

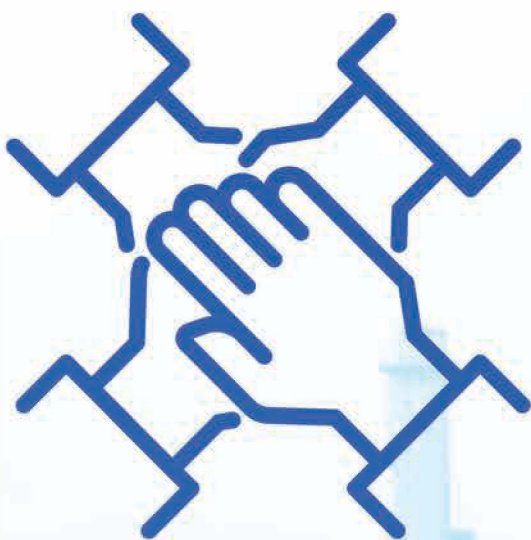
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A LETTER FROM LCA/LCIA PRESIDENT GREG BOWSER

Readers,

As I, and numerous other industry representatives, have stated before, what an interesting and unparalleled period this has been.

Over the last year, we've faced economic turmoil, natural disasters and supply chain challenges whose impacts have been felt far and wide. However, in the face of hardship, Louisiana's chemical industry time and time again rises to the challenges, adapts and overcomes. Louisiana's industry remains a leader in our field, an example to our peers and the driving force behind advancements and improvements to the things we do and the ways we do them.

When discussing change, there is one aspect that cannot be pushed aside: Louisiana's ambitious climate goals and initiatives. Already, LCA and LCIA member companies are at the forefront of change to achieve net zero and increase sustainability, especially through new technologies and processes like advanced recycling and carbon capture and storage.

There are several proposed projects lined up that will make Louisiana a leader in these emerging technologies and allow our industry to lead in decarbonizing Louisiana. We have long proven that we are on the forefront of emissions reductions and the collaborative work between industry, state and local officials will take us the next mile. The best example we have of this progress is the investments being made in carbon capture in storage across the state. Our

natural resources, infrastructure and workforce have positioned us to be a pioneer in addressing the world's climate challenges in the near-term.

In 2021, our team at LCA worked with Louisiana lawmakers to pass legislation that allows manufacturers to use advanced recycling technologies to break down, reuse or recycle plastic that was otherwise headed for the landfills. Not only does this legislation reduce discarded plastics, but it also opens the door for new lines of business to establish themselves as cooperative partners in our industry. Advanced recycling opportunities in Louisiana have the ability to redirect four million metric tons of waste from landfills while answering the call to reduce waste and reuse discarded or excess products.

To reiterate, we are well-positioned to tackle these new, sustainable initiatives head-on and strive to be leaders in the Net-Zero movement that is happening around the world. Our member companies have adapted in the past, and we will continue to rise to the occasion. I sincerely look forward to working with my peers to create a brighter future for our companies, communities and the state of Louisiana.



Gregory M. Bowser

A handwritten signature in blue ink that reads "Gregory M. Bowser". The signature is fluid and cursive.

Gregory M. Bowser
President & CEO
Louisiana Chemical Association
Louisiana Chemical Industry Alliance

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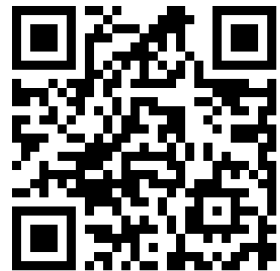
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BUSY SEASONS AHEAD

By Jim Harris, DeVille & Associates

Just when things slow down from the Legislative session, the fall elections ramp up. Qualifying for the November 8 primary (and December 10 runoff if necessary) ended July 22. All of Louisiana's congressmen are up for reelection and have drawn opponents, but only one looks like it could turn into a real race – U.S. Rep. Clay Higgins, R-Lafayette, in the 3rd District.

Louisiana U.S. Sen. John Kennedy, R-Madisonville, drew several opponents, including three Democrats. The endorsement of those candidates has drawn ire, as the executive committee voted to back Gary Chambers Jr., but the Democratic Party then voted to support all three. The caucus chair, Rep. Sam Jenkins, then endorsed Luke Mixon. All of this will play into the 2023 state elections, as a number of these incumbents are being mentioned as contenders for governor.

While the 2023 field for Louisiana governor remains in its early stages, there has been one conspicuous absence – a viable Democrat. The Advocate reports former legislator and current At-Large New Orleans City Councilmember Helena Moreno may be that candidate. She is also rumored to be seeking the office of New Orleans mayor, currently held by the embattled LaToya Cantrell. Moreno did not confirm rumors for either office.

The entry of a strong Democrat would impact the potential candidacy of Republican U.S. Sen. Bill Cassidy most of all. Other Republicans who have announced or are rumored to be considering a run are Lt. Gov. Billy Nungesser, Attorney General Jeff Landry, Treasurer John Schroeder, U.S. Sen. John Kennedy, U.S. Rep. Garret Graves, state Sen. Sharon Hewitt, state Rep. Richard Nelson and others. Personal injury attorney Hunter Lundy, I-Lake Charles, has also joined the fray.

In addition to the federal races, Associate Supreme Court Justice John Weimer in the 6th District was elected without opposition. The Louisiana Public Service Commission, which has staggered terms, will see two elections. Commissioner Lambert Boissiere, D-New Orleans, drew four opponents, and Commissioner Mike Francis, R-Crowley, has two opponents.

There are two special state Senate races. In District 5 to replace Sen. Karen Carter Peterson, D-New Orleans, State Reps. Royce Duplessis and Mandie Landry, both New Orleans Democrats, will face off. Peterson resigned during the session and has since pled guilty to a charge of wire fraud for defrauding contributors to support a gaming addiction. In District 17, Sen. Rick Ward, R-Port Allen, resigned for an opportunity in the private sector. There are three candidates – Councilman Caleb



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Smith Kleinpeter, R-Port Allen, state Rep.
Jeremy LaCombe, D-New Roads, and Kirk
Rousset, R-Oscar.

The race for mayor of Shreveport got interesting. A judge disqualified Democratic Shreveport Mayor Adrian Perkins from seeking re-election after finding the incumbent inaccurately listed his address on qualifying paperwork. A Shreveport voter filed a lawsuit against Perkins claiming Perkins violated a state law requiring candidates to register their campaigns under the same address at which they apply for their homestead exemption. Perkins used one Shreveport address for his homestead exemption but registered to vote and campaign under a different Shreveport address. Nine other candidates, including term-limited state Sen. Greg Tarver, D-Shreveport, qualified for the Nov. 8 election. Of the other candidates, one is a Libertarian, one is No Party, one is Independent, two are Republicans and three are Democrats. The Louisiana Supreme Court has since ruled that Perkins can remain on the ballot.

Now, moving on to the spring session. The legislative session, which is fiscal in nature, begins April 10 and ends June 8. Each legislator can only file five pieces of non-fiscal legislation. As always, the budget will be a top-of-mind issue. State economists are projecting an \$808 million budget shortfall for the 2023-24 fiscal year that starts next July. While that amount will likely change in coming months and does not necessarily guarantee budget cuts next year, it does point to the beginning of the end of current revenue growth and year-end surpluses. It does not take

into account the possibility of increased collections and assumes the state will have to make up for a lower federal match for Medicaid services and pay for federal levee work related to Hurricane Katrina. Louisiana has about \$720 million socked away in its Budget Stabilization (Rainy Day) Fund - which is 6.5 percent of the \$11.1 billion state general fund. One-third of that balance is \$240 million - that is the amount of certified available funds.

Infrastructure funding will be a topic of discussion; Louisiana will get nearly \$100 million in federal transportation aid that went unused by other states. Gov. John Bel Edwards said it is the largest amount Louisiana has collected after successfully obligating the full amount of its federal assistance for 2021-22. The state has collected \$630 million in unused federal revenue from other states in the past dozen years, according to the state Department of Transportation and Development - \$435 million in unused road and bridge funds since Edwards took office in 2016.

The state's tax structure will once again be front and center, with some legislators pushing to eliminate the state's income tax to increase competitiveness with states like Texas and Florida. Such a move would require extensive consideration and study, as those funds would have to be replaced in other areas, like property taxes, to keep the provision of services afloat. Another issue likely to resurface is the centralized collection of sales taxes.

It seems like a long time until April, but it will be here before we know it, and these discussions are already underway. ❖



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FINANCIAL MARKETS AND THE STATE OF THE INDUSTRY

By Peter Ricchuiti,
Business Professor, Raconteur, and One Great Public Speaker



As I'm writing this, we have strong consumer spending, a record number of Americans working and a gradual decline in the rate of inflation. While many of the media's talking heads are pushing doomsday scenarios, many others (including myself) see this combination as an almost Goldilocks economy.

Just for the record, things didn't end so well for Goldilocks in that story.

But, that's neither here nor there.

Interest rates have doubled since the beginning of the year, but over the past few months yields have traded in a rather narrow band. Rising interest rates are, of course, by design. The Federal Reserve is raising interest rates to slow down a white-hot economy. I started in the investment business back in 1979 and inflation roared. I still have a bit of interest rate PTSD from this experience.

THE FEDERAL RESERVE IS RAISING INTEREST RATES TO SLOW DOWN A WHITE-HOT ECONOMY.

Energy prices are of critical concern to those who work in and alongside the industry. After a sharp spike in prices, oil prices have dropped from about \$130 to just \$90 per barrel (a 30% decline). It's important to remember that the CURE for oil prices IS HIGH OIL PRICES. At those peak levels, we saw less driving and more drilling, mostly in the shale fields of West Texas. These wells are relatively inexpensive to drill (compared to deepwater projects in the Gulf of Mexico) and can produce very quickly so that companies and private equity investors can take advantage of today's high oil prices.

Those deep offshore wells can cost more than a billion dollars and can take up to 5-10 years before that oil reaches a refinery. And my goodness, who can wager a guess at what a barrel of oil would fetch then?

But, oil isn't really the big issue in energy. IT'S ALL ABOUT NATURAL

GAS. It's the cleanest fossil fuel available and is used by both industry and residential consumers. Future electricity demand should be through the roof (contrary to popular opinion, oil doesn't produce electricity). Just imagine the draw when more and more cars are "plugged into" people's homes.


Natural gas fuels more electric generation than other sources. And it's a piece of that pie that is growing. But, natural gas production is mainly acquired as a by-product of oil exploration and current production isn't keeping up with demand. We need to drill more gas wells.

LNG is one relatively new draw of natural gas. These terminals just keep expanding with Cameron and Lake Charles as leading players. This natural gas is for export. Not only is this process an engineering marvel, but... it's also a lucrative arbitrage. This commodity sells for multiples of U.S. prices in Asia and Europe.

Russia plans to shut down its natural gas shipments to Europe and that supports high gas prices shipped to that whole area.

LNG is a very exciting business in Louisiana and billions of dollars have been spent to build the necessary infrastructure.

Over time, an increased supply of alternative fuels will probably push back natural gas prices. But, not for years. Natural gas is a feedstock for the chemical industry. Even at current prices, domestic chemical plants have a large and lasting advantage over competitors abroad.

It's popular for experts to say "I've never seen so much economic uncertainty." But, really when was the economy ever certain, anyway? 



LCIA MEMBER SPOTLIGHT:

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DOKA ACQUIRES MAJORITY STAKE IN AT-PAC SCAFFOLDING BUSINESS

AT-PAC STRENGTHENS PARTNERSHIP WITH DOKA, A WORLD-LEADING FORMWORK, SOLUTIONS, AND SERVICES PROVIDER HEADQUARTERED IN AMSTETTEN, AUSTRIA.

Doka has acquired a major stake of AT-PAC. Both AT-PAC & Doka formed an initial partnership in 2020 to deliver comprehensive global construction site solutions and has been expanding their footprint ever since. The majority stake opens a new, worldwide “industrial scaffolding” business segment and positions Doka as a single source for formwork and scaffolding for the global construction community.

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"AT-PAC has 25 years of experience in manufacturing high-quality scaffolding and is a major player in various sectors. With AT-PAC, Doka will be able to focus on the industrial sector worldwide, besides supporting our current customers according to the one-stop-shop principle," says Robert Hauser, CEO of Doka. With a single request, clients now have access to a comprehensive formwork and scaffolding portfolio, consistent customer support, and expanded access to Doka services across the globe. The ability to source comprehensive construction solutions from a single supplier serves to increase operational efficiencies and reduce project material lead times. The customized solutions support streamlined operations and simplify administrative processes. "Our customers' needs are always at the center of our attention and with this expanded offering we are optimizing processes and reducing interfaces to create added value for our customers."

NEW GROWTH OPPORTUNITIES

The majority shareholding enables Doka via AT-PAC to address entirely new customer segments in the industrial sector, where AT-PAC is already widely experienced. AT-PAC, on the other hand, gains a robust partner as Doka has an extensive global sales network and is active in over 60 countries with 160 locations. "Together we can perfectly serve the requirements and the needs of customers in the hydropower plant, chemical and mining industries, among others," says Hauser. "By leveraging Doka's global network and AT-PAC's experience, we can

unlock further growth potential in industrial scaffolding and be part of the entire project lifecycle."

Jeff Davis CEO of AT-PAC commented on the majority stake; "Today marks a prominent landmark in our already illustrious 25-year history. We have been providing innovative scaffold access products and solutions that drive positive impact on large industrial projects all over the world with great success. Doka has seen our dedication to provide the best level of service to our clients as well as proving our in-house capabilities to develop and deploy a world-renowned DIBt-certified scaffolding system Ringlock, designed and developed from our Global HQ in Atlanta, USA. The majority shareholding only strengthens our ability to service our clients, and we are very excited about our future opportunities to prosper and continue to grow our amazing company."

SCAFFOLDING SOLUTIONS AT BAUMA

During the world's largest construction trade fair bauma 2022, which will be held in Munich from October 24 to 30, Doka will be debuting its DIBt-certified scaffolding system Ringlock under the AT-PAC Doka brand. As a result of the strategic progression, Doka will also be showing applications for industrial customers as well as for the construction industry. The combination of the formwork portfolio, the scaffolding management software Hi-Vis® and other additional services, positions Doka as a one-stop-shop for the global construction industry.



KIGALI AND NATURAL GAS: AN UPDATE ON COMPETITIVENESS

**By: Wes Robinson, Senior Director,
The American Chemistry Council**

Recently, the U.S. Senate took an important step to strengthen our competitiveness while also working to address climate change. With a vote applauded by the American Chemistry Council, the Senate voted on September 21, 2022 to ratify the Kigali Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer. The treaty passed with broad bipartisan support with a vote of 69-27. The Kigali Amendment is a global agreement to cut the production and use of potent greenhouse gases called hydrofluorocarbons (HFCs). For U.S. manufacturers who are constantly looking for ways to innovate and compete abroad, and for the people employed by them, this is a big deal.

Phasing-down HFCs can help shrink a considerable source of emissions while also creating manufacturing jobs and growing our nation's share of the global market for air-conditioning and refrigeration products—a true win-win. Chemistry companies have developed effective alternatives to HFCs for refrigerants. It's a great example of the many ways our industry is at the forefront of innovation and how we meet global challenges—including climate change.

The Kigali amendment gives U.S. companies access to valuable export markets. In doing so, it clears one of the barriers facing domestic refrigerant manufacturers as they strive to compete

abroad. We are already making and selling these advanced, lower-emissions refrigerants in the United States in places like Louisiana. Our next goal should be to make these plants the dominant producers in the world. Ratification of this treaty is the signal we need.

In addition, earlier this September, ACC launched a digital communications campaign in support of natural gas. Natural gas is crucial to U.S. chemical manufacturing. It's used for fuel, heat, and power at facilities and is the source of natural gas liquids (NGLs) that are our main feedstock. As the nation strives for an "energy transition" that helps reduce GHG emissions, we must

Learn more at:

<https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2021/mid-year-outlook-u.s.-chemical-industry-rebounds-as-global-recovery-continues>

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not lose sight of the importance of natural gas. Some paint natural gas as an outdated or harmful energy source, but it is necessary for U.S. chemical manufacturing growth and investment, a strong economy, a globally competitive manufacturing sector, and the creation of climate solutions that rely on chemistry and plastics. We must remember that natural gas and its infrastructure also have a role in innovative lower-emissions technologies such as clean hydrogen and CCUS.

Natural gas has long been part of ACC's advocacy and communications efforts. Our recent campaign augments a push ACC initiated earlier this spring, called "Energy-Climate Smart." Our advocacy to federal agencies and across the country this year has been supported by NG messaging and communications activity. This new communications initiative will amplify messaging and broaden dissemination to help ensure that natural gas is recognized and appropriately prioritized in energy and climate conversations. ••

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EDUCATION IS THE KEY TO LOUISIANA'S FUTURE

By: Rep. Julia Letlow (LA-05)

When I first ran for Congress, I said Louisiana's Fifth District needed a transformational vision for our region. Opportunities have eluded our communities for too long as we've seen jobs and investments head elsewhere. This vision is something I shared with my late husband Luke, as both of us were deeply motivated by our desire to build a better future for our children in a place that has been home to our family for generations.

As your industry knows well, Louisiana has tremendous advantages thanks to the blessings of geography and geology. We have some of the most abundant natural resources in the world and the benefit of America's superhighway, the mighty Mississippi River. It is those same advantages that first attracted the chemical industry to our state nearly a century ago.

But in today's economy, those advantages alone are not enough to revitalize economic development across Louisiana. If we're going to bring home the

jobs, investments, and opportunities that will change the face of our state, simply striving for a slight improvement over the status quo will not produce new results. We have to be bold and we have to bring new ideas to the table.

Education is the answer. I firmly believe that if we invest in education at all levels, it will pay dividends for generations to come. As somebody who spent my career working in classrooms before I came to Capitol Hill, I've seen firsthand how education can take an individual from poverty to prosperity. When you educate a child, you give them a future.

There is no doubt that Louisiana's most valuable asset is our people. If we want to harness our economic potential, we need people to fuel that change. We need a skilled workforce that can meet the needs of the employers we want to attract here and transform our state.

We can work together, industry leaders, government, community leaders, and educators, to improve early childhood education, our K-12 schools, our underutilized community and technical colleges, and our universities. We can undertake things such as designing a curriculum that helps students build skills and meets the needs of the employers in our state. We can ensure that our students have access to state-of-the-art tools and equipment that will help simulate what they will experience on the job.

But this only happens when we work together. Let's lead a new investment in our educational institutions. Let's bring industry into the classroom and students into the workplace. Let's share our resources and work hand in hand to build a better future. Our potential is limitless when we have whole communities and an entire state united behind a shared vision for economic prosperity and success. ❁



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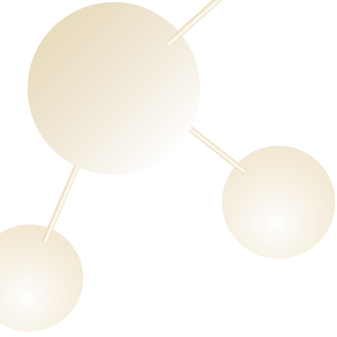
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SUPPLY CHAIN LOGISTICS PUT LOUISIANA MANUFACTURERS IN THE SPOTLIGHT

By Don Pierson, Louisiana Economic Development

The economic disruption created by the pandemic had one unusual side effect: it made “supply chain logistics” a household term.

Nearly three years since the start of the COVID outbreak, seemingly everyone has been impacted in some way by the scarcity of products once taken for granted. That has raised awareness of how supply chains work – and about the important role Louisiana manufacturers play in keeping them flowing.

Chemical and plastics manufacturers stand out among the many Louisiana businesses that benefit from the natural resources, logistical advantages and competitive business incentives that Louisiana offers to companies that locate or expand here.

A catch-all term for polymer products, plastic is formed from processes involving natural

resources such as salt, natural gas and petroleum. Louisiana ranks in the top five nationally for both natural gas and salt production.

According to the Plastics Industry Association, plastics manufacturers employ nearly 9,000 Louisiana workers. That number increases exponentially if you include industries that use plastics to make products or provide services, which employ 640,000 people in Louisiana, PIA says.

Polyvinyl chloride – more commonly known as PVC – provides a powerful case study. PVC is used in a variety of applications in the building and construction industries, as well as health care, electronics, automobile and other sectors. Its core ingredients are salt and natural gas. Because of the state’s rich resources, transportation logistics and supportive business climate, the world’s largest producer of PVC –

Shintech, Inc. – established a Louisiana base of operations in 1999.

The company has invested more than \$7 billion in its Iberville and West Baton Rouge Parish facilities since then and recently announced it will invest \$1.3 billion to expand its Louisiana manufacturing and packaging facilities to keep pace with growing demand for PVC.


About an hour west of Shintech’s operations, ASH Industries, a custom molding manufacturer in Lafayette that produces specialized products ranging from surgical devices to laser light show components, announced it will invest \$5 million to double the size of its facility and create 205 new direct and indirect jobs in the Acadiana Region.

“ASH Industries is optimistic about the future of manufacturing in Louisiana,” company President Hartie Spence said.

Meanwhile, chemical manufacturers with deep roots in Louisiana continue to reinvest.

BASF, which has operated in Louisiana since 1958, announced two expansions this year: a \$780 million project to double the production capacity of methylene diphenyl diisocyanate (MDI), an important component for polyurethanes used for insulation and other products; and a \$19.8 million project to increase production of HEP and NOP, needed for inkjets, dishwashing detergents, crop protectors, and automotive and electronic products.

Bercen, a division of specialty ingredients manufacturer Vertellus, announced a \$17.5 million expansion of its Denham Springs facility, which processes materials used in paper packaging, fuel and lubricants, coatings and industrial applications. Lion Elastomers announced a \$22 million investment to increase production capacity at its Geismar plant, which has supported the supply chains of automobile tire manufacturers and production of a broad range of other rubber goods since 1964.

“Once again,” Gov. John Bel Edwards said in announcing the Lion expansion, “we see the strength of Louisiana’s manufacturing sector and the important role our state plays in the manufacture of consumer goods used around the world.” 

Learn more at OpportunityLouisiana.com.

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LOUISIANA HOLDS THE KEY TO OUR NATIONAL ENERGY SECURITY

By: Rep. Steve Scalise (LA-01)

For the last year, Louisiana families have seen the crippling costs of inflation everywhere, from the gas station to the grocery store and everywhere in between. We continue to see record-high consumer prices and skyrocketing energy and utility costs.

This summer alone, Louisiana saw the price for natural gas double from the previous year. Now, we're in the height of the hurricane season and our energy security and economic livelihood continue to be at risk.

Not only is Louisiana blessed with an abundance of natural resources, we're home to major industries that significantly contribute to the energy, economic and national security of our nation. In South Louisiana, our energy, refining and chemical manufacturing industries support more than 517,000 jobs, and turn our valuable natural resources into the refined goods and everyday household products that families and small businesses across America rely on daily.

From life-saving medical supplies and equipment to everyday items like clothing, backpacks and tires – oil and natural gas play a critical, and

oftentimes underappreciated, role in our everyday lives and in the well-being of people all across the world. And many of these products are derived from the resources and industries that are right here in Louisiana.

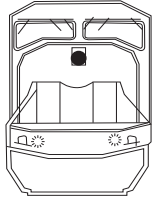
With so many families and businesses relying on these industries, our security depends on their success. Louisiana simply can't afford energy prices that continue rising unchecked. Instead of attacking our livelihoods, raising energy costs on families and small businesses, and jeopardizing America's energy security, the Biden Administration should try to strengthen America's energy security and reduce energy costs. The American people deserve an all-of-the-above energy strategy that promotes responsible energy exploration and development – not further decline under the radical Green New Deal.

To keep our energy costs affordable and our reserves secure, I have fought hard to ensure our nation not only enacts a robust national energy strategy by utilizing our fossil resources like oil and natural gas, but also couples it with an "all-of-the-above" approach. Those of us in Louisiana know that energy production and conservation efforts

are not mutually exclusive. In fact, they go hand-in-hand. Under an oil and gas revenue-sharing agreement, hundreds of millions of dollars go to rebuilding our state's vanishing coastline and funding critical hurricane protection projects.

As a part of that strategy, I recently introduced bipartisan legislation to set the stage for even more funding for coastal restoration projects by allowing Louisiana and other coastal states to collect greater revenue from offshore oil and gas production and future offshore wind development. The BREEZE Act takes a critical first step to level the playing field and delivering essential funding to Louisiana.

American energy and our energy-based manufacturing industries create jobs, lower the cost of gas and electricity for hard-working families and small businesses, and help America's allies across the world. Our nation should be looking to Louisiana to strengthen American energy and national security and ensure that Americans have reliable access to the thousands of essential products manufactured from our natural resources. 🌱



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A CAUTIONARY TALE: THE PURSUIT OF PARISH SALES TAX REFUNDS

By: Jason R. Brown and Kristian A. Gerrets, Advantous Law, L.L.C.

In June, the Supreme Court of Louisiana added another decision to a growing body of cases that emphasizes the importance of strict adherence to procedural tax laws and serves as a cautionary tale to unsuspecting taxpayers seeking to resolve tax matters administratively, and seeming to make progress doing so, this time in the refund context. In *Nucor Steel Louisiana, LLC v. St. James Parish School Board, et al.*, 2021-01814 (La. 6/29/22), the court made clear yet again that good intentions and amicable discussions with a tax collector can neither substitute for, nor overcome, the strict letter of the

law in protecting and preserving a taxpayer's rights, especially with respect to filing deadlines.

Nucor Steel Louisiana, LLC ("Nucor"), operated a manufacturing facility in St. James Parish during the period at issue. On Jan. 26, 2016, Nucor submitted a refund claim to the collector for St. James Parish (the "Parish") for overpaid taxes.

Under Louisiana law, if a local collector "fails to act" on a refund claim within one year from the date received, the taxpayer has 180 days "from the end of the expiration of

the one year in which the collector failed to act" to file an appeal with the Louisiana Board of Tax Appeals ("BTA") to preserve the right to seek the refund, according to Louisiana Revised Statute 47:337.81(A)(2).

After it received Nucor's claim, the Parish engaged in a lengthy examination into the claim's validity, which involved requesting and reviewing additional data; touring Nucor's facility; and consulting with outside counsel. On Feb. 23, 2018, more than two years after receiving Nucor's claim, the Parish issued Nucor a written notice that the refund was denied.

"IN JUNE, THE SUPREME COURT OF LOUISIANA ADDED ANOTHER DECISION TO A GROWING BODY OF CASES THAT EMPHASIZES THE IMPORTANCE OF STRICT ADHERENCE TO PROCEDURAL TAX LAWS."

Ultimately, on May 24, 2018, Nucor appealed the Parish's denial to the BTA.

Despite continuing to work with Nucor for more than two years, the Parish sought to dismiss Nucor's appeal, arguing that Nucor had lost the right to seek relief from the BTA because it had not appealed within 180 days of the expiration of the one-year period in which the Parish failed to act on the claim, per La. R.S. 47:337.81. Nucor argued that the Parish had not "failed to act" on its refund claim because of the extensive discussions and information requests and exchanges that occurred between the parties for more than two years following the claim's filing. The BTA agreed with the Parish's interpretation of La. R.S. 47:337.81, finding that "fail[ed] to act" in the statute refers to rendering and providing notice of a decision on the refund claim.

The Louisiana Fifth Circuit Court of Appeal overturned the BTA's ruling, finding the phrase "fail[ed] to act" is not limited to failing to render a decision, but, instead, means failing to do anything with regard to the refund claim. On writ of certiorari to the Louisiana Supreme Court, however, the BTA's ruling was reinstated. The Nucor Court opined that allowing any action to extend the appeal delays "could indefinitely extend a refund claim, prevent timely resolution of the claim, and render the 180-day delay meaningless." See, Nucor Steel Louisiana, LLC, supra.

Ultimately, Nucor's right to appeal its refund claim was found to have prescribed to the BTA even prior to

the Parish's initial determination letter – illustrating, perhaps harshly, to all taxpayers the dangers of assuming that a tax collector's activities while examining a refund claim operate to extend a statutory prescriptive period for filing an appeal.

The Nucor case is now among the panoply of cases that emphasize the importance of procedure as the ultimate protector of a taxpayer's rights. Many taxpayers seek to avoid formal litigation whenever the possibility of resolution at the administrative level remains a possibility. Strictly following the procedural laws does not foreclose

the possibility of amicable resolution; but failure to strictly follow them will foreclose the possibility of any favorable resolution. A taxpayer may file a protective appeal on Monday and continue to work with a collector to resolve the issue at the administrative level on Tuesday. But if it misses that Monday deadline, everything following may be superfluous. Louisiana taxpayers are advised to consult tax counsel or other tax professionals to understand the effects of procedural laws on all tax matters. ❁



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LSU

AND THE CHEMICAL AND PETROCHEMICAL INDUSTRIES

By: William Tate, President of Louisiana State University

Securing Louisiana's pivotal position in the energy future by partnering closer than ever with the chemical and petrochemical industries is both an opportunity and a responsibility for LSU. As the state's flagship university, we are the springboard for the leadership, workforce, and innovative research that will fuel the energy evolution. As the energy transition evolves, we have enthusiastically committed to investing our people and resources toward advancing the science necessary to develop cleaner and more efficient technologies, as well as educating and supporting the current and emerging valued workforce that has secured the state and nation's energy and production security for generations.

Our most recent partnership with Shell is a catalytic step toward achieving this goal. In June, we announced Shell's \$27.5 million gift to establish the LSU Institute for Energy Innovation and enable construction of the LSU Our Lady of the Lake Health Interdisciplinary Science Building. The partnership's focus is deceptively simple yet important to everyone in Louisiana: We will align our immense expertise in science and engineering to identify solutions related to the

energy transition, specifically in five workstreams: talent, research and development, policy and economics, environmental justice, and technology transfer and commercialization.

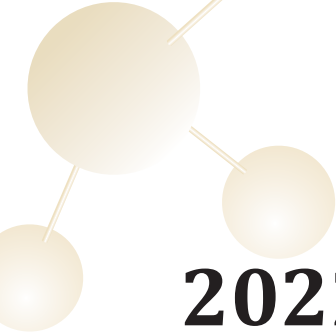
The broad-reaching nature of the energy and production industries within Louisiana presents an urgent opportunity to strengthen collaboration across all LSU campuses, from New Orleans to Shreveport, and with fellow industry partners to expand our growing network of expertise and technology development to elevate all 64 parishes in Louisiana.

The rapidly changing nature of energy infrastructure and output is critically important to Louisiana's workforce economy, and it is of strategic importance to our entire nation. We don't have time to lose, and we don't have room for error. Recognizing this urgency, the State of Louisiana has also invested in LSU's potential for impact, dedicating \$5 million that will be used to enhance research facilities specific to research in carbon capture and sequestration and hydrogen-based technologies, and we are in conversations with other energy leaders to join us in this effort.

On the research frontier, a team of LSU and Shell experts are collaborating now to move the institute forward, including hiring an executive director, forming advisory and steering committees, and onboarding professionals-in-residence and graduate assistants in each of the three focus areas: hydrogen/CCUS, coast, and low carbon fuels. Even in these early stages of very complex and long-ranging work, the depth of our team's commitment to progress is tangible. Everyone involved understands that the discoveries we make today will shape generations of Louisianans to come. Louisiana is counting on us, and we will deliver on our promise.

As LSU becomes a national model for industry engagement to drive talent and technology development, we will together foster energy resilience and become a hub for transformational, solutions-focused science and engineering expertise. Our efforts won't just sustain the vitality of our state's energy and production industries – we'll expand its reach and attract additional talent to Louisiana, strengthening our state's economy and securing Louisiana's leadership position in all things energy. ❁





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Rail expansion. Dock improvements. More ship calls.

A dramatic increase in ship calls at the Port of Greater Baton Rouge prompted improvements to deepwater cargo docks on the Mississippi River and an expansion of rail infrastructure.



Union Pacific Railroad has expanded its interchange tracks along Louisiana Hwy. 1 to be accessed from either the north or south in a \$12 million upgrade, and the Port is moving forward with a \$25 million chambering yard south of the Intracoastal Waterway. The state's Capital Outlay Program will help fund the construction of the chambering yard's three, 110-car tracks to handle **Drax Biomass** wood pellet trains. In addition, **Louis Dreyfus Commodities** will complete their \$20 million facility rail tracks this year to handle 110-car grain trains.

To meet the needs of Drax Biomass, Louis Dreyfus Commodities, **Genesis Energy**, and **Contanda Terminals**, the Port has improved 3,500 feet of deepwater cargo docks with a new fendering system and larger, stronger mooring hooks.

Port Executive Director Jay Hardman reports, "We're busy, so as soon as we finish one improvement, we're already making plans to expand for future needs."



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