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MEETING MINUTES FOR THE BOARD OF COMMERCE AND
INDUSTRY OF THE
LOUISIANA ECONOMIC DEVELOPMENT CORPORATION
HELD AT
LOUISIANA STATE EMPLOYEES' RETIREMENT SYSTEM
BUILDING
FOURTH FLOOR BOARD ROOM
8401 UNITED PLAZA BOULEVARD
BATON ROUGE, LOUISIANA
ON THE 9TH DAY OF DECEMBER, 2014
COMMENCING AT 1:34 P.M.

REPORTED BY: DESIREE DELATTE, CCR, RPR



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COMMERCE AND INDUSTRY MEETING

1 **Appearances of Board Members Present:**

2

- 3 Steve Windham
- 4 Millie Atkins
- 5 Lance Belcher
- 6 Brian Bossier
- 7 Mayor Glenn Brasseaux
- 8 Jeffrey Elmore
- 9 Andre Fruge
- 10 Richard Gonsoulin
- 11 Steven Grissom
- 12 Tom Holden
- 13 Jerald Jones
- 14 William King
- 15 Senator Danny Martiny
- 16 R.K. Mehrotra
- 17 Representative Erich Ponti
- 18 Representative Stephen Pugh
- 19 Senator Neil Riser
- 20 Gale Potts-Roque
- 21 Wilda Smith
- 22 Charles Soprano

23

24 **Staff Members Present:**

- 25 Melissa Sorrell
- 26 Brenda Guess
- 27 Frank Favaloro
- 28 Becky Lambert
- 29 Joyce Metoyer
- 30 Lori Weber
- 31 Stephen Moret

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COMMERCE AND INDUSTRY MEETING

1 MR. FRUGE:
2 I call the meeting to order.
3 Welcome, ladies and gentlemen, to the
4 December meeting of the Board of Commerce
5 and Industry.
6 At this time, I will call on Ms.
7 Sorrell to give us a roll call, please.
8 MS. SORRELL:
9 Mat Parker for Governor Jindal.
10 (No response).
11 Ms. SORRELL:
12 Steve Windham for Lieutenant
13 Governor Darden.
14 MR. WINDHAM:
15 Here.
16 MS. SORRELL:
17 Millie Atkins.
18 MS. ATKINS:
19 Here.
20 MS. SORRELL:
21 Lance Belcher.
22 MR. BELCHER:
23 Here.
24 MS. SORRELL:
25 Brian Bossier.



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COMMERCE AND INDUSTRY MEETING

1 MR. BOSSIER:
2 Here.
3 MS. SORRELL:
4 Mayor Brasseaux.
5 MAYOR BRASSEAUX:
6 Here.
7 MS. SORRELL:
8 Gordon Burgess.
9 (No response).
10 MS. SORRELL:
11 Jeffrey Elmore.
12 MR. ELMORE:
13 Here.
14 MS. SORRELL:
15 Andre Fruge.
16 MR. FRUGE:
17 Here.
18 MS. SORRELL:
19 Richard Gonsoulin.
20 MR. GONSOULIN:
21 Here.
22 MS. SORRELL:
23 Steven Grissom for Secretary
24 Moret.
25 MR. GRISSOM:



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1 Here.
2 MS. SORRELL:
3 Tom Holden.
4 MR. HOLDEN:
5 Here.
6 MS. SORRELL:
7 Jerry Jones.
8 MR. JONES:
9 Here.
10 MS. SORRELL:
11 William King.
12 MR. KING:
13 Here.
14 MS. SORRELL:
15 Senator Martiny.
16 SENATOR MARTINY:
17 Here.
18 MS. SORRELL:
19 R.K. Mehrotra.
20 MR. MEHROTRA:
21 Here.
22 MS. SORRELL:
23 Representative Ponti.
24 REPRESENTATIVE PONTI:
25 Here.



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1 MS. SORRELL:
2 Representative Pugh.
3 REPRESENTATIVE PUGH:
4 Here.
5 MS. SORRELL:
6 Senator Riser.
7 SENATOR RISER:
8 Here.
9 MS. SORRELL:
10 Gale Potts-Roque.
11 MS. POTTS-ROQUE:
12 Here.
13 MS. SORRELL:
14 Wilda Smith.
15 MS. SMITH:
16 Here.
17 MS. SORRELL:
18 Charles Soprano.
19 MR. SOPRANO:
20 Here.
21 MS. SORRELL:
22 We have a quorum.
23 MR. FRUGE:
24 Thank you.
25 Members, do I hear a motion for



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1 approval of the minutes as presented? Moved
2 by Mr. King. Second by Mr. Bell. Any
3 discussion on that motion?

4 (No response.)

5 MR. FRUGE:

6 Hearing none, all signify their
7 concurrence by saying "aye."

8 (Several members respond "aye".)

9 MR. FRUGE:

10 Any opposition?

11 (No response).

12 MR. FRUGE:

13 So ordered.

14 Okay. First in our agenda today
15 are the Quality Jobs Program presented by
16 Mr. Favaloro.

17 MR. FAVALORO:

18 I have six applications for the
19 Quality Jobs Program. 20141122 Archon
20 Information Systems, LLC, in Orleans.
21 20130036 Benteler Steel Tube Manufacturing
22 Corporation in Caddo. 20130076 Conrad
23 Shipyard, LLC, in Saint Mary. 20141202
24 Matheson Gas in Calcasieu. 20130067
25 Morehouse BioEnergy, LLC, in Morehouse.



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1 20121219 Pelican Energy Consultants, LLC, in
2 Saint Tammany.

3 That concludes the new
4 applications.

5 MR. FRUGE:

6 Okay. Do I hear a motion for
7 approval? Moved by Ms. Atkins. Second by
8 Mr. Elmore. Any discussion on this motion?
9 Seeing none, all in favor, signify by saying
10 "aye."

11 (Several members respond "aye.")

12 MR. FRUGE:

13 Any opposition?

14 (No response.)

15 MR. FRUGE:

16 So ordered.

17 MR. FAVALORO:

18 Two requests to transfer
19 contracts. 20120946 WSP Chemicals &
20 Technology, LLC, to Solvay USA, Inc., in
21 Caddo Parish and 20080954 Blackwater
22 Midstream Corporation to American Midstream
23 G.P., LLC, in Jefferson.

24 That concludes the specials.

25 MR. FRUGE:



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1 Okay. Motion for acceptance.
2 Motion by Representative Pugh. Second by
3 Mr. King.

4 Any discussion on the motion?
5 (No response.)

6 MR. FRUGE:
7 All in favor, signify by saying
8 "aye."

9 (Several members respond "aye.")

10 MR. FRUGE:
11 Any opposition.

12 (No response.)

13 MR. FRUGE:
14 So ordered. Okay.

15 MR. FAVALORO:
16 I have a renewal. 20091182
17 Select Energy Services, LLC, in DeSoto
18 Parish.

19 MR. FRUGE:
20 Okay. I do need a motion on the
21 renewal. Moved by the Mayor. Second by Mr.
22 Holden.

23 Any discussion on the its
24 renewal?

25 (No response.)



1 MR. FRUGE:
2 All in favor, signify by saying
3 "aye."
4 (Several members respond "aye.")
5 MR. FRUGE:
6 Any opposition.
7 (No response.)
8 MR. FRUGE:
9 So ordered. Thank you, Frank.

10 Okay, Ms. Lambert.

11 MS. LAMBERT:
12 Good afternoon.

13 MR. FRUGE:
14 Restoration tax.

15 MS. LAMBERT:
16 Yes, sir. We have six new
17 applications. First one is for 20121173
18 Caillouet Land, LLC, in Lafourche. 20110779
19 Carver Theater Productions D/B/A Historic
20 Carver Theater in Orleans. 20140962
21 Metairie Hotel, LLC, in Jefferson. 20131410
22 Super Hospitality Owner, LLC, in East Baton
23 Rouge Parish. 20130848 Vieux Nouveau
24 Properties, LLC, in Orleans. The last one
25 is 20121038 Winingder Enterprises in Orleans



1 Parish.

2 MR. FRUGE:

3 Okay. I need to hear a motion
4 for acceptance. Moved by Mr. Smith. Second
5 by Representative Pugh. Any discussion?

6 (No response.)

7 MR. FRUGE:

8 Those in favor, signify by
9 saying "aye."

10 (Several members respond "aye.")

11 MR. FRUGE:

12 Any opposition.

13 (No response.)

14 MR. FRUGE:

15 So ordered. We have a --

16 MS. LAMBERT:

17 We have one renewal application
18 for application number 060962 General Growth
19 Properties, Inc., in Jefferson Parish.

20 MR. FRUGE:

21 Motion on the one renewal.

22 Moved by Mr. Soprano. Second by Senator
23 Martiny. Any discussion on this motion.

24 (No response.)

25 MR. FRUGE:



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1 All in favor, signify by saying
2 "aye."

3 (Several members respond "aye.")

4 MR. FRUGE:

5 Any opposition.

6 (No response.)

7 MR. FRUGE:

8 So ordered. Name changes.

9 MS. LAMBERT:

10 Yes. We have three special
11 requests for changes in name only on the
12 following RTA active contracts. First one
13 is 060962 General Growth Properties, Inc.,
14 to Oakwood Shopping Center, LLC. 20121256
15 General Growth Properties (Oakwood Shopping
16 Center, LLC) to Oakwood Shopping Center,
17 LLC. And the last one is 20110857 Civic
18 Theatre Operating Company, LLC, D/B/A Civic
19 Theatre changed to Civic Theatre, LLC. That
20 concludes the specials.

21 MR. FRUGE:

22 Okay. Do I have marry a motion
23 on the specials? Moved by Mr. King. Second
24 by Representative Ponti.

25 Do I have any discussion on this



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1 motion?

2 (No response.)

3 MR. FRUGE:

4 All in favor, signify by saying

5 "aye."

6 (Several members respond "aye.")

7 MR. FRUGE:

8 Any opposition?

9 (No response.)

10 MR. FRUGE:

11 So ordered. Okay. Ms. Metoyer.

12 MS. METOYER:

13 Thank you.

14 MR. FRUGE:

15 Did I say that right?

16 MS. METOYER:

17 Yes. Correct.

18 We have 14 total applications,

19 but we're going to need to defer four.

20 Those four are Circle Food Stores,

21 Incorporated, 20121026 in Orleans Parish;

22 Deroche Grills of Veterans, LLC, 20140133,

23 Jefferson Parish. 20141356, Progressive

24 Casualty Insurance Company, East Baton Rouge

25 Parish; and 20120015, Twin Brothers Marine,



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1 LLC, Saint Mary Parish. All of those would
2 be deferred.

3 And the applications that we're
4 requesting approval are 20111262, Air
5 Products and Chemicals, Incorporated, Saint
6 Charles Parish; 20110959, Chalmette
7 Refining, LLC, Saint Bernard Parish;
8 20120853 Enlink Midstream Operating, LP,
9 Ascension Parish; 20140207 HD Supply
10 Construction Supply, Ltd., Ascension Parish.
11 20130230 Louisiana Party Company, LLC,
12 Terrebonne; 20120535 Martin Specialty
13 Coatings, LLC, Caddo Parish; 20110775 Motiva
14 Company, Inc., Saint Charles Parish;
15 20100806, Orion Instruments, LLC, East Baton
16 Rouge Parish. 20130171 Wal-Mart Stores
17 Louisiana, D/B/A Walmart Supercenter Orleans
18 Parish. 20140220 WJMB Transport 2, LLC,
19 D/B/A Two Men and a Truck, Orleans Parish.

20 MR. FRUGE:

21 Okay.

22 MR. SOPRANO:

23 I have a question.

24 MR. FRUGE:

25 Yes.



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1 MR. SOPRANO:
2 I'm not seeing four deferrals at
3 one time.

4 MS. METOYER:
5 There was a miscommunication
6 with revenue. Yes, sir. I apologize for
7 that.

8 MR. FRUGE:
9 Do I hear a motion on these new
10 applications? Moved by Ms. Smith. Second
11 by Ricky Gonsoulin. Any discussion on this
12 motion?

13 (No response.)

14 MR. FRUGE:
15 All in favor, signify by saying
16 "aye."

17 (Several members respond "aye.")

18 MR. FRUGE:
19 Any opposition?

20 (No response.)

21 MR. FRUGE:
22 So ordered.

23 MS. METOYER:
24 The contract termination
25 requests are 20110176 Tessier Building, LLC,



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1 East Baton Rouge Parish; 20090851 Turner
2 Industries Group, LLC, East Baton Rouge
3 Parish; and 20101148 Waskey Bridges, Inc.,
4 East Baton Rouge Parish.

5 MR. FRUGE:

6 Okay. Moved by Mr. Jones.

7 Second by Ms. Atkins. Any discussion?

8 (No response.)

9 MR. FRUGE:

10 All in favor, signify by saying
11 "aye."

12 (Several members respond "aye.")

13 MR. FRUGE:

14 Any opposition.

15 (No response.)

16 MR. FRUGE:

17 None. So ordered.

18 MS. METOYER:

19 We have one request for a name
20 change. It's 20120299, Diversified Foods &
21 Seasonings, Inc., D/B/A Diversified Foods &
22 Seasonings. They're changing their name to
23 Diversified Foods & Seasonings, LLC, D/B/A
24 Diversified Foods & Seasonings. That's
25 Saint Tammany Parish.



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1 We have two requests to add
2 additional owners. The first one is
3 20111122, TCI Packaging, LLC, Orleans
4 Parish; and 20120958 TCI Packaging, LLC,
5 Orleans Parish. And those are requests to
6 add new owners, and that concludes my
7 specials.

8 MR. FRUGE:

9 Okay. Do I hear a motion?
10 Motion by Senator Martiny. Second by Mr.
11 Soprano. Any discussion on this motion.

12 (No response.)

13 MR. FRUGE:

14 All in favor, signify by saying
15 "aye."

16 (Several members respond "aye.")

17 MR. FRUGE:

18 Any objections.

19 (No response.)

20 MR. FRUGE:

21 So ordered.

22 Okay. Next, Ms. Weber.

23 MS. WEBER:

24 Yes, sir. I mean, I have a very
25 small agenda, but do you want me to just do



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1 it in-globo.

2 MR. FRUGE:

3 Let's go ahead and take those 32
4 in-globo.

5 MS. WEBER:

6 Okay. All right. I have
7 \$127,896,691 in new investment with 61 new
8 jobs for a total of salaries of \$30,189.640
9 and 855 construction jobs at a salary of
10 \$37,909.843.

11 MR. SOPRANO:

12 That's not correct. You said
13 37,000.

14 MS. WEBER:

15 Million. I'm sorry.

16 MS. POTTS-ROQUE:

17 Can you read it again for the
18 record, please.

19 MS. WEBER:

20 Yes. \$37,909,8 43.

21 MR. SOPRANO:

22 And also the thirty.

23 MS. WEBER:

24 \$30,189,640.

25 MS. POTTS-ROQUE:



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1 Okay. You said thousand again.

2 MS. WEBER:

3 I did it again? I'm sorry.

4 MS. POTTS-ROQUE:

5 Yeah. Why don't you just read
6 the whole thing over again for us just,
7 please, just for the record's sake.

8 MS. WEBER:

9 Yes, ma'am. \$127,896,691 in new
10 investment. 61 new jobs with \$30,189,640 in
11 salaries. 855 new construction jobs with
12 37,909,843. Did I pass this time.

13 MS. POTTS-ROQUE:

14 Yes, you did.

15 MR. FRUGE:

16 We got the math right. Members,
17 do I hear a motion? Moved by Senator Riser.
18 Second by Ms. Atkins. Any discussion.

19 (No response.)

20 MR. FRUGE:

21 All in favor, signify by saying
22 "aye."

23 (Several members respond "aye.")

24 MR. FRUGE:

25 Any opposition.



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1 (No response.)
2 MR. FRUGE:
3 So ordered.
4 MS. WEBER:
5 Do you want all the specials
6 read in one.

7 MR. FRUGE:
8 Please. Thank you.

9 MS. WEBER:
10 Okay. I have two transfers of
11 contracts. Red River Pharma, LLC, 20120609
12 and 20130503 to Nestle Health
13 Science-Pamlab, Inc., in Caddo. I have
14 Olympian Machine, LLC. Contracts: 070369,
15 20080920, 20110235, 20120318, 20130479 and
16 20140557 to Parco, Inc., D/B/A Olympian
17 Machine in Terrebonne.

18 I have two changes in name.
19 Arclin U.S.A., Inc. Contracts: 061591,
20 20100575 and 20110690 to Arclin U.S.A., LLC,
21 in Winn. I have Graphic Flexible Packaging,
22 LLC. Contracts: 20090818, 20120379,
23 20130338 and 20140440 to Mondi Bags USA,
24 LLC, in Bienville.

25 I'm requesting cancellation of



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1 three contracts under DOC Ready Mix, LLC,
2 20110761 and 20110761A and then contract
3 number 20130364. The company has sold their
4 manufacturing assets to Builders Supply and
5 are no longer manufacturing at their Caddo
6 of Bossier locations.

7 MR. FRUGE:

8 Okay. Do I hear a motion for
9 acceptance? Moved by Ms. Smith. Second by
10 Representative Pugh.

11 Any discussion on this motion?

12 (No response.)

13 MR. FRUGE:

14 Hearing none, all in favor,
15 signify by saying "aye."

16 (Several members respond "aye.")

17 MR. FRUGE:

18 Any opposition? So ordered.

19 Okay. Next, Ms. Weber.

20 MS. WEBER:

21 All right. Under our special
22 requests, we have received requests from
23 several companies for late renewal of
24 contracts. The department's policy of the
25 rule passed on Title 13: Section 529 A and



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1 B, has previously determined that if a
2 renewal document is not received before the
3 contract expires, or within four months
4 after expiration, with the reduction of one
5 year of eligibility for each month it is
6 late, the contract will not be renewed and
7 will expire on the date noted for the
8 beginning of the second five-year term.

9 Arkema - in August of 2012, they
10 were sent contracts for renewals, (project
11 numbers 061546, 20080216, 20080230A,
12 20080234). LED never received the renewal
13 documents. In July 2011, contracts for
14 renewal (project numbers 20040122A, 070314A,
15 070315A, 070316A -- there's an extra 6 in
16 there -- 070317A, 070318A and 070319A) were
17 mailed to the consultant, with LED
18 confirming the consultant's correct mailing
19 address and receipt of the 2012 renewals
20 confirmed by the consultant in a meeting at
21 my office. Arkema is now petitioning to
22 have the expired contracts renewed.

23 Do you want to continue?

24 MR. FRUGE:

25 Continue, please.



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1 MS. WEBER:
2 All right.
3 Weatherford U.S. also is
4 requesting a late renewal for contract
5 number 062022 which was due for renewal in
6 2013. The 2013 renewals were mailed in July
7 2013 and an e-mail reminder was sent in
8 October 2013 to the company contact, Mr.
9 C.G. Gast, with the reminder that the
10 contract would expire if not renewed. LED
11 never received the renewal document from the
12 company prior to the 12/31/2013 expiration
13 date. In October 2014, a phone call from
14 the new controller provided information that
15 the original point of contact, Mr. C.J.
16 Gast, was no longer with the company. LED
17 never received notification that the mailing
18 address was incorrect or the e-mail address
19 was undeliverable. November 3, 2014, an
20 e-mail was received from Ms. Kimberly
21 Robinson at Jones Walker showing a copy of
22 the letter dated July 15, 2013, sent to Mr.
23 Gast, and stamped received October 31, 2013
24 (presumably by the company) indicating they
25 were in receipt of the contract in time to



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1 renew, but for whatever reason the contract
2 was not renewed. Weatherford U.S. signed
3 the 2013 renewal contract on October 7,
4 2014, and has asked LED to bring it to the
5 board for approval.

6 The Department's practice is to
7 deny renewals that weren't requested in time
8 as required by rule. We have communicated
9 this to companies when asked to apply for an
10 exemption after a contract's expiration.

11 MR. FRUGE:

12 Okay. Thank you, Ms. Weber.

13 Members, there are a number of
14 good cards before me and -- okay with you --
15 I think the way we're going to do this is
16 I'm not going to call names one by one. I
17 think what we will do is we'll take the
18 issue of Arkema first. I ask that in
19 keeping with the rules, those of you who are
20 going to comment as an entity, for instance,
21 Arkema, limit your comments, please, to no
22 more than ten minutes, and then we will
23 listen to all of those that want to speak to
24 the issue of Arkema, and then we'll ask
25 those who wish to speak to the issue of



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1 Weatherford to make their comments after,
2 and then Mr. Grissom will make some comments
3 relative to LED's position, and then we'll
4 see what happens after that. But that's how
5 we're going to get started. Okay.

6 So that said, any of you who
7 have filled out a blue card that wants to
8 speak to the issue of Arkema, feel free,
9 whomever, to step to the podium first.

10 MS. SIMS:

11 Thank you, Mr. Chairman.

12 MR. FRUGE:

13 Please state your name for the
14 record.

15 Phyllis Sims at the law firm of
16 Kean Miller representing Arkema, Inc., and
17 thank you, Mr. Chairman, and members of the
18 board for the opportunity to bring this
19 issue before you today. I have with me
20 today the CFO of Arkema, Ms. Patricia
21 McCarthy, who is in from Pennsylvania;
22 Arkema's global group president, Richard
23 Jenkins who is in from North Carolina; Brawn
24 Vellue [ph], the Saint Charles Parish plant
25 manager; and V.J. St. Pierre, the Saint



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1 Charles Parish president. Also in the
2 audience with us today in support is Greg
3 Brower [ph], excessive vice president of
4 Louisiana Chemical Association, Stephen
5 Waguespack, president of Louisiana
6 Association of Business and Industry, and
7 Dan Borne, president of Louisiana Chemical
8 Association, is in route from another
9 meeting. So I will turn this over now first
10 to Ms. McCarthy.

11 MR. FRUGE:

12 Thank you.

13 MS. McCARTHY:

14 Good afternoon, ladies and
15 gentlemen, members of the board. My name is
16 Patricia McCarthy. I'm the chief financial
17 officer of Arkema, Inc. Arkema is a
18 medium-sized chemical company and ordered in
19 France. It was created in 2006 by a spinoff
20 from Total, a French oil company, and, as
21 you can hear it, I am French, but my name
22 doesn't say it. So first and foremost, I
23 want to thank you for giving us the
24 opportunity to be here today, and I'm glad
25 to speak in front of you.



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1 I came a long way to tell you
2 how important those industry tax exemptions
3 have been for our business and for its
4 future. We operate in 16 different states
5 in the U.S. and we thought we had the
6 process in place to handle our property
7 taxes, but it didn't work. Mistakes were
8 made, and I apologize for that. I am not
9 here to blame, but to speak about the
10 future. We appreciate doing business in
11 Louisiana. We like the business environment
12 here and the support to the chemical
13 industry. We have good corporate cities and
14 we operate safely our plant and we pay good
15 wages to our employees. Richard Jenkins,
16 who runs this business will speak a little
17 bit more about the future of this plant and
18 some plans we have to expand it.

19 But I just want to point out
20 that we have a quite strict process for
21 capital investments in our company. All our
22 capital expenditure projects have to be
23 approved and has sustained by detailed
24 economic analysis. And the tax exemptions
25 were included in those detailed analyses and



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1 they make a real difference to our plans and
2 to the future of this plant. We are
3 committed to Louisiana and we need your
4 support for the reinstatement of those tax
5 exemptions and hopefully you will help us
6 here. Thank you.

7 MR. FRUGE:

8 Thank you.

9 MR. JENKINS:

10 Mr. Chairman, members of the
11 board, thank you for allowing me to come
12 forward today to address these issues. My
13 name is Richard Jenkins. I am the group
14 president for Arkema Coating Resins. My
15 business operates the Saint Charles plant in
16 Hahnville. I appreciate that you're hearing
17 our request. This is a critical decision in
18 front of us as a business and we would
19 appreciate your support. In fact, it's
20 about the survivability of this plant moving
21 forward from here. We have 50 full-time
22 employees and 25 contract and project
23 positions on average with the plant, and we
24 were on a pathway to invest \$30 million into
25 this plant until this issue arrived.



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1 Over the past several weeks, we
2 have met with just about everybody who was
3 willing to meet with us to discuss this, and
4 I know you have the detailed information
5 package in front of you, and I do not wish
6 to be redundant, but I'll summarize a few
7 points from the business side for your
8 convenience. First, this plant is a key
9 plant for us inside of our grid. We make a
10 waterborne environmentally economic polymer,
11 and the market for these products are
12 recovering and increasing in the U.S. and we
13 would like to follow the evolution of the
14 market by increasing the output of the plant
15 accordingly. We came to this plant in
16 January 2010. It was a divestment from the
17 Dow Chemical Company. It is ordered by the
18 Federal Trade Commission. This plant was
19 not completed when it was divested. It was
20 partially built.

21 Two critical flaws need to be
22 addressed. One is it needs a renewed
23 control system, and if it doesn't get that
24 by 2016, the plant will lose its license to
25 operate. The second set of investments are



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1 designed to improve the productivity and the
2 profitability of the plant. With those,
3 though we think we can turn this asset
4 around in a few years, be a very strong
5 contributor to the tax base here in
6 Louisiana. In fact, earlier this year in
7 June, I stood in front of the board of
8 Arkema and received approval for those
9 series of investments, and we were just
10 starting those. Of course, now those are on
11 hold, pending the resolution of this
12 particular topic.

13 As I look over the performance
14 of the plant, the loss of these exemptions
15 would be devastating. The numbers that have
16 come to my attention of possibilities as
17 what these losses would be, if I put it into
18 perspective for you, would be more than
19 twice the income of the plant today. And if
20 that moves forward over the next several
21 years, I will not be able to make the
22 economic case to my management to make this
23 investment.

24 So with that, I would like to,
25 therefore, make the request of you to



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1 restore the exemptions, keep good Louisiana
2 people employed, and help us increase the
3 viability of this plant going forward from
4 here. Thank you very much.

5 MR. FRUGE:

6 Thank you.

7 SENATOR MARTINY:

8 Can I ask a question? Maybe
9 you're not the right person to answer it.
10 Over here. And I'm not that familiar with
11 this program, but did Arkema actually
12 receive a tax bill once their five-year
13 exemption expired; do you know?

14 MR. JENKINS:

15 The -- to my knowledge, the tax
16 bills received up until a communication in
17 August were at the exempt rate. My first
18 knowledge of this incident was this August a
19 few weeks ago.

20 MR. MARTINY:

21 And did they send you a bill for
22 the period of time from which your exemption
23 expired or just for this year?

24 MR. JENKINS:

25 Let's see. I think Patricia --



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1 yeah. Just this year.

2 MS. McCARTHY:

3 Just this year.

4 MR. MARTINY:

5 And with that, that's when you
6 made your application.

7 MS. McCARTHY:

8 Exactly.

9 MR. MARTINY:

10 Okay. Thank you.

11 MR. FRUGE:

12 Any other questions? Thank you,
13 Mr. Jenkins.

14 MR. JENKINS:

15 Thank you, Mr. Chairman.

16 MR. FRUGE:

17 Anyone else to speak on Arkema?

18 MR. ST. PIERRE:

19 Mr. Chairman. Good afternoon,
20 members. I'm V.J. St. Pierre, parish
21 president of Saint Charles Parish. I'm here
22 today on the behalf of existing business
23 located in my community. I respectfully ask
24 that you reinstate Arkema's tax exemption
25 for various reasons, but mostly because you



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1 and I have the same mission, to foster the
2 economic development of the existing
3 industries.

4 Arkema fully understands and
5 acknowledges that their agents did not
6 comply with the rules of the program and
7 failed to submit a five-year renewal, and in
8 several meetings with the company, officials
9 and I understand that, though embarrassed,
10 that their contractors did not perform the
11 simplest task, potentially costing them
12 millions of dollars. This mistake may
13 jeopardize the viability of Arkema's Saint
14 Charles Parish location, placing at risk 4.5
15 million dollars of annual economic impact to
16 our community.

17 Arkema employs about 54
18 individuals, many of which are Saint Charles
19 Parish residents. The company also employs
20 14 Louisiana residents at their Hahnville
21 location. I have been contacted by many of
22 the employees simply asking that their
23 employer be allowed to retain this tax
24 exemption and to remain financially stable
25 so that they won't lose their jobs.



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1 Forcing Arkema to pay three
2 years of un-budgeted back taxes would result
3 in a tax increase of grossly 14 times more
4 than their current tax liability. Based on
5 the current assessment, the new tax bill
6 would be about 1.4 million dollars more than
7 they budgeted every year.

8 As a former business owner, I
9 can understand and foresee if the
10 unforeseeable taxes are imposed, the company
11 will have no choice but to consider all
12 cost-cutting measures, including layoffs, in
13 order to generate the cash needed to pay for
14 these taxes. In addition to the financial
15 calamity facing local families, the new
16 property tax liability would also risk the
17 30 to 40 million dollars in capital
18 improvement the company is planning in their
19 Hahnville location. In fact, Arkema has
20 already submitted an advanced notification
21 of phase one of the capital improvement
22 plan, which calls for 11.8 million dollars
23 investment in the hiring of new employers at
24 an annual wage of over 75,000 per employee.

25 As the chief economic



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1 development agent of Saint Charles Parish,
2 it is my job to foster a healthy business
3 climate, ensure that all business are
4 treated fairly and they are given every
5 opportunity to succeed.

6 Today as you are reviewing
7 approving many important incentive factors
8 being offered in order to get them to come
9 to Louisiana, I'm asking you for your help
10 to help me retain an existing business that
11 supports existing jobs and protect our
12 existing tax base. As you deliberate this
13 most equitable and fair outcome for this
14 request, I respectfully ask that you
15 consider the mild nature of the company's
16 error. This is -- their mistake was not a
17 dishonest one. They did not lie about the
18 values, the qualities, the ownership, or the
19 assets of their Saint Charles Parish
20 facility. They did not misrepresent any
21 data. Their mistake was trusting an
22 out-of-state contractor who performed the
23 routine task of nailing a simple form on a
24 five-year tax renewal, a mistake I'm sure
25 that, given the opportunity, they will not



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1 make again.

2 The company knows that this
3 predicament is completely their fault and is
4 willing to make amends for their mistakes.

5 I, once again, ask that you favorably
6 consider Arkema's request, that we can
7 continue to support our existing industries
8 while we all work to attract new industries.
9 As a matter of fact, as parish president, I
10 travel around the nation attending seminars,
11 economic seminars, conferences, they all say
12 to try to attract new business, but do
13 everything you can to retain and grow
14 existing businesses. That's where your tax
15 base is at.

16 I believe this is the right
17 message to send to Louisiana employers. As
18 already indicated to you, his intentions to
19 hire more Louisiana residents to higher
20 paying jobs to invest in the future. Thank
21 you, and I appreciate your time and
22 consideration.

23 MR. FRUGE:

24 Thank you, sir. Anyone else?

25 MR. CHAMPAGNE:



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1 Good afternoon. I'm Greg
2 Champagne. I'm the sheriff of Saint Charles
3 Parish and ex-officio tax collector. I
4 apologize for that. With me today, I have
5 Gary Bennett, who's the assistant director
6 of the Louisiana Sheriff's Association here
7 for informational purposes. As you know,
8 sheriffs, we are the ad hoc tax collectors
9 in the state, and we want to keep up with
10 these issues. Tab Troxler is our assessor
11 in Saint Charles Parish. I don't think he
12 put in a comment card, but he certainly is
13 here for any questions, and Ricky Edwards is
14 also on the staff of the LSA. I believe
15 Paula with the Saint Charles Parish School
16 District came, and in I'm not sure if she's
17 going to speak or not.

18 I've been the sheriff for 18 and
19 a half years in Saint Charles Parish.
20 First, let me say that I am a big supporter
21 of business and industry. I have two
22 brothers that work full-time in the
23 petrochemical industry in Saint Charles
24 Parish. My father retired from
25 petrochemical. I have many, many friends



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1 and relative who have made their living in
2 careers at petrochemical facilities in Saint
3 Charles Parish. Just yesterday, my entire
4 squad team, we were performing an active
5 live shooting drill at Shell in Norco. We
6 support and we have a full-time staff who's
7 dedicated to homeland security provided by
8 resources to the petrochemical industry.

9 I'm not here to shut anybody
10 down. I'm not here to bankrupt them. I may
11 sound like I am opposed to exactly what
12 they're asking for. I'm really here with
13 some questions and looking for some
14 information, because this is my first
15 opportunity in 18 and a half years to
16 actually appear before this board to have
17 this opportunity because I don't recall this
18 issue ever coming up. So I'm here for
19 information for the future to find out
20 exactly what's going on here today. And, of
21 course, I'm not going to fool you and tell
22 you that -- taxes are the life blood of some
23 of the taxing bodies. Saint Charles
24 sheriff's office receives no sales taxes, as
25 the parish does and as the school board



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1 does. We strictly rely on normal taxes. We
2 do rely upon some moderate increases, which
3 we have gotten over the years, from the
4 growth and industry. So we're appreciative
5 of all that. So I'm not going to stand here
6 and tell you that at least my office doesn't
7 stand to gain by increased taxes, but I'm
8 not here to ask you to bankrupt or gut this
9 company. I frankly don't know the validity
10 of the information. I had one conversation
11 with the lobbyist of the representative from
12 Arkema, and the first thing he told me when
13 he came to a meeting with me a few ago when
14 the issue came up was that this was an error
15 on the part -- of which you just heard -- by
16 a third-party contractor who was responsible
17 for doing this. So I have a question. I
18 used to practice law before I became
19 sheriff. I carried \$2 million in liability
20 malpractice insurance. I run a 400 employee
21 operation today. I carry medical
22 malpractice insurance for my medical staff.
23 We carry a professional liability policy. I
24 know those of you who may be attorneys know,
25 you miss a deadline in the legal world, you

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1 get your legs cut out from under you. I'm
2 not saying to do that, but there are rules,
3 and so I have some questions, too, about why
4 the rules, which I really just had the
5 opportunity to review in the last few days
6 that the board has promulgated, I guess
7 administrative rules, in which the penalty,
8 I was literally surprised to see, that if
9 you're late for a month, you may be
10 penalized one year and have no tax
11 exemption. That's a pretty extreme penalty.
12 So I'm asking you, why is that there? What
13 is the purpose of that? Is that for a
14 negligent person who accidentally fouls up
15 or whatever, or what is the reason for that?
16 So I'm not sure if you can answer my
17 questions. I can ask them, but maybe you
18 won't.

19 I do know Arkema is a
20 multinational company. They reported 6
21 billion, according to the Internet, in
22 revenue last year. My understanding is, and
23 I'm sure they can jump up to correct me if
24 I'm incorrect, is that their sales revenue
25 was 150 million last year. I don't know if



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1 that's absolutely correct. I'm sure their
2 officials can correct that. So my question
3 is why isn't this third-party administrator
4 liable on a fiduciary claim of negligence
5 for failure to do so? Ms. Weber indicated
6 that they actually personally met with the
7 consultant, if I heard correctly, to advise
8 them of you haven't filed your exemption in
9 2012. So what happened there? Was that not
10 enough to convince you? I know that if the
11 IRS told me that, Greg, we're going to give
12 you a tax exemption every year; all you've
13 got to do is file an application, you know,
14 on April 15th to get it, I promise you that
15 would be first on my list. So what happened
16 there? And why is there not liability? So
17 by granting what Arkema wants, full five
18 years of amnesty, the past three years or
19 two of which -- I don't know. You may do
20 that, but who's going to benefit from that?
21 Is it going to be that negligent contractor
22 who doesn't have to -- - whose malpractice
23 insurance doesn't have to kick in for this?
24 And for your information, I believe the tax
25 bill is about \$1.4 million per year, which



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1 we, by law, had to yesterday mail out, as I
2 did with all my other taxpayers, mailed out
3 a tax bill. So their bill, for your
4 information, is \$1.4 million per year as has
5 just been assessed by the assessor, as he
6 had to do in accordance with law.

7 I just wonder if they're -- you
8 know, my job is under the constitution as a
9 chief law enforcement officer. I'm a
10 stickler for the rules. I'm a stickler for
11 the laws. And every day I wake up and have
12 to enforce laws. Some of them are popular;
13 some of them are unpopular, but that's what
14 I have to do. That's my job. So I'm just
15 wondering if -- again, I'm not trying to put
16 this company out of business. I don't want
17 people losing jobs, but there are
18 consequences, I mean. So what is the
19 deterrence factor with law? This is a
20 fantastic benefit that the state of
21 Louisiana grants to the manufacturing
22 industry. A great benefit. Ten years of
23 tax exemption. I'm in favor of that, but we
24 don't ask a whole lot in return, and so
25 you -- so my question is are there some



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1 consequences and what standards do you use?
2 I'm here really for the integrity of the
3 system. What are the rules that you want us
4 to play by as the tax collector, as the
5 assessor? That's what we need to know. I
6 want to point out that I noticed, really in
7 the last couple of days, you've got some
8 letters from some public officials, some
9 legislators, which were reform letters.
10 Plus, I hate to bring this up, but
11 unfortunately by position -- not in favor of
12 this -- really having questions about it.
13 Not that I'm not against it. I'm not trying
14 to talk out of both sides of my mouth, but
15 my position was misrepresent to a couple of
16 those legislators that you got that letter
17 on. And I wonder if they had written it had
18 they known that. So I actually had some
19 concerns in dealing with the representative
20 of Arkema because I didn't know if I was
21 getting the full story. I'll just leave it
22 at that. And certainly 1.4 million is a lot
23 of money. It's all, I suppose, relative.
24 But, again, my question is what's going to
25 happen in two years? If you grant Arkema

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1 exemption, you give them the back three
2 years, you give them the next two years, in
3 two years, they're going to have to begin
4 paying, like all taxpayers, their tax bill,
5 which right now is 1.4 million. If 1.4
6 million is a devastating blow to them right
7 now, what's it going to be in two years? I
8 mean, will they remain in effect? I don't
9 know. I mean, maybe business will get
10 better. I don't know. So I really just
11 have these questions. First time I've had
12 the chance to appear before you, and maybe
13 you can shed some insight for me. And I'm
14 here. Look, whatever you do, I'm going to
15 walk away -- it's great. A little
16 additional revenue would be good, but,
17 again, I'm not here to put people out of
18 business. I'm not here to have people lose
19 jobs. You know, there's an old saying.
20 Just tell me what the rules are, and I'll
21 follow them.

22 So I appreciate you hearing from
23 me. If there are any questions, I can
24 answer them. Thank you.

25 MR. FRUGE:



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1 Thank you, Sheriff.

2 MS. POTTS-ROQUE:

3 I'd like to say something to the
4 sheriff in reference to getting his
5 questions answered. Sir, you've met
6 Ms. Weber who manages the program for the
7 department?

8 MR. CHAMPAGNE:

9 I did not personally meet her.
10 I got some e-mails from her.

11 MS. POTTS-ROQUE:

12 Okay. I would ask you, in the
13 future, your questions, if you would work
14 with her in the department, I'm sure she can
15 help you get answers, and if not, she'll be
16 able to tell you who to go to get answers.

17 MR. CHAMPAGNE:

18 I understand. And this issue
19 has really kind of erupted fairly recently.
20 And I was out of town all last week in
21 Washington.

22 MS. POTTS-ROQUE:

23 But you still deserve to get
24 your questions answered. So if you'll work
25 with her, I'm sure you-all will come to some



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1 resolve with those issues.

2 MR. CHAMPAGNE:

3 Thank you. I appreciate it.

4 MS. POTTS-ROQUE:

5 You're welcome.

6 MR. FRUGE:

7 Okay. And I know that Mr.

8 Grissom is going to have some comments about
9 this issue and the Weatherford.

10 Why don't we take some comments
11 from Weatherford first, and then you can
12 make some comments about the whole renewal
13 process.

14 We have blue cards from a Ms.
15 Robinson and Chris Marshall. Please come
16 forward.

17 MS. ROBINSON:

18 Good afternoon. Kimberly
19 Robinson with Jones Walker.

20 I am here on behalf of
21 Weatherford, and I have with me Mr. Chris
22 Marshall who's the senior director for well
23 construction products manufacturing at
24 Weatherford, and we also have -- she didn't
25 come up -- Ms. Bernadette Coleman who is the



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1 finance controller for the manufacturing
2 facility in Houma. And I am going to
3 reserve my comments to then and let Chris
4 start.

5 MR. MARSHALL.

6 Mr. Chairman, members of the
7 board, I would like to express my
8 appreciation to each of you for taking time
9 today to hear our appeal to you on this tax
10 exemption. As I believe all of you know,
11 Weatherford is an oil and gas service
12 company with a presence in every major oil
13 and gas region of the world, and we
14 certainly have a very large presence here in
15 the state of Louisiana. Our company
16 specializes in the fields of formation,
17 evaluation, drilling, well construction and
18 completion of production of the oil wells.
19 The services provided and technologies
20 developed by Weatherford directly assist our
21 customers in reducing the cost and
22 increasing the recovery of oil and gas
23 reserves. Weatherford has 34 facilities in
24 the state of Louisiana and 10 separate
25 storage yards. These facilities employ



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1 1,675 Louisiana residents, and Weatherford
2 has a year-to-date payroll for 2014 of
3 almost \$103,000,000. The subject facility
4 that I'm here representing today, our shore
5 facility, is covered by the industrial tax
6 exemption contract. We're a manufacturing
7 facility for cementation equipment. This
8 facility was constructed post Katrina to
9 replace our manufacturing facility that was
10 flooded by the storm. The building,
11 machinery, and equipment reflect a
12 \$55,000,000 investment by Weatherford. In
13 addition, we invested a further 3.2 million
14 in this facility in 2009, which included
15 machinery, equipment, and the addition of a
16 warehouse building for \$425,000. Currently,
17 we're in the process of investing an
18 additional \$10 million in equipment and
19 capital improvements, which will be
20 completed in March 2015 to further expand
21 capacity and increase output. The
22 manufacturing center in Terrebonne currently
23 has 346 employees and the payroll for
24 January to November of this year is slightly
25 over \$21 million. Along with the additional

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1 investment noted above and equipment, we're
2 currently aggressively recruiting and hiring
3 personnel. And, in fact, over the past 120
4 days, we've increased our skilled labor head
5 count by roughly 30 percent. We've added 57
6 direct labor employees in our Schriever
7 manufacturing facility. Beyond the head
8 count and sales from this facility, the
9 company has a direct economic impact on
10 state and local coffers. For January of
11 2013 through October 2014, the company's
12 paid approximately \$7.9 million in sales and
13 use taxes, \$1.3 million in income and
14 franchise taxes, and more than \$500,000
15 annually in property taxes for the land
16 inventory at this facility. We've provided
17 its other operations in Terrebonne Parish,
18 which pays just over \$1 million in property
19 taxes annually.

20 The late submission of the
21 subject renewal application for the
22 industrial tax exemption program contract
23 was absolutely an administrative oversight
24 on our part resulting from a personnel
25 change. The company contact listed on the



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1 LED application is no longer an employee of
2 Weatherford. The renewal notice was sent to
3 his attention by mail. It was inadvertently
4 overlooked, and the electronic communication
5 subsequently sent to this employee by LED
6 was not returned as undeliverable since his
7 e-mail account was still active. Once we
8 were made aware of this oversight, we
9 immediately contacted LED to initiate the
10 renewal process.

11 Weatherford has all the over
12 requirements under the contract for the
13 renewal. The only issue is a late
14 submission of the renewal application, which
15 we agree is an important admission, but that
16 is the only admission. We have been in
17 contact with the Terrebonne Parish assessor,
18 and he has confirmed that no property taxes
19 have been paid on the facility in 2014 and
20 that he has no opposition to the board
21 approving this renewal. This oversight and
22 subsequent late submission of the renewal
23 application is not the norm for Weatherford,
24 and it is in no way an indication that the
25 property tax exemption is not critical to



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1 the continued operation and growth of this
2 facility.

3 In fact, there were three
4 renewal applications associated with other
5 investor tax exempt program contracts in
6 2014, two in Scott, Louisiana, and the \$2.3
7 million additional tax facility in
8 Terrebonne Parish that we're speaking of.
9 All three were mailed to our contact at our
10 Scott, Louisiana, facility and all three
11 sent in a timely manner.

12 Our manufacturing facility in
13 Schriever has taken steps to ensure this
14 does not happen on any other contracts with
15 LED. Those step include providing LED with
16 updated contact information for three
17 persons at the facility, including plant
18 controller, the general manager, and the
19 senior director of manufacturing. A new
20 procedure in HR where a manager departs a
21 facility will have that e-mail of that
22 manager routed to another employee, and not
23 only that, but the e-mail will automatically
24 deactivate and will kick back a notice to
25 the e-mail sender in 60 days. And the plant



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1 controller now has reminders in their
2 electronic calendar two months in advance of
3 the deadline for new applications.

4 The cementation products
5 manufacturing facility in Terrebonne Parish
6 is a key part of Weatherford's capacity in
7 meeting the needs of both our U.S. and
8 global customers. Our competitiveness in
9 attracting skilled labor resources as well
10 as ensuring a cost competitive environment
11 are critical to our success.

12 I thank you again for taking the
13 time to hear our appeal today. We
14 understand we made an error in processing
15 the renewal, and I'm confident that we've
16 put improvements in place to avoid any
17 similar occurrence. I respectfully request
18 that our application for renewing our
19 contract under the industrial tax exemption
20 program is granted without penalty and that
21 our partnership in providing the oil and gas
22 industry superior products and services from
23 our manufacturing center in Terrebonne
24 Parish can continue as in years past. Thank
25 you very much.



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1 MR. FRUGE:

2 Thank you.

3 MS. JEANSONNE:

4 Thank you, members. I know Mr.
5 Grissom has comments. Before that, I'll
6 just make one statement as it relates to the
7 regulation. I, too, have gone through this
8 regulation in depth for the last few weeks
9 since we discovered this, and the regulation
10 does have a permissive provision allowing
11 this board to approve a contract renewal
12 after the expiration date, and we would ask
13 that you please consider the investment that
14 Weatherford has made, its continuing
15 investment in this state, and the employees
16 that are working at that plant and the
17 customers in Louisiana that rely on the
18 products manufactured there and renew this
19 contract. Thank you.

20 MR. FRUGE:

21 Thank you.

22 There's a question. Mr. Jones.

23 MR. JONES:

24 Mr. Marshall, I think this is
25 probably directed toward you. And you may



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1 have indicated this in your comments. If
2 so, I missed it. The number of years that
3 you're out of date, I guess, is it one year?

4 MR. MARSHALL:

5 One year. Yes, sir.

6 MR. JONES:

7 And what was the amount of taxes
8 for that one year?

9 MR. MARSHALL:

10 The net impact to us was
11 \$870,000, I believe. \$860,000. Yes, sir.

12 MR. JONES:

13 Thank you.

14 MR. MARSHALL:

15 Just for clarification, just to
16 reiterate, that has not been paid yet
17 either, so we certainly wouldn't be asking
18 for rebate or anything like that. We're
19 just asking 2014 to be considered as part of
20 it.

21 MR. JONES:

22 I understand. Thank you.

23 MR. FRUGE:

24 Any other questions? Anyone
25 else in the audience want to speak to this



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1 issue?

2 (No response.)

3 MR. FRUGE:

4 Okay. Next we'll hear from
5 Mr. Grissom who will make some comments on
6 behalf of LED.

7 MR. GRISSOM:

8 Thank you, Mr. Chairman. Board
9 members, I did want to reference several
10 letters that should be placed in front of
11 you regarding the issue at hand. I just
12 want to make sure that you're aware of those
13 letters and had a chance to review those.

14 What we have in front of us is a
15 request for a five-year renewal, and the
16 renewal is being filed late. The industrial
17 tax exemption program is a long-standing tax
18 exemption program in Louisiana that LED
19 markets as a ten-year program with a five
20 and five renewal process. So an original
21 contract of five years, a five-year renewal
22 as the initial five years winds down. CNI
23 has historically, when we've looked at these
24 contracts, that renewal decision has been
25 very consistently positive as long as the



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1 company meets the basic eligibility
2 requirements. So essentially, the LED team,
3 the staff, the board looks at if this
4 company is still manufacturing. If it does,
5 in almost all instances, the approval has
6 been granted, at least that's the history of
7 the programs I've been with involved with
8 CNA in the last six years.

9 From LED's perspective, we
10 believe that a clerical issue like those
11 that we've seen today should not stop the
12 company from receiving an exemption for
13 which they have made a qualifying investment
14 and for which the board has the legal
15 ability to be able to grant the late
16 approval.

17 In fact, we took a look over the
18 past three years, and the board has actually
19 granted a number of late approvals without
20 penalty. We counted 28 over the three-year
21 time period. Now, previously, these late
22 renewals have not been highlighted. They
23 were actually included in the standard
24 renewals that were brought to the board.
25 We've reviewed our processes, and we'll now,



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1 moving forward, ensure that we break those
2 out if there are any late renewals going
3 forward. Obviously, these two are late and
4 are separated into a separate agenda item.

5 So, again, the department
6 believes that a clerical issue like this
7 should not prevent the company from
8 receiving the exemption, and before I wrap
9 up my comments, I do want to highlight that
10 we do encourage all companies to submit
11 their timely renewal applications. It would
12 certainly streamline the process for the
13 board. But given that these are largely
14 clerical issues that result in a late
15 renewal file, we would like to see the
16 companies receive those exemptions.

17 MR. FRUGE:

18 Questions?

19 MR. MARTINY:

20 I have a question. I'm just
21 curious that -- is it -- are you saying that
22 it's -- does the board ever penalize anybody
23 for late application?

24 MR. GRISSOM:

25 The 28 that I mentioned were



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1 without penalty, so I'm not aware of a
2 renewal that has been processed with a
3 penalty.

4 MR. MARTINY:

5 Let me say, I'm a big fan of the
6 program. I think it's great, but it seems
7 to me that -- I'm looking at the rules that
8 talk about if you're monthly they can
9 penalize you a year, two months. And I
10 can't imagine that, given the benefits from
11 the program, that anybody is going to
12 intentionally not apply for it, so it seems
13 to me that every opportunity -- I mean,
14 every possibility of granting this thing
15 would come about as a result of a clerical
16 error or if somebody, as these two entities
17 have suggested, somebody dropped the ball in
18 asking for it. There would be no reason for
19 them not to ask for it. So I guess my
20 question is what do you have the penalty --
21 what do you have the penalty provisions in
22 your rules if, I would imagine, they're
23 never going to be enforced?

24 MR. GRISSOM:

25 See, the penalty provisions, as



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1 I understand them, are, I guess, described
2 that the board may apply those. The board
3 has the discretion to apply construct that
4 they would choose to apply. I agree with
5 your comments in that if the department
6 would like to see a clerical issue not
7 prevent a company from receiving those
8 exemptions, it would be unlikely that the
9 board, if the board aligned with that
10 policy, would be applying those penalties
11 for being late because those would be
12 associated with clerical issues.

13 MR. MARTINY:

14 As I read it, it says -- it
15 doesn't have to be -- it's not a year. It's
16 not a full year or any portion. A calendar
17 month. If they miss it, they could
18 potentially lose a year of the exemption,
19 and I'm just asking you. Has the board ever
20 penalized any of those 28? I mean, they
21 dropped the ball and, obviously, as I think
22 Greg Champagne pointed out, somebody
23 obviously got paid to do this and didn't do
24 it. And the only consequence seems to be on
25 the recipients of the tax revenue. I'm just



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1 making my point. I'm not asking you to
2 impose the five years, but I do think it
3 doesn't make a lot to sense to have these
4 rules in here that have been in place maybe
5 since 1947. I wasn't around in 1947, but it
6 just seems like there's no penalty. We
7 might as well take them out of the rules
8 because nobody is going to intentionally not
9 try to renew anything. So just an
10 observation. I'll go back in Metairie and,
11 you know.

12 Oh, I did want to ask this. It
13 was my understanding that the Saint Charles
14 Parish School Board had taken a position on
15 this and sent in some something. Maybe I'm
16 wrong, but I didn't see that position in the
17 terms. Or did they not take a position?

18 MS. JEANSONNE:

19 Excuse me. I apologize. I'm
20 with Saint Charles Parish.

21 MR. FRUGE:

22 Come to the podium. State your
23 name.

24 MS. JEANSONNE:

25 I'm Paula Jeansonne with Saint



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1 Charles Parish School Board. The school
2 board did send a letter to LED and the
3 governor's office stating our position, that
4 we wanted -- Arkema did not file for the
5 renewal, and in any other case and any other
6 situation, taxpayers have to pay the
7 consequences just like we do when we miss
8 our deadlines, and the public's been
9 involved and informed of this in the
10 newspaper. The parishes are getting a
11 windfall and now here we are today, rules in
12 place, but not being followed by LED. And
13 so that's our position. Thank you.

14 MS. POTTS-ROQUE: I'd like to
15 make a commence in reference to the rule.
16 The operative work is "may." It may impose
17 a penalty, and they have just not exercised
18 that option.

19 MR. GRISSOM:
20 Yes, I believe that's correct.
21 And perhaps our legal counsel could comment
22 on the rules and how it applies to this
23 particular situation.

24 MS. GRECO:
25 Leu Anne Greco, executive



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1 counsel at LED. I think the source of the
2 confusion is the structure of Rule 529. It
3 starts off with what sounds like an absolute
4 deadline, but then in Part B it clearly
5 encompasses the board exercise of discretion
6 on what penalty, if any, to assess on a late
7 request for renewal.

8 You know, frankly, the only time
9 I think that a penalty would make sense
10 would be if a company was so lax that they
11 were billed, paid taxes, and you have a tax
12 recipient body in the posture of having to
13 make a refund if exemption was granted that
14 way. And so I think in that case the board
15 would probably want to consider knocking a
16 year or two off of the exemption
17 eligibility.

18 MR. FRUGE:

19 Thank you, Ms. Greco. Mr.
20 Jones.

21 MR. JONES:

22 I wanted to -- I know I've been
23 sitting on this board for now seven years,
24 and I have never been aware of a situation
25 where we've granted such a request, but I



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1 understand from Mr. Grissom's comments
2 that's because the issue's never been
3 squarely put before this board. So while
4 there may have 28 where it's been approved,
5 there's not been a situation where this
6 board has actually had to consider the issue
7 before it. I think it is an unusual
8 situation. I would -- yes, Senator Martiny
9 is correct. It's a clerical error, but I
10 think that the great thing about boards like
11 this is we have the opportunity to consider
12 situations.

13 Mr. Jenkins, do you mind coming
14 to the podium? I just have a couple of
15 follow-up questions, I think, especially
16 from the Arkema situation. I understand
17 from your comments that your board has
18 approved a \$30 million investment for this
19 plan and that investment was approved prior
20 to your learning of this error. Is that
21 correct?

22 MR. JENKINS:

23 Yes, sir. That's correct.

24 MR. JONES:

25 How many jobs would come with



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1 that \$30 million investment.

2 MR. JENKINS:

3 The construction projects
4 themselves would bring several dozen
5 contractors and so on into the scope of
6 things, and as the output is increased, we
7 would look at adding additional shifts. So
8 we're estimating on the order of another 10
9 to 20 over time.

10 MR. JONES:

11 Over time being how long?

12 MR. JENKINS:

13 Over the next five years.

14 MR. JONES:

15 Are you aware of any impediments
16 to moving forward with the project other
17 than this issue that we're before the board
18 today?

19 MR. JENKINS:

20 No, sir. This is it.

21 MR. JONES:

22 So as far as you're concerned,
23 if the board were to grant this renewal,
24 then Arkema will, in fact, move forward with
25 this \$30 million investment.



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1 MR. JENKINS:
2 That's correct.

3 MR. JONES:
4 Let's go to the sheriff's
5 questions that he raised. I think it's a
6 good question. Have you-all contacted the
7 errors admissions here for your consultant?

8 MR. JENKINS:
9 Could you repeat the question?

10 MR. JONES:
11 Have you-all contacted your
12 consultant who made this error or their
13 errors in admissions insurance carrier?

14 MR. JENKINS:
15 Yes. We have been in contact
16 with this particular contractor.

17 MR. JONES:
18 And has there been any comment
19 or response as to whether they were willing
20 or able to meet any deficit that you may
21 incur because of this error?

22 MR. JENKINS:
23 The nature of this particular
24 firm is a small family firm in Texas. It's
25 not one of the big accounting type firms.



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1 Because of the nature of the vestment from
2 Dow, the major asset required by Arkema was
3 in Texas, and that's why this particular
4 consultant was just continuing and in that
5 service. Of course, we no longer employ
6 that consultant, so that's one remedy that
7 we made, and then the other --

8 MR. JONES:

9 I'm not attempting to make light
10 of the situation, but what have we learned
11 from this? Well, you don't get a Texas
12 consultant for a Louisiana program, do you.

13 MR. JENKINS:

14 I absolutely agree, sir.

15 MR. JONES:

16 I am very sympathetic -- or
17 empathetic, I should say. Not sympathetic,
18 but empathetic to your condition, but I am
19 more interested in a scenario in which this
20 board, should it vote to approve this
21 renewal, and then Arkema not proceed with
22 this capital investment. That would look
23 bad for all of us, and so hence my question
24 to you in this public form that you are
25 intending to move forward with this



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1 investment and you are aware of no
2 impediments to your doing so at this point.

3 MR. JENKINS:

4 Yes, sir. That's correct.

5 MR. JONES.

6 That's all the questions I have.

7 MR. FRUGE:

8 Thank you, sir. Any other
9 questions or comments? Representative Pugh.

10 REPRESENTATIVE PUGH:

11 Mr. Chairman, from the
12 information that we've heard today and we've
13 received in my office and from Percy as
14 well, I think it's a favorable time to move
15 forward and reinstate these two companies
16 into the program.

17 MR. FRUGE:

18 That is a motion, I believe.

19 MS. POTTS-ROQUE:

20 I second.

21 MR. FRUGE:

22 Second by Ms. Potts-Roque. We
23 have a motion on the floor. Is there any
24 further decision on this motion? What say
25 you, members? All in favor, signify by



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1 saying "aye."

2 (Several members respond "aye.")

3 MR. FRUGE:

4 Anybody in opposition?

5 (Several members respond.)

6 MR. FRUGE:

7 One vote. Three votes. The
8 number is growing.

9 MR. JONES:

10 Mr. Chairman, I'd ask for a roll
11 call vote.

12 MR. FRUGE:

13 Okay. Roll call vote. Okay.
14 We'll start on our right, I guess. Or --
15 no, go ahead in the order that you have.

16 MS. SORRELL:

17 Steve Windham.

18 MR. WINDHAM:

19 Aye.

20 MS. SORRELL:

21 Millie Atkins.

22 MS. ATKINS:

23 Aye.

24 MS. SORRELL:

25 Lance Belcher.



1 MR. BELCHER:
2 Aye.
3 MS. SORRELL:
4 Brian Bossier.
5 BRIAN BOSSIER:
6 Nay.
7 MS. SORRELL:
8 Mayor Brasseaux.
9 MAYOR BRASSEAUX:
10 Aye.
11 MS. SORRELL:
12 Jeffrey Elmore.
13 Mr. Elmore:
14 Nay.
15 MS. SORRELL:
16 Andre Fruge.
17 MR. FRUGE:
18 Aye.
19 MS. SORRELL:
20 Richard Gonsoulin.
21 MR. GONSOULIN.
22 Aye.
23 MS. SORRELL:
24 Steven Grissom.
25 MR. GRISSOM:



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1 Aye.
2 MS. SORRELL:
3 Thomas Holden.
4 MR. HOLDEN:
5 Aye.
6 MS. SORRELL:
7 Jerry Jones.
8 MR. JONES:
9 Aye.
10 MS. SORRELL:
11 William King.
12 MR. KING.
13 Nay.
14 MS. SORRELL:
15 Senator Martiny.
16 SENATOR MARTINY:
17 Nay.
18 MS. SORRELL:
19 R.K. Mehrotra.
20 MR. MEHROTRA:
21 Aye.
22 MS. SORREL:
23 Representative Ponti.
24 REPRESENTATIVE PONTI:
25 Aye.



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1 MS. SORRELL:
2 Representative Pugh.
3 REPRESENTATIVE PUGH:
4 Yes.
5 MS. SORRELL:
6 Senator Riser.
7 SENATOR RISER:
8 Aye.
9 MS. SORRELL:
10 Gale Potts-Roque.
11 MS. POTTS-ROQUE.
12 Aye.
13 MS. SORRELL:
14 Wilda Smith.
15 MS. SMITH:
16 Aye.
17 MS. SORREL:
18 Charles Soprano.
19 MR. SOPRANO:
20 Aye.
21 MS. SORRELL:
22 We have 4 nays, 16 ayes.
23 MR. FRUGE:
24 16 ayes, 4 nays. Motion
25 carried. So ordered.



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1 Ms. Weber, would you please
2 continue with the timely renewals for today.

3 MS. POTTS-ROQUE:

4 Excuse me. Sir, we haven't
5 taken up Weatherford.

6 MR. FRUGE:

7 The motion covered both.

8 MS. POTTS-ROQUE:

9 The motion covered both? Okay.

10 MR. JONES:

11 That's my understanding.

12 MS. POTTS-ROQUE:

13 Was it?

14 MR. JONES:

15 Yes.

16 MS. POTTS-ROQUE:

17 Okay.

18 MS. WEBER:

19 I have 37 renewals for the
20 industrial tax exemption program. Do you
21 want me to read them?

22 MR. FRUGE:

23 Why don't we go in-globo.

24 MS. WEBER:

25 Yes, sir. That's it.



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1 MR. FRUGE:
2 Okay. Thirty-seven applications
3 for renewal. Do I hear a motion on
4 approval? Moved by Mr. Soprano. Second by
5 Senator Martiny. Any discussions on this
6 motion?

7 (No response.)

8 MR. FRUGE:
9 Being none, all in favor,
10 signify by saying "aye:

11 (Several members respond "aye.")

12 MR. FRUGE:
13 Any opposition?

14 (No response.)

15 MR. FRUGE:
16 So ordered.

17 Mr. Grissom, do you have any
18 comments for us today, any further comments
19 for us today?

20 MR. GRISSOM:
21 I do, and I'll be brief with my
22 comments. I just wanted to provide the
23 board members an update with activities
24 across the state.

25 The November associated with the



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1 Benteler Steel Tube project in the
2 Shreveport area, the \$22 million advanced
3 manufacturing center that's associated with
4 the project was dedicated, and this is a --
5 the Bossier Parish Communities College, the
6 BIBC center for advanced manufacturing and
7 engineering technology will initially train
8 workers for the project but then support
9 training efforts for other manufacturers in
10 the northwest region of Louisiana. So this
11 is an exciting addition in higher education,
12 particularly in higher education assets that
13 are really focused on growing industry need.
14 I'm excited about that dedication. The
15 potential for that new facility and the
16 program associated with that facility for
17 not only the Benteler Steel Tube project but
18 other manufacturers in the region as well.
19 The first phase of the Benteler Steel Tube
20 project is now 70 percent complete. This is
21 a \$975 million project, 1.35 million square
22 feet manufacturing complex in Bossier. So
23 the first phase is nearly 70 percent
24 complete. The company is scheduled to begin
25 commercial production by the third quarter

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1 of 2015, and the second phase still to
2 follow later and be completed about 2020.

3 Also, on the business rankings
4 front, we received additional good news over
5 the last several months. In November,
6 Forbes, ranking best states for business,
7 Louisiana received a recommended number 29.
8 So since 2008, we've moved from number 49 to
9 number 29. Number 29 is the highest ever
10 position in this publication's ranking.

11 Obviously, we want to continue
12 moving in a positive direction, but great to
13 see us moving from number 49 to 29. In the
14 report, Forbes stated that the biggest gain
15 for the year was Louisiana. They noted that
16 income growth and economic growth are among
17 the best in the U.S. over the last five
18 years and that lower business costs and an
19 improved economic outlook also pushed up the
20 bayou state. So good news for the Forbes
21 ranking.

22 Additionally, in November, Site
23 Selection ranked Louisiana number 2 in the
24 nation for national business monitor
25 ranking. The number 2 ranking in 2014 is



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1 Louisiana's fifth consecutive year in the
2 top 10, and just five years ago, Louisiana
3 ranked number 25. So a great positive
4 movement for the Site Selection ranking as
5 well.

6 As I mentioned during our last
7 meeting, Louisiana received its first ever
8 number 1 ranking by for state business
9 climate by Business Bissole in August. So
10 continued positive movement, positive
11 recognition associated with our business
12 climate.

13 The state now ranks higher in
14 every national state business climate
15 ranking than it ever did prior to 2008, and
16 we're in the top 10 now in business climate
17 rankings for five major national business
18 publications. So excited about that
19 continued recognition, and, you know,
20 hopefully we'll see additional movement in
21 the coming year of next calendar year.

22 To wrap things up, just want to
23 thank all of our board members for your
24 participation today, for your service with
25 this board, and I'll be happy to answer any



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1 questions.

2 MR. FRUGE:

3 Any questions? Is there any
4 other business to come before this board
5 today?

6 (No response.)

7 MR. FRUGE:

8 Being none, members, as always,
9 thank you for your service. We stand
10 adjourned.

11 (Meeting concludes at 2:43 p.m.)

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REPORTER'S CERTIFICATE:

I, DESIREE DELATTE, Certified Court Reporter in and for the State of Louisiana, as the officer before whom this meeting for the Board of Commerce of the Louisiana Economic Development Corporation, 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 required by statute or by rules of the board, that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board;

That I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.

Dated this 5th day of January, 2015.

DESIRE DELATTE, CCR, RPR
CERTIFIED COURT REPORTER



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