussion on the motion?
(No response.)
MS . ATKINS:
Hearing none, all in favor, respond by saying "aye."
(Several members respond "aye.")

MS. ATKINS:

Opposition?
(No response.)
MS. ATKINS:
It is ordered. Motion
passed.
MS . LAMBERT :
We have two requests for a
change in business name. 20120833,
Petit Bourgeoisie, LLC, to Satsuma
Maple, LLC, Orleans Parish; and
20110490, Impala Warehousing (US), LLC,
to Impala Terminals Burnside, LLC.
That's Ascension Parish.
MR. ATKINS :
Thank you. Motion to
approve? Motion made by Representative
Pugh. Second by Mr. Holden. Any
discussion on the motion?
(No response.)
MS. ATKINS :
Hearing none all in favor,
respond by saying "aye."
(Several members respond
"aye.")
MS. ATKINS:

Opposition?
(No response.)
MS. ATKINS:
It is so ordered. Thank
you.
MS . METOYER :
We have one request to
remove an LLC member. It's 20140270,
In \& Out Urgent Care, LLC, Orleans
Parish, and that existing LLC is Tarum Jolly, MD.

MS. ATKINS:
Thank you.
MS . LAMBERT :
And that concludes my
agenda.
MS . ATKINS :
Thank you. Motion to
approve. Motion made by Mr. Brasseaux.
Second by Ms. Wilda Smith. Any
discussion?
(No response.)
MS . ATKINS:
All in favor, respond by
saying "aye."

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(Several members respond
"aye.")
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MS. ATKINS:
Opposition?
(No response.)
MS. ATKINS:
It is ordered. Motion
passed. Thank you.
And next on the agenda we will have our Industrial Tax Exemption Program. Ms. Weber.

MS . WEBER:
Yes, ma'am. Did you want to read the new applications in total?

MR. MEHROTRA:
Motion.
MS . ATKINS :
Motion has been made and second by Mr. Holden -- motion made by Mr. Mehrotra -- that we will do these in-globo. Thank you. All in favor, say "aye."
(Several members respond
"aye.")
MS WEBER:

Next we have the specials.
We have requests to transfer the
following contracts: KPAQ Industries,
LLC, contracts: 20110468, 20110469,
20120606, 20120608, 20130424, 20140350,
20150317, and -318 to Hood Container of
Louisiana, LLC, in West Feliciana
Parish. Shaw SSS Fabricators, Inc.,
20090436 and 20140465 to CB\&I Walker
Louisiana, LLC, West Baton Rouge to
Livingston Parish.
MS. ATKINS:
Thank you. Motion to
approve. Motion made by Representative Pugh. Second by Mayor Brasseaux. Any discussion on this motion?
(No response.)
MS. ATKINS:
Hearing none, all in favor,
respond by saying "aye."
(Several members respond
"aye.")
Opposition?
(No response.)
MS . ATKINS:

It is ordered. Motion
passed. Next are change in name only.
MS . WEBER:
Bosco Machine Shop, Inc.,
contract 20140157 to Landmark Real
Estate Properties, LLC, in Lafayette.
Entergy Gulf States Louisiana, LLC,
Calcasieu, contracts: 20081247, 20090447, 20091190, 20101173, 20111220, 20121320, and 20131349 to Entergy Louisiana, LLC, Calcasieu in Calcasieu Parish. Entergy Gulf States Louisiana, LLC, Nelson, contracts: 040849, 060278, 062507, 20071345, 20081246, 20091191, 20101174, 20111221, 20121321, and 20131350 to Entergy Louisiana, LLC, Nelson, Calcasieu. Entergy Gulf States Louisiana, LLC, Willow Glen, contracts: 040846, 060279, 062505, 20071312, 20081244, 20091195, 20101176, 20111224, and 20131354 to Entergy Louisiana, LLC, Willow Glen, Iberville. Entergy Gulf States Louisiana, LLC, Ouachita Plant, contracts: 20081251B, 20090448A, 20091192, 20101175, 20111222, 20121322,
and 20131351, Entergy Louisiana Ouachita Plant, Ouachita. Entergy Gulf States Louisiana, LLC, Big Cajun, contracts:

040835, 060280, 062501, 20071344, 20081248, 20091189, 20101171, 20111219, 20121319, and 20131362, Entergy Louisiana, LLC, Big Cajun in Pointe Coupee. Entergy Gulf States Louisiana, LLC, Riverbend, contracts: 040828. 060281, 062502, 062504, 20071303, 20071304, -1305, -1305A, -1307, -1308, -1310, 20081245, 20091193, 20101170, 20111223, 20121323, 20131352, and

20131353, Entergy Louisiana LLC,
Riverbend in West Feliciana. Omega
Natchiq, LLC, contracts: 20120941,
20141032, ASRC Energy Services Omega,
LLC, in Iberia.
MS. ATKINS:
Thank you. Motion to
approve. Motion has been made by
Ms. Smith and second by Mr. Soprano.
Any discussion on the motion?
(No response.)
MS . ATKINS:

Hearing none, all in favor, respond by saying "aye."
(Several members respond "aye.")

Opposition?
(No response.)
MS . ATKINS:
It is ordered. Motion passed. Thank you.

MS WEBER:
Next are partial transfers. The following companies request partial transfer of ownership on the referenced active contracts. Shaw Alloy Piping Products, LLC, contract: 20120355 for \$448,161. Shaw Alloy Piping Products, LLC, retains $\$ 355,217.40$, and Shaw Alloy Piping Products, LLC, receives \$89,097. The first is in Caddo. The second is in Bossier. They're all the same names. It's just they moved to different parishes. All right. Shaw Alloy Piping Products, LLC, 20130350 for $\$ 446,113$.

The original retained $\$ 385,564.35$ in
Caddo. The new receives $\$ 38,182$ in

Bossier. Shaw Alloy Piping Products, LLC, 20140328 for $\$ 205,654$. The original retains $190,648.30$ in Caddo. The new receives $\$ 15,006$ in Bossier.

PennTex North Louisiana, LLC, contract 20141040 for $\$ 115,940,047$. PennTex

North Louisiana, LLC, retains \$113,422,299. PennTex North Louisiana Operating 3, LLC, receives $\$ 2,517,748$. That's in Lincoln.

MS. ATKINS:
Thank you. Motion to
approve. Motion made by Mayor
Brasseaux. Second by Mr. Belcher. Any discussion on the motion? Hearing none, all in favor, respond by saying "aye."
(Several members respond
"aye.")
Opposition? It is ordered.
Motion passed. Thank you.
MS . WEBER:
Staff requests cancellation
of the following contracts: Shaw SSS
Fabricators, Inc., contracts 061128,
070491, 20080462, 20081100, 20100392,

20120356, and 20130351. Company has
shut down and requested the cancellation of remaining contracts. This is in West Baton Rouge.

MS. ATKINS :
Okay. Thank you. Motion to
approve. Motion has been made by
Ms. Wilda Smith and second by
Mr. Mehrotra. Any discussion?
(No response.)
MS . ATKINS:
Hearing none, all in favor, respond by saying "aye."
(Several members respond

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"aye.")
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Opposition?
(No response.)
MS. ATKINS :
None. It is ordered. Thank you.

MS . WEBER:
We have two special
requests. The first is Halliburton
Energy Services, Inc., contracts:
20100024, and 20100024A. We received a
request for the continuation of the contract for Halliburton in Bossier

Parish. Information from the company indicates that this is a temporary shutdown due to the decline in oil and gas drilling activity. They indicated they would maintain the site and let us know of any changes. We've requested this in the past for companies that are shut down for a hopefully short timeframe, but they are to report to us on an annual basis to let the board know what their status is, and at any time they wish to cancel, then they can cancel the contract.

The other is a housekeeping
issue. This was Baker Hughes Oilfield Operations, project 20140669. They were incorrectly listed as in Lafayette Parish. This is to request approval to change the parish to Saint Martin.

MS. ATKINS:
Okay. Do I have a motion to
approve? Motion has been made by Mr. Gonsoulin. Second by Mr. Belcher.

Any discussion on the motion?
(No response.)
MS . ATKINS:
Hearing none, all in favor, respond by saying "aye."
(Several members respond
"aye.")
MS . ATKINS:
Opposition?
(No response.)
MS . ATKINS
It is ordered. Motion passed.

MS . WEBER:
We have two late filings of renewals. 20100960, Bollinger Algiers, LLC, in Orleans Parish. The original contract expiration date was 7/31/15.

The late renewal request date was 10/27/15. 20080750A, Blake International USA Rigs, LLC, Orleans Parish. $12 / 31 / 14$ was the original expiration date. 11/9/15 was their late renewal request. Staff recommends approval.

MS. ATKINS:
Okay. Do I hear a motion?
Motion made by Mr. Soprano. Second by
Mr. Gonsoulin. Any discussion on the motion?
(No response.)
MS. ATKINS :
Hearing none, all in favor,
respond by saying "aye."
(Several members respond
"aye.")
MS. ATKINS:
Opposition?
(No response.)
MS. ATKINS:
Hearing none, it is ordered.
MS . WEBER:
I have 77 renewals. Do you wish to take them in-globo?

MS. ATKINS:
Motion made by Mr. Mehrotra.
Second by Mr. Belcher that we hear these and have these in-globo. All in favor, respond by saying "aye."
(Several members respond
"aye.")
No opposition. It is
ordered. Thank you.
MS . WEBER :
Thank you, ma'am. That's all.

MS . ATKINS :
Thank you, ma'am. And I
think we have another item on the agenda. Next on the agenda is our tax equalization.

MS . BIGNER:
I'm Susan Bigner, for those of you who don't know me. I don't normally -- I don't come to the board often. I do handle the Industrial Tax Equalization Program for the department. Before me I have and before you I have a renewal for CenturyLink. The contract number is 9004003. I have given you a brief write-up regarding the history of CenturyLink. Do you-all have that?

MR. MEHROTRA :
No.
MS . BIGNER:

I'm so sorry. All right.
Well, I'll go through it, and I'll make sure that you do each receive a copy of it.

CenturyLink is a global communications. They're located up in Monroe, Louisiana, is their headquarters. They offer network data systems, big data analysis, IT consulting with operations in more than 55 data centers located in North America, Europe, and Asia.
In 1990, the company was
offered a tax equalization by the Governor's office. At that time, they were growing and they were looking to place a new headquarters, and they looked at Little Rock, Arkansas, compared to Monroe, Louisiana. The state offered them the opportunity to equalize the taxes here in Louisiana to that of what would be in Little Rock, Arkansas, if they would build the headquarters here.

If that happened, the first
term of the contract was January 1 of
'93 through December of 1997, and they had an option to renew, which they did take advantage of. It is renewed with a beginning date of January 1 of 1998 and terminated in December 31st of 2002 . The contingency to that contract was that the company continue to maintain their headquarters in Monroe and maintain at least 600 jobs. During the ten years from 1993 to 2002, CenturyLink took advantage of \$4.4 million in tax equalization benefits. The estimates from '97, '98 and 2001 they did not take advantage of any benefits because the taxes in Little Rock would have been estimated higher than what they actually were in Louisiana. That contract ended on in 2003. They did not renew it because at that time, it only had one five-year renewal.

$$
\text { During the } 2005 \text { legislative }
$$

session, there was new legislation passed authorizing two additional
renewals up to a total 20 years for contracts for which the initial 5-year renewal period ended on or after December 1, 2002, but before February of 2003. I'm sorry. It ended in December of 2002 .

So, therefore, CenturyLink was eligible to put in for another two renewals. On July 14th, Governor Blanco extended an invitation to the company to apply for the additional renewals in agreement that the company would continue to maintain and operate their Monroe, Louisiana, headquarters and maintain employment to 600 employees.

During the five years from 2006 through 2010, CenturyLink took advantage of the program and was able to receive $\$ 7.8 \mathrm{million}$ in benefits.

During the 2007 legislative session, Tax Equalization Program was changed to remove the 10-year limitation and provide that at the discretion of the Commerce and Industry Board. Subsequent renewals for additional five years or
less may be granted for a company that has requested a renewal prior to the expiration of its currents renewal.

The applicant, at that time, must demonstrate the conditions of the initial contract were met and the activities of the applicant in the state of Louisiana generated economic benefits to the state that exceed 20 times the benefit to the applicant of the incentive provided for the year preceding the request for renewal. On July 1, 2009, CenturyTel completed its acquisition of EMBARQ, creating one of the leading communications companies in the Louisiana and began operating under the name of CenturyLink. Before that, it was called CenturyTel. Again, the company was trying to decide on whether they wanted to stay in Louisiana or move to Arkansas.

On April 15, Secretary Moret signed a Cooperate Endeavor Agreement with CenturyTel to keep the main
headquarters here located in Louisiana.
The CEA stated that the company would maintain their headquarters in Louisiana, create an aggregate of 350 new jobs, and maintain those jobs through at least 2020. In return, LED offered several incentives, including the renewal of the existing Tax Equalization contract and with an understanding that LED agrees to support and facilitate the renewal of the existing Tax Equalization contract through 2030. There was an amendment to the contract, but for the other incentives, but it did not affect the Tax Equalization contract. In 2011, CenturyLink acquired Qwest Communications and Savvis. During 2013, the company acquired at AppFog, Inc., and Tier 3, Inc. And in December of 2014, CenturyLink acquired DataGardens and later Cognilytices. These acquisitions transformed CenturyLink into an integrated provider of advanced

IP-enhanced network, cloud hosting, and IT services. CenturyLink is one of Louisiana's Fortune 500s. Again, they're located in Monroe.

Currently, they have an employment base of over 1,000. They did meet the 350 aggregate new jobs. They have maintained the headquarters in Monroe and have every intention to continue to maintain that headquarters there. The calculation for 2011 through 2014, which was the last annual report filed, the company has taken advantage of $\$ 12.8$ million in benefits with a projected benefit for 2015 of $\$ 3$ million. This current contract expires December 31st of 2015, and they did a notice of intent to renew on June 19 , 2015. So the renewal was received prior to the expiration. The complete renewal application was received November 20 th of 2015.

The total amount of the TE benefit that CenturyLink received for 2014 was $\$ 3,035,093$, so 20 times that
number or $\$ 60,701,860$ is the required expected economic benefit to the state for CenturyLink to be eligible to renew for an additional five years.

Dr. Robert Eisenstadt, director of the center for business and economy research at the University of Louisiana in Monroe performed a economic impact statement and stated that the total economic impact for the state of Louisiana would be in excess of $\$ 376$ million based on household income alone. The company has calculated a five-year total benefit of approximately 15.2 million on an assumption of the 2014 range for the tax years of 2016 through 2020.

Staff recommends the renewal
of the CenturyLink tax equalization
contract with the following
contingencies: The contract period will be for another five-year period beginning January 1st of 2016 and will expire December 31st of 2020.

CenturyLink must maintain and continue
to its operate headquarters in Monroe.
CenturyIink must achieve and maintain
the annual payroll indicated in Section
4.02(B) of the original CEA. The
company must provide the names,
Louisiana Revenue Account Number,
relationship to CenturyLink, and a
detailed explanation for inclusion for
each subsidiary that will be
participating in the exemption of the requested renewal application.

The amount of credit shall
be calculated using incentives which would currently have been allowed to the entities included in the contract if they had located in Little Rock, Arkansas. Te annual compilation is required to be prepared by an independent CPA and include all state and local taxes, not just income and franchise taxes.

This annual compilation,
along with any other required documentation shall be separately
furnished to the Louisiana Department of

## BCI MEETING

Revenue and to Louisiana Economic
Development. LED and the Department of
Revenue shall have the right to audit any of the tax data if deemed necessary.

I understand this is not a program that $y^{\prime}$ all see a lot. If you have any questions, please let me know, and I do have Kimberly Robinson here from the company if you have any questions for CenturyLink.

Representative of the company.
MS. ATKINS:
Thank you. And please let
the record show that $I$ will not be voting on this issue, so I recuse myself from voting on this issue.

Do I have a motion to
approve? Motion has been made by Mr. Soprano and second by Mr. Gonsoulin.

Any discussion on the motion?
MR. MEHROTRA :
Do we have a quorum if you
recuse yourself?
MS . ATKINS:
Do we? Is that right?

MS . GRECO :
Yes. She is still a member of the board although she is not participating in the discussion.

MS . ATKINS:
Okay. All in favor, respond by saying "aye."
(Several members respond

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"aye.")
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MS . ATKINS:
Opposition?
(No response.)
MS . ATKINS:
Hearing none, it is ordered.
Thank you.
MS. BIGNER:
Thank you.
MS . ATKINS :
Our last item on the agenda,
we will hear from Ms. Anne Villa.
MS. VILLA:
Thank you, Madam Secretary and fellow board members. It's been a while. I think at our last board meeting, we actually had a presentation
by Louisiana Job Connections, so pardon the following. I have here our rankings that LED and Louisiana have shared and our announcement that we've had for the second part of the year. So we had some really good rankings that came out, so I'll just go through a few of those and go through a few announcements for your today. So thank you.
Site Selection ranked

Louisiana number 4 in the magazine 2015
Top State Business Climate Rankings.
This is the sixth consecutive top 10 ranking for Louisiana in the annual Site Selection report and reinforces the state's reputation as a top location for business investment and job creation. Just six years ago, Louisiana ranked number 25 in this ranking, so that's a huge improvement. Business Facilities Magazine named LED Fast Start the number one state work force training program in the county for the sixth successive year. So I think that just highlights the importance of Fast Start and what
they do for our state with job
recruitment and training.
Louisiana's business climate
ranked number 3 in the nation by
Business Facilities, and Louisiana,
earned its fifth consecutive top 10
ranking in Area Develop Magazine's
annual top states for doing business report, placing number 8 overall. The
2015 top states for doing business report from Area Development surveyed the nation's top site selection consultants to produce the report's finding.

Thumbtack. com gave Louisiana
a grade $A$ in its 2015 report card on small business friendliness, ranking the state number 4 in the US for supporting small business environment. Louisiana earned an $A$ in eight specific categories of the state's small business climate and a grade of $B$ in three other categories.

And finally, Southern
Business and Development Magazine ranked

Louisiana number one among southern states in the number of major business products per capita. So we were very excited for these rankings that Louisiana received during the past several months, and, you know, we look forward to continuing these rankings as we go forward.

So some major announcements that we have. I'm not going to go through all of them, but I do have some highlights here. So Brown \& Root announced the company will establish its corporate headquarters in Baton Rouge, Louisiana, with the brunt of its executive team moving from Houston to Baton Rouge. There's 350 additional Louisiana jobs, and they'll be joined by approximately 575 future jobs, and if you-all travel the interstate, $I-10$, you'll see they have their logo on the building there. So we're excited to have them here in Baton Rouge.

Hazelwood Energy Hub president announced the company will develop a 400 million
crude oil storage complex in Saint
Landry Parish. The company will
construct six above-ground crude oil
storage tanks and utilize four salt dome
caverns for additional storage of
numerous crude oil varieties. There is
a projected 265 new jobs and indirect jobs for this project.

Lithuania-based Investimus
Foris announced the company will make a
\$265 million capital investment to
convert an idle bio-fuels refinery in
Grant Parish into an
ammonia-manufacturing facility. The project will create 85 new direct jobs.

Class Direct Packaging
announced the company will make a $\$ 9$
million capital investment to expand production capacity at its manufacturing facility in Pineville, Louisiana, resulting in 58 new direct and indirect jobs.

## TriWest Healthcare Alliance

announced the company selected Jefferson
Parish to establish the TriWest

Healthcare Alliance New Orleans
operations center, which will serve as a traditional contract center for veterans through the Veterans Choice Program of the US Department of Veterans Affairs. The project will create 285 new direct jobs, and LED estimates the project will result in an additional 127 new indirect jobs for a total of more than 410 new jobs in Louisiana southeast region.

Syngas Energy Holdings
announced the company plans to make a $\$ 360$ million company investment in a methanol plant in Saint James Parish, creating 86 new direct jobs, and LED estimates the project will also result in an additional 500 new indirect jobs for a total of more than 590 new jobs in the southeast region and surrounding areas. The company estimates that the project will also generate more than 800 construction jobs at peak building activity.

> InXile Entertainment announced the company will establish a
video game development studio in New
Orleans. The company will create 50 new direct jobs over the next five years.

So as you can see, this is
some of the announcements that we've
been fortunate to announce the past few months, and we continue to look forward to projects going to the new year as our pipeline continues to be strong.

And I just want to just
thank you-all. It's been a pleasure to serve with you the second part of the year as Secretary Grissom's designee, and I look forward to the opportunity to serve with you next calendar year.
There's also sweets that we brought in the conference room just in celebration of the Christmas and holiday season and to thank you-all for serving.

MS . ATKINS:
Thank you so much, very
much. I want to also thank the board too. This is our last meeting of the 2015 year, and I want you let you know what a pleasure it has been for me to
serve as the board's chair. I've
learned a great deal, gotten to know many of you a lot better, and it has been great. I don't know what the next year holds for us, but $I$ want to let you know that it has been great serving with you.

I also wanted to let you
know that the rankings that you just talked about are a big deal. When many of us first started on the board a number of years ago, our rankings were the exact opposite. We were at the top of the list as far as states having a most unfriendly attitude toward its business. Now we're at the top of that list, and it is because of the work that you, the staff here at LED, are doing as well as the efforts of the board, and I want to let you know that it is appreciated and it is -- it sounds good to be at the top in this area.

Again, thank you-all so
much. I wish you a wonderful Christmas holiday itself and a wonderful new year.

I look forward to seeing many of you next year. Thank you. Motion to adjourn?

## MR. BELCHER:

So moved.
MR. HOLDEN :
Second.
MS . ATKINS:
Adjourned. Thank you. (The meeting concluded at 2:29 p.m.)

## REPORTER'S CERTIFICATE

I, DESIREE DELATTE, Certified
Court Reporter in and for the State of Louisiana, as the officer before whom this meeting transpired, do hereby certify that this meeting was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding;

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

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

Dated this 31st day of July, 2015. DESIREE DELATTE, CCR, RPR CERTIFIED COURT REPORTER


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