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MEETING MINUTES FOR THE POLICY AND RULES COMMITTEE
OF 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 23RD DAY OF JUNE, 2015
COMMENCING AT 10:02 A.M.

REPORTED BY: ELICIA H. WOODWORTH, CCR



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POLICY AND RULES

1 **Appearances of Board Members Present:**

2 **Jerald Jones**
3 **Wilda Smith**
4 **Mayor Brasseaux**
5 **Millie Atkins**

6 **Staff members present:**

7 **Melissa Sorrell**
8 **Brenda Guess**
9 **Danielle Clapinski**
10 **Frank Favaloro**
11 **Lori Weber**
12 **Anne Villa**
13 **Don Allison**

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MR. JONES:

Good morning, everyone. Looks like we're all reasonably family, but, nevertheless, let's go ahead and call this Rules Committee, Policy and Rules Committee Meeting of the Board of Commerce and Industry to order. I understand that Representative Ponti will not be here, so Ms. Atkins has asked me to chair this particular meeting.

If we can go ahead and do the rollcall, and that way we can be sure we have a quorum.

MS. SORRELL:

Wilda Smith.

MS. SMITH:

Here.

MS. SORRELL:

Jerry Jones.

MR. JONES:

Here.

MS. SORRELL:

Mayor Brasseaux.

MAYOR BRASSEAUX:

Here.

MS. SORRELL:

R.K. Mehrotra.

(No response.)



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MS. SORRELL:

Gale Potts-Roque.

(No response.)

MS. SORRELL:

We have a quorum.

MR. JONES:

Great. Thank you very much.

Let's see. Ms. Clapinski?

MS. CLAPINSKI:

Yes, sir. Good morning.

MR. JONES:

There you are. You want to tell us what we're here to do today?

MS. CLAPINSKI:

I'll be happy to.

MR. JONES:

Thank you very much.

MS. CLAPINSKI:

I'm sure many of you are aware we just finished up a legislative session. One of the bills passed during that session was HB 773, which is a fee bill on behalf of the Department of Economic Development for all of our programs. This was done because our fees have not increased in 20-plus years for the department, and our budget continues to go down and the work



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1 doesn't, so this was done as an attempt to help us cover
2 our costs in administering these programs.

3 And what you have before you are two
4 different documents. The first one is an Emergency
5 Rule. The Emergency Rule puts the fee changes in place
6 effective July 1, 2015, and that's the only way we could
7 get those effected that quickly. It's in effect for the
8 maximum time allowed under the Administrative Procedures
9 Law, which is 120 days or until a final rule is
10 published, whichever occurs first.

11 So the other document you have is an
12 Notice of Intent. Substantively the changes are
13 identical. The Notice of Intent starts the APA
14 promulgation procedure for a final rule.

15 And, basically, I mean, I'll go through
16 them really quickly, but the advanced notification fee
17 increases from 100 to \$250. The application fee goes
18 from .2 percent of the estimated total taxes to be
19 excepted to .5 percent with a minimum amount changing
20 from \$200 to \$500, and the maximum fee increases from
21 5,000 to 15,000. Let's see. MCA has the same
22 percentage changes as the regular applications as well.
23 Project completion records have a fee now of \$250. The
24 affidavit of final cost fee has been increased from 100
25 to 250, as well as any amendment or change to that



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1 affidavit of final cost. The renewal fee has gone from
2 \$50 to \$250. We also have put a fee for all of the
3 contract changes and amendments that come to the Board
4 of \$250, and I think it's similarly, but the request to
5 transfer contract, which is a contract amendment change
6 as well also has fee of \$250.

7 And that is substantively the changes in
8 both sets here. I'm happy to take any questions.

9 MR. JONES:

10 Has anybody done the analysis as to what
11 this is anticipated to raise for the department as far
12 as revenue productions?

13 MS. CLAPINSKI:

14 We do. Now, the bill itself was done
15 for all LED programs in total, and the fiscal
16 productivity of the entirety of all of our programs is
17 right at \$1.9-million a year. The ITEP portion -- and
18 we're working with the legislative fiscal office on the
19 note for this Notice of Intent as we speak, but it's
20 roughly -- I have all of the numbers. Well, let me
21 just -- I can tell you, like the advanced notifications,
22 our fiscal year '14, we have collected for fiscal year
23 '14 \$25,900. Assuming the same number of advances, that
24 25,900 would go to 54,750. The affidavits of final
25 cost, assuming 551 were 55,100, they're going 137,750.



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1 Currently we don't charge for the amended AFC. Assuming
2 83, which is what we had in fiscal year '14, that would
3 go to \$20,750. The renewal fees, assuming 554 renewal
4 applicants, will go from 27,700 to 138,500. Project
5 completion reports, which currently do not have a fee,
6 assuming 551 forms are filed, would go from 0 to
7 137,750. Then contract changes, which we currently do
8 not assess for, assuming 205, which is roughly what we
9 had for fiscal year '14, will go to 51,250. The
10 application fee -- do we have it? We're having to run
11 the numbers and we can get that, I would think, before
12 the afternoon meeting, but because there's a minimum and
13 a maximum and it's not just a straight projection based
14 on the benefit, we would -- well, I can tell you it's
15 going to be 1.9, and it's gone up about -- let me see if
16 I can figure this out. The increase is about, I think,
17 250 percent, so we're anticipating with the new fees
18 that the applications will bring in the 1.9 --
19 1.9-million. I'd have to do the math. I don't do math.

20 MR. JONES:

21 I understand. That's the reason we went
22 to liberal arts education rather than science. I
23 understand.

24 MS. VILLA:

25 Anne Villa, Undersecretary for LED.



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1 So whenever we were trying to assess --
2 so when we were looking at the potential increases for
3 the fees, we looked at projects as they were for fiscal
4 year '14, so the dollar amount that Danielle mentions
5 for the application fee was based on the project sizes.
6 So we would have to go back and see exactly how much we
7 collected for fiscal year '14 for those same projects
8 and compare that. So we'll have that for this
9 afternoon's meeting. We just didn't have that for this
10 morning. But overall for the fees for the department
11 for all of our programs, not just ITEP, are going to be
12 increased about 1.2-million. The remainder is
13 associated with the film program, another roughly
14 700,000, so combined is 1.9.

15 MR. JONES:

16 Are the fees collected, are they
17 dedicated to specific subprograms within LED, or does it
18 go to LED's general fund?

19 MS. VILLA:

20 It goes to -- so our means of finances
21 are separated and the fees are self generated, and so
22 the legislation calls for it to go to administering the
23 program. That's what the fees are going for, to the
24 administration of the program.

25 MS. JONES:



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1 So ITEP will go to ITEP and --

2 MS. VILLA:

3 It's just in globo.

4 MR. JONES:

5 Okay.

6 MS. VILLA:

7 Everything associated with administering
8 the program.

9 MR. JONES:

10 Got you. Got you. And I probably ought
11 to know the answer to these questions, but I'm going to
12 ask it because I don't. The fees that are collected,
13 are they subject to the sweep process from the
14 governor's office if they're brought in?

15 MS. VILLA:

16 Normally fees and self-generated are not
17 subject to sweeps or statutory dedicated, but the
18 general funds is usually what gets reduced whenever we
19 have reductions that come down.

20 MR. JONES:

21 So these would be protected from that?

22 MS. VILLA:

23 These fees would be protected.

24 MR. JONES:

25 Okay.



1 MS. VILLA:
2 As long as they don't go after fees that
3 self-generated, which, you know, we haven't. It's been
4 the general fund that's been reduced for LED.

5 MR. JONES:
6 Got you.
7 Any other questions from the committee?

8 MS. ATKINS:
9 You stated that this was the first time
10 the fees have been changed since --

11 MS. CLAPINSKI:
12 In over 20 years.

13 MS. ATKINS:
14 In over 20 years?

15 MS. CLAPINSKI:
16 Yes, ma'am.

17 MR. JONES:
18 Any other questions from the committee?
19 We have some members of the public. Any
20 questions from the public?
21 Is that yes or no, Don?

22 MR. ALLISON:
23 A waive.

24 MR. JONES:
25 Okay. That's a waive. Waive questions.



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1 All right. Any other questions to come
2 before the committee today on this issue?

3 I have -- this process, so this
4 afternoon, assuming the committee approves the Emergency
5 Rule and approves the Notice of Intent today, this will
6 then go to the full Board this afternoon?

7 MS. CLAPINSKI:

8 Yes, sir.

9 MR. JONES:

10 And then assuming passage by the Board
11 this afternoon, what's the process thereafter?

12 MS. CLAPINSKI:

13 So the process will be for the Emergency
14 Rule, that will go over to the Louisiana Register who
15 publishes all of the rules. It will go effective as of
16 July 1, 2015, which is the effective date of the bill.
17 It will be in effect for 120 days or until the final
18 rule has passed. For the Notice of Intent, the goal, if
19 we can get everything straight, is to have that
20 published in the July edition of the register, which
21 will be published on July 20th.

22 There will be a public hearing on the
23 rule change in late August, and I don't have the exact
24 date yet. We'll take public comments at that time. We
25 will, at that time, if they have anything they'd like us



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1 to change, we'll make a determination whether we're
2 going to change anything or not. That's generally the
3 process.

4 A report will go to the oversight
5 committees, which are Commerce and Ways and Means and
6 Rev and Fisc. Those committees will have 30 days in
7 which to call a public hearing themselves. If they
8 choose to, we'll participate at that period. If they do
9 not, at the end of that 30 days, we will move forward
10 with final publication of the rule.

11 Based on that timeline, assuming that
12 there are no hiccups along the way, that basically puts
13 us promulgating a final rule October.

14 MR. JONES:

15 Okay. And you may or may not know the
16 answer to this question, but I know or my general sense
17 tells me there are other departments doing similar fee
18 increases. Is that fair and accurate?

19 MS. CLAPINSKI:

20 That is correct. I think anyone that
21 had a bill pass with the increases will have to be doing
22 similar changes.

23 MR. JONES:

24 Okay. One of the reasons I asked the
25 questions and I want the committee to be aware and I'd



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1 really like the Board to be aware this afternoon is,
2 assuming we pass these today, is that sometimes we as
3 Board members are asked questions, that they assume that
4 we have all prevailing knowledge and wisdom and we don't
5 always. So this afternoon, perhaps, Ms. Clapinski and
6 whoever is going to do the presentation this afternoon,
7 as much of that information in the record as possible so
8 that the Board members can understand and perhaps be
9 able to answer a little bit more intelligently if
10 they're asked questions about the rules would be helpful
11 as far as timing, process and that sort of thing.

12 MS. CLAPINSKI:

13 Absolutely. Sure.

14 MR. JONES:

15 Anything else for the committee?

16 (No response.)

17 MR. JONES:

18 I'd entertain a motion to approve the
19 Emergency Rule first.

20 MS. SMITH:

21 I'll entertain a motion to approve.

22 MR. JONES:

23 We have a motion. Do we have a second?

24 Second from Ms. Atkins.

25 Any questions or comments from the



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1 committee?

2 (No response.)

3 MR. JONES:

4 Any questions or comments from the
5 attendees?

6 (No response.)

7 MR. JONES:

8 There are none.

9 All in favor, say "aye."

10 (Several members respond "aye.")

11 MR. JONES:

12 All opposed, say "no."

13 (No response.)

14 MR. JONES:

15 There are no nays. It passes
16 unanimously for the Emergency Rule.

17 Now, let's move to the Notice of Intent.

18 Do I have a motion to approve the Notice of Intent of
19 the actual long-term rule?

20 MS. ATKINS:

21 So moved.

22 MR. JONES:

23 We have a motion from Ms. Atkins.

24 We have a second?

25 Second from Ms. Smith.



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1 Any discussion or any questions?

2 (No response.)

3 MR. JONES:

4 All in favor, say "aye."

5 (Several members respond "aye.")

6 MR. JONES:

7 Any opposed?

8 (No response.)

9 MR. JONES:

10 There are none. It passes unanimously.

11 MR. JONES:

12 Do we have any other business before the
13 committee today?

14 (No response.)

15 MR. JONES:

16 Then we will entertain a motion to
17 adjourn.

18 We have a motion to adjourn. Do I have
19 a second?

20 MAYOR BRASSEAU:

21 Second.

22 MR. JONES:

23 We have a second from Mayor Brasseaux.

24 All in favor, say "aye."

25 (Several members respond "aye.")



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MR. JONES:

We are adjourned. Thank you very much,
ladies and gentlemen.

(Meeting concludes at 10:16 a.m.)



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2 I, ELICIA H. WOODWORTH, Certified Court
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12 That the transcript has been prepared in
13 compliance with transcript format required by statute or
14 by rules of the board, that I have acted in compliance
15 with the prohibition on contractual relationships, as
16 defined by Louisiana Code of Civil Procedure Article
17 1434 and in rules and advisory opinions of the board;

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

21 Dated this 11th day of July, 2015.

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<hr/> \$ <hr/>	250 5:25 7:17	advances 6:23	aware 4:19 12:25 13:1
\$1.9-million 6:17	27,700 7:4	AFC 7:1	aye 14:9,10 15:4,5,24,25
\$20,750 7:3	<hr/> 3 <hr/>	affidavit 5:24 6:1	<hr/> B <hr/>
\$200 5:20	30 12:6,9	affidavits 6:24	back 8:6
\$25,900 6:23	<hr/> 5 <hr/>	afternoon 7:12 11:4,6,11 13:1,5,6	based 7:13 8:5 12:11
\$250 5:17,23 6:2,4,6	5 5:19	afternoon's 8:9	basically 5:15 12:12
\$50 6:2	5,000 5:21	ahead 3:4,9	behalf 4:22
\$500 5:20	51,250 7:9	ALLISON 10:22	benefit 7:14
<hr/> 0 <hr/>	54,750 6:24	allowed 5:8	bill 4:22 6:14 11:16 12:21
0 7:6	55,100 6:25	amended 7:1	bill 4:22 6:14 11:16 12:21
<hr/> 1 <hr/>	551 6:25 7:6	amendment 5:25 6:5	bills 4:20
1 5:6 11:16	554 7:3	amendments 6:3	bit 13:9
1.2-million 8:12	<hr/> 7 <hr/>	amount 5:19 8:4	Board 3:5 6:3 11:6,10 13:1,3,8
1.9 7:15,18 8:14	700,000 8:14	analysis 6:10	Brasseaux 3:20,21 15:20,23
1.9-million 7:19	773 4:21	Anne 7:25	bring 7:18
100 5:17,24	<hr/> 8 <hr/>	anticipated 6:11	brought 9:14
10:16 16:4	83 7:2	anticipating 7:17	budget 4:25
120 5:9 11:17	<hr/> A <hr/>	APA 5:13	business 15:12
137,750 6:25 7:7	a.m. 16:4	applicants 7:4	<hr/> C <hr/>
138,500 7:4	Absolutely 13:13	application 5:17 7:10 8:5	call 3:4 12:7
14 6:22,23 7:2,9 8:4,7	accurate 12:18	applications 5:22 7:18	calls 8:22
15,000 5:21	actual 14:19	approve 13:18,21 14:18	chair 3:7
<hr/> 2 <hr/>	adjourn 15:17,18	approves 11:4,5	change 5:25 6:5 11:23 12:1,2
2 5:18	adjourned 16:2	arts 7:22	changed 10:10
20 10:12,14	administering 5:2 8:22 9:7	assess 7:8 8:1	changing 5:19
20-plus 4:24	administration 8:24	assume 13:3	charge 7:1
2015 5:6 11:16	Administrative 5:8	assuming 6:23,25 7:1,3,6,8 11:4,10 12:11 13:2	choose 12:8
205 7:8	advanced 5:16 6:21	Atkins 3:7 10:8,13 13:24 14:20,23	Clapinski 4:8,9,14,18 6:13 10:11,15 11:7,12 12:19 13:5,12
20th 11:21		attempt 5:1	collected 6:22 8:7,16
25,900 6:24		attendees 14:5	
		August 11:23	



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9:12		8:3,7	information 13:7
combined 8:14		forms 7:6	intelligently 13:9
comments 11:24 13:25 14:4	E	forward 12:9	Intent 5:12,13 6:19 11:5,18 14:17,18
Commerce 3:5 12:5	Economic 4:22	full 11:6	issue 11:2
committee 3:4,5 10:7, 18 11:2,4 12:25 13:15 14:1 15:13	edition 11:20	fund 8:18 10:4	ITEP 6:17 8:11 9:1
committees 12:5,6	education 7:22	funds 9:18	
compare 8:8	effect 5:7 11:17		J
completion 5:23 7:5	effected 5:7		
concludes 16:4	effective 5:6 11:15,16	G	
continues 4:25	Emergency 5:4,5 11:4, 13 13:19 14:16	Gale 4:2	Jerry 3:16
contract 6:3,5 7:7	end 12:9	general 8:18 9:18 10:4 12:16	Jones 3:1,16,17 4:6,11, 16 6:9 7:20 8:15,25 9:4, 9,20,24 10:5,17,24 11:9 12:14,23 13:14,17,22 14:3,7,11,14,22 15:3,6, 9,11,15,22 16:1
correct 12:20	entertain 13:18,21 15:16	generally 12:2	July 5:6 11:16,20,21
cost 5:24 6:1,25	entirety 6:16	generated 8:21	
costs 5:2	estimated 5:18	gentlemen 16:3	K
cover 5:1	exact 11:23	globo 9:3	
	excepted 5:19	goal 11:18	knowledge 13:4
D		Good 3:2 4:10	
	F	governor's 9:14	L
Danielle 8:4	fair 12:18	Great 4:7	
date 11:16,24	family 3:3		ladies 16:3
days 5:9 11:17 12:6,9	favor 14:9 15:4,24	H	late 11:23
dedicated 8:17 9:17	fee 4:21 5:5,16,17,20, 23,24 6:1,2,6 7:5,10 8:5 12:17	happy 4:15 6:8	Law 5:9
department 4:22,24 6:11 8:10	fees 4:23 7:3,17 8:3,10, 16,21,23 9:12,16,23 10:2,10	HB 4:21	LED 6:15 7:25 8:17 10:4
departments 12:17	figure 7:16	hearing 11:22 12:7	LED'S 8:18
determination 12:1	filed 7:6	helpful 13:10	legislation 8:22
Development 4:22	film 8:13	hiccups 12:12	legislative 4:20 6:18
discussion 15:1	final 5:9,14,24 6:1,24 11:17 12:10,13		liberal 7:22
document 5:11	finances 8:20	I	long 10:2
documents 5:4	finished 4:20	identical 5:13	long-term 14:19
dollar 8:4	Fisc 12:6	increase 7:16	looked 8:3
Don 10:21	fiscal 6:15,18,22 7:2,9	increased 4:24 5:24 8:12	Louisiana 11:14
		increases 5:17,20 8:2 12:18,21	M
		Industry 3:5	make 12:1



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sweep 9:13	
sweeps 9:17	Y
T	year 6:17,22 7:2,9 8:4,7
	years 4:24 10:12,14
taxes 5:18	
tells 12:17	
thing 13:11	
time 5:8 10:9 11:24,25	
timeline 12:11	
timing 13:11	
today 4:13 11:2,5 13:2 15:13	
total 5:18 6:15	
transfer 6:5	
U	
unanimously 14:16 15:10	
Undersecretary 7:25	
understand 3:6 7:21, 23 13:8	
V	
Villa 7:24,25 8:19 9:2,6, 15,22 10:1	
W	
waive 10:23,25	
Ways 12:5	
whichever 5:10	
Wilda 3:12	
wisdom 13:4	
work 4:25	
working 6:18	

