

Fallout of the 2015 Louisiana Legislative Session
Material Changes to the State's Tax Laws

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Webinar Series

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Introduction of Topics

- Overall Assessment of 2015 Legislative Session
- 2015's Reductions in Tax Credits
- 2015's Reductions in Exemptions
- 2015's Reductions in Rebates
- 2015's Reductions in Corporate Income Tax Deductions
- 2015's Changes to State and Local Tax Procedure

Overall Assessment of 2015 Legislative Session

- Was the Legislature's strategy of increasing tax burdens to balance state budget an effective one?
- What is the likelihood the next governor will call a special session and what is it likely to change?
- What impact will private lawsuits have on increased tax burdens resulting from the session?
- If 2015's changes remain in place, to what extent will these changes stall Louisiana's economic progress?

2015's Reductions in Tax Credits

- Not surprisingly, the Legislature did the most work on tax credits, particularly, the Motion Picture Investor Tax Credit. (LA RS 47:6007)
- The governor signed 13 bills into law that directly impact the Motion Picture Investor Tax Credit: Acts 129, 134, 141, 142, 143, 144, 357, 361, 412, 417, 425, 451 and 452.
- The changes could have potentially devastating effects on the Louisiana film industry.
- Acts 104, 108, 109, 114, 125, 131, 133, 140 and 415 made sweeping reductions to other tax credits.

Motion Picture Investor Tax Credit (LA RS 47:6007)

- **CAPS**

- Until June 30, 2018, there is a \$180 million cap per fiscal year on the aggregate amount of credits that may be claimed on returns and transferred to the State. Act 134.
- For productions initially certified after July 1, 2015, through June 30, 2018, a single production may not exceed \$30 million in credits. Act 134.
- Above-the-line compensation that exceeds 40 percent of Louisiana production expenditures does not count. Act 142.
- Payroll payments made directly to an individual shall exclude any portion of an individual salary in excess of \$3 million. Payments made to a loan out company are not subject to this cap. “Payroll” means any form of compensation. Acts 134 and 425.
- Application for a slate of productions must identify all productions upfront, cannot include more than three productions, must be submitted no less than 30 days prior to beginning of production and only expenditures made after application qualify. Act 134.

Motion Picture Investor Tax Credit (cont'd.)

- **DELAYS**

- Within 120 days after receipt of an expense verification report from the accountant chosen by the OEID and all requested supporting information, the OEID will issue a final certification of tax credits. Act 129.
- With one exception for in-state post-production activities, the state will certify production expenditures only once. Act 129.
- The credits are treated as earned when certified, not when expenditures are made. Act 134.

- **ADDITIONAL COSTS**

- Initial application fee will be no less than \$500 and no more than \$15,000, calculated by multiplying .005 times the amount of pre-certified credits. Act 361.
- Producer pays actual cost of expense verification report with a maximum fee of \$15,000 for qualified production expenditures between \$300,000 and \$25 million (\$7,500 deposit required) and a maximum fee of \$25,000 for qualified production expenditures in excess of \$25 million (\$15,000 deposit required). Act 412.

Motion Picture Investor Tax Credit (cont'd.)

- **LIMITATIONS ON CONVERSION TO CASH**

- From July 1, 2015, through June 30, 2016, there is no State buy back. Act 134.
- Unused credits may only be carried forward for five years. Act 144.

- **CONTINUING THREAT**

- The credit will be reviewed no later than January 31, 2016, to determine if the economic benefit outweighs the loss of revenue and no later than March 1, 2017, a recommendation shall be made to either continue the credit or terminate the credit. Act 357.

Rehabilitation Tax Credit (LA RS 47:6019)

- Amount of the credit reduced to 20 percent of eligible costs incurred on or after January 1, 2018. Act 108.
- The credit is not allowed for costs paid for with state or federal funds unless reported as taxable income or structured as repayable loans. Act 108.
- The sunset date is extended four years to taxable years ending prior to January 1, 2022. Sunset date was formerly January 1, 2018. Act 108.

Solar Energy Systems Tax Credit (LA RS 47:6030)

- **PER SYSTEM CAPS**

- Purchased Systems. Act 131.

- For a system purchased and installed on or after July 1, 2015, and before January 1, 2018, the credit cannot exceed \$10,000. The amount of the credit is the least of the following:

- \$2 times the system's size measured in DC watts,
 - 50 percent of the purchase and installation cost, or
 - \$10,000

- For a system installed before July 1, 2015, the credit was 50 percent of the first \$25,000 of the system's cost or \$12,500.

- Leased Systems. Act 131.

- For a system purchased and installed and then leased to the owner of the residence on or after January 1, 2014, and before January 1, 2018, the credit cannot exceed \$7,600.

- This is down from \$9,500 for systems installed on or after January 1, 2014, and before July 1, 2014, and \$7,980 for systems installed on or after July 1, 2014, and before July 1, 2015.

Solar Energy Systems Tax Credit (cont'd.)

- **OVERALL CAPS**

- Purchased systems. Act 131.
 - Aggregate cap is \$10 million for returns filed through June 30, 2017.
 - Aggregate cap is \$5 million for returns filed on or after July 1, 2017.
 - No credits will be granted for purchased systems installed on or after January 1, 2018.
- Leased systems. Act 131.
 - Aggregate cap is \$10 million for returns filed through June 30, 2017.
 - Aggregate cap is \$5 million for returns filed on or after July 1, 2017.
 - No credits will be granted for leased systems installed on or after December 31, 2017.

Solar Energy Systems Tax Credit (cont'd.)

- **OTHER LIMITATIONS**

- The cost of a system and its installation cannot be financed by the installer. Act 131.
- The following systems and equipment are not eligible for the credit: solar thermal energy, solar air conditioning, solar attic fan or ventilation, solar powered light, solar day lighting apparatus, solar powered pool pump or heating, solar gate and all other stand alone devices and other equipment further prohibited by administrative rule. Act 131.

- **CONTINUING THREAT**

- The credit will be reviewed no later than January 31, 2016, to determine if the economic benefit outweighs the loss of revenue and no later than March 1, 2017, a recommendation shall be made to either continue the credit or terminate the credit. Act 357.

Inventory Tax Credit (LA RS 47:6006)

- In any taxable year for returns originally filed after July 1, 2015, only 75 percent of excess credits are refundable if taxpayer paid \$10,000 or more of ad valorem taxes. Act 133.
- Remaining 25 percent of the credit may be carried forward as a credit against subsequent tax liability for a period not to exceed five years. Act 133.
- The credit will be reviewed no later than January 31, 2016, to determine if the economic benefit outweighs the loss of revenue and no later than March 1, 2017, a recommendation shall be made to either continue the credit or terminate the credit. Act 357.

Research and Development Tax Credit (LA RS 47:6015)

- The credit is no longer refundable if claimed on any return originally filed on or after July 1, 2015. Act 133.
- Excess credits may be carried forward as a credit against subsequent tax liability for a period not to exceed five years. Act 133.
- Expenditure verification report of accountant or tax attorney chosen by LED required for companies with less than 50 employees that have not filed for federal R&D credits for Increasing Research Activities or that are not applicants for either the Small Business Technology Transfer Program or the Small Business Innovation Research Program. Act 412.
- Company pays actual cost of expense verification report with a maximum fee of \$15,000 for qualified expenditures up to \$1 million (\$7,500 deposit required) and a maximum fee of \$25,000 for qualified expenditures in excess of \$1 million. (\$25,000 deposit required) Act 412.

Research and Development Tax Credit (cont'd.)

- Initial application will be no less than \$500 and no more than \$15,000, calculated by multiplying .005 times the amount of pre-certified credits. Act 361.
- The credit will be reviewed no later than January 31, 2016, to determine if the economic benefit outweighs the loss of revenue and no later than March 1, 2017, a recommendation shall be made to either continue the credit or terminate the credit. Act 357.

Other Tax Credits Reduced (Act 125)

- LA RS 25:1226.4 Atchafalaya Trace Heritage Area Development Zone tax credit
- LA RS 47:34 Corporation tax credit
- LA RS 47:35 Neighborhood assistance tax credit
- LA RS 47:37 Credit for contributions to educational institutions
- LA RS 47:227 Offset against tax; insurance premium
- LA RS 47:265 Credits arising from refunds by utilities
- LA RS 47:287.664 Credits arising from refunds by utilities
- LA RS 47:287.748 Corporation tax credit; re-entrant jobs credit
- LA RS 47:287.749 Jobs credit
- LA RS 47:287.752 Credit for employment of first-time nonviolent offenders
- LA RS 47:287.753 Neighborhood assistance tax credit
- LA RS 47:287.755 Credit for contributions to educational institutions
- LA RS 47:287.758 Credit for bone marrow donor expense
- LA RS 47:287.759 Credit for employee and dependent health insurance coverage
- LA RS 47:297 Reduction to tax due
- LA RS 47:297.6 Credit for rehabilitation of residential structures
- LA RS 47:297.9 Certain military service members and dependents hunting and fishing licenses
- LA RS 47:6004 Employer Credit
- LA RS 47:6005 Qualified new recycling manufacturing equipment and service contracts
- LA RS 47:6008 Credit for donations to assist playgrounds in economically depressed areas
- LA RS 47:6009 Louisiana Basic Skills Training Tax Credit
- LA RS 47:6012 Employer tax credits for donations of materials, equipment, advisors, or instructors

Other Tax Credits Reduced (cont'd.)

- LA RS 47:6013 Credit for donations to public schools
- LA RS 47:6017 Credit for expenses paid by economic development corporations
- LA RS 47:6018 Credit for purchasers from "PIE contractors"
- Acts Signed by the Governor Page 972 of 2594
- LA RS 47:6020 Angel Investor tax credit program
- LA RS 47:6022 Digital interactive media and software tax credit
- LA RS 47:6023 Sound recording investor tax credit
- LA RS 47:6025 Credit for La. Citizens Property Insurance Corp. assessment
- LA RS 47:6026 Cane River heritage tax credit
- LA RS 47:6032 Credit for certain milk producers
- LA RS 47:6034 Musical and theatrical production income tax credit
- LA RS 47:6035 Credit for conversion of vehicles to alternative fuel usage
- LA RS 47:6036 Ports of Louisiana tax credit
- LA RS 47:6037 Credit for "green job industries"
- LA RS 51:1807 Incentives (Urban Revitalization)
- LA RS 51:2354 Technology commercialization credit
- LA RS 51:2399.3 Modernization tax credit

Reductions in Exemptions (HCR 8 and Act 120)

- HCR 8 suspends exemptions for business utilities as to the additional .97 percent state sales and use tax levied under LA RS 47:331 and the .03 percent local sales and use tax levied under LA RS 51:1286 for sales of steam, water, electric power or energy and natural gas from July 1, 2015, until 60 days after final adjournment of the 2016 Regular Session.
 - Louisiana Chemical Association has sued the State and its various agencies that it believes are responsible for HCR 8 on the ground that it is unconstitutional because it purports to suspend only part of the law creating exemptions from sales and use tax, did not have the required vote of 2/3 of each House of the Legislature, amends rather than suspends the law, conflicts with existing law and is impermissibly vague and ambiguous.
- Act 120 reduces the amount of the exemption from severance tax allowed for a horizontal well under LA RS 47:633 that commences production of natural gas or oil on or after July 1, 2015, as the price of gas or oil increases with no exemption allowed at \$110 per barrel for oil and \$7 per million BTU for natural gas.

Reductions in Rebates (Act 126)

- Mega Project Assistance rebate under LA RS 51:2367 is reduced by 20 percent for projects with energy consumption determination made on or after July 1, 2015.
- Quality Jobs Program rebate under LA RS 51:2455 is reduced by 20 percent for advance notifications filed on or after July 1, 2015.
- Corporate Headquarters Relocation Program rebate under LA RS 51:3114 is reduced by 20 percent for projects receiving invitation to apply on or after July 1, 2015.
- Competitive Projects Payroll Incentive Program rebate under LA RS 51:3121 is reduced by 20 percent for projects receiving invitation to apply on or after July 1, 2015.

Reductions in Corporate Income Tax Deductions (Acts 103 and 123)

- For all claims for the net operating loss deduction under LA RS 47:287.86 on any return filed on or after July 1, 2015, through June 30, 2018, the net operating loss carryover is increased to 20 years but the carryback is eliminated and no refund is allowed for a net operating loss carryback. Act 103.
- With some exceptions, all claims for the following deductions on any return filed on or after July 1, 2015, through June 30, 2018, are limited to 72 percent: the deductions for government funding of public transportation operations under LA RS 287.71, net Louisiana loss under LA RS 47:246, Louisiana income tax refunds under LA RS 47:287.71, dividends from banks and capital stock associations under LA RS 47:287.71, expenses disallowed under Internal Revenue Code Section 280(C) under LA RS 47:287.73, net operating losses under LA RS 47:287.86, otherwise includable interest and dividends under LA RS 47:287.738, and the hurricane recovery benefits under LA RS 47:287.738. Act 123.
- As of July 1, 2015, through June 30, 2018, the percentage depletion rate and overall cap for oil and gas wells and for coal, metal and sulphur mines under LA RS 47:287.745 are reduced. Act 123.

2015's Changes to State and Local Tax Procedure

- Act 210 continued the enhancements to, and expansions of the powers of, the Board of Tax Appeals (“BOTA”) as a venue for both state and local tax collection efforts and taxpayer protests, which began with Act 640 of the 2014 Regular Session.
- Acts 128 and 210 increased certain taxpayer penalties and formalized some penalty waiver procedures.
- Act 210 expanded the circumstances under which the prescriptive period for making refund claims is suspended.

Recap of 2014's Expansion of BOTA's Jurisdiction as Modified by 2015 Session

- **Local Sales and Use Taxes**

- Jurisdiction of BOTA was expanded in 2014 to cover local sales and use tax disputes as follows (LA RS 47:1401):
 - Taxpayer who fails to file any local sales or use tax return or report local sales or use tax due (LA RS 47:337.51)
 - May pay under protest and file petition with BOTA; or
 - May not appeal assessment to BOTA without paying. (LA RS 47:337.48)
 - If the taxpayer files the required local sales or use tax return or report but does not correctly compute local sales or use tax liability: (LA RS 47:337.51)
 - May pay under protest and file petition with BOTA; (LA RS 47:337.63) or
 - May appeal assessment to BOTA
 - Refund claim for local sales or uses tax not addressed within one year or that is disallowed: (LA RS 47:337.81)
 - Appeal is now to BOTA rather than district court.

- **State Sales and Use Taxes**

- Petition may be filed with Board of Tax Appeals after payment under protest. (LA RS 47:1576)

Recap of 2014's Enhancements to BOTAs as Modified by 2015 Session

- Improved criteria for membership on the Board include:
 - Three members must be attorneys;
 - At least two must have tax law experience; and
 - At least one shall be certified as a tax law specialist.
- Local Tax Division created.
- If matter involves only local taxing authorities from a single parish, upon motion of local collector, hearing shall be held in that parish.
- Upon joint motion by all parties in any matter or pursuant to any election made by the local collector, a case filed with the Board shall be heard in the Board's Local Tax Division.
- A local collector may elect in advance to have all cases against that local collector heard in the Local Tax Division of the Board.
- Upon the request of any party, the Board shall issue written reasons in addition to its judgment in a case which shall be published on the Board's website.
- The Board shall interpret provisions of existing law governing the assessment, collection, administration, and adjudication of local sales and use tax in the same manner as courts in La.

Increases in Tax Penalties and Changes to Penalty Waiver Procedures (Act 128)

- Effective as of July 1, 2015, the following penalties are increased:
 - Penalty imposed on dealers for failure to keep adequate records increased from \$500 to \$5000;
 - Penalty imposed for failure to remit full amount of tax due with return imposed even if 90 percent or more of tax due is remitted;
 - Penalty for negligence increased to 10 percent; and
 - Penalty for large income tax deficiencies and willful intent now as high as 20 percent.
- Beginning January 1, 2016, waivers of penalties exceeding \$25,000 are subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

Suspension of Prescriptive Period for Refund Claims (LA RS 47:1623(F))

- With some limitations, Act 210 added subsection F to LA RS 47:1623 to provide additional circumstances under which the prescriptive period for a refund claim is suspended including:
 - There is an assessment of tax and taxpayer has filed a refund claim before assessment becomes final;
 - A summary proceeding has been filed and the taxpayer has timely appealed the claim for refund as an offset or credit in the summary proceeding; and
 - An ordinary suit has been filed and the taxpayer has timely filed a reconventional demand for refund in the suit.

Questions?

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Our Footprint



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Robert "Rob" Wollfarth represents large and small clients across the country with a wide variety of business matters. These matters include, but are not limited to, start-up, mergers and acquisitions, federal, state and local tax planning and controversy, obtaining tax and economic incentives, business combinations, sales, contractual relationships, financing projects and operations, restructuring, buy-outs and dissolution. Mr. Wollfarth prides himself on providing his business clients with creative solutions rather than just answers to their legal questions. His focus remains on helping clients attain their goals, rather than merely a legal result, and doing so in a cost-effective manner.

Representative Matters

State and Local Tax Issues

- Successfully argued to have Louisiana Department of Revenue apply Georgia company's payroll tax payments going back ten years to tax rather than penalties and interest accumulated over that period.
- Restructured large gaming company to avoid millions of dollars of Louisiana franchise tax.
- Convinced local tax authorities to assess dirt company's customers for underpayment of sales tax, saving dirt company several hundred thousand dollars of sales tax liability.
- Assisted national insurance company with Louisiana income tax audit.
- Defended large aircraft repair business in connection with Louisiana sales and use tax audit.
- Structured pharmacy's drug sales to minimize Louisiana sales and use taxes.
- Advised barge leasing company on procedures for acquiring and leasing barges to minimize Louisiana lease taxes.
- Advised large national software technology development company about developing and licensing software to avoid Louisiana sales and use taxes.
- Assisted large oil and gas pipeline company with settlement of Louisiana ad valorem tax litigation.

Business Formations

- Minimized foreign corporation's tax and other liabilities by structuring its ownership in the U.S. of \$1.5 billion of oil and gas assets.

- Successfully negotiated llc operating agreement between privately-held Louisiana company and non-Louisiana publically-traded partnership in connection with their formation of a marine towing business consisting of \$70 million of assets.
- Guided non-Louisiana oil and gas drilling company through a maze of Louisiana licensing and tax filing requirements to qualify the company to conduct business in Louisiana.
- Assisted numerous tax exempt organizations, including one of the first charter school associations formed in Louisiana after Hurricane Katrina, with forming legal entity to engage in tax exempt activities and preparing and filing federal tax exemption applications.

Acquisitions and Sales

- Represented ship building company in connection with acquisition of tens of millions of dollars of ship building assets from seller in bankruptcy proceeding.
- Negotiated and closed sale by clients of their privately-held offshore diving company for over \$50 million.
- Negotiated and closed client's acquisition of multi-million dollar landfill business.

Contractual Relationships

- Helped municipality stimulate economic growth by preparing and successfully negotiating on its behalf an agreement with foreign airline providing for the only direct flight between municipality and foreign business destination.
- Assisted numerous clients with preparing and negotiating employment agreements, independent contractor agreements, settlement agreements, indemnity agreements, confidentiality agreements, brokering agreements, option agreements and other kinds of agreements.

Tax and Economic Incentives

- Represented Fortune 100 film and television production company in connection with earning and selling tens of millions of dollars of Louisiana Motion Picture Investor Tax Credits.
- Represented clients in connection with development of multi-million dollar real estate projects utilizing Federal and Louisiana New Markets Tax Credits, Historic Tax Credits and other incentives.
- Advised numerous clients in connection with earning and obtaining the benefit of Federal and Louisiana tax and economic incentives including, but not limited to, Research and Development Tax Credits and Digital Interactive Media and Software Tax Credits.

Financing Transactions

- Prepared documentation needed by national charitable organization for making grants to other charitable organizations and individuals.
- Acted as bank counsel in connection with large lending transactions.

- Represented film studio clients in connection with film finance transactions.
- Assisted clients with obtaining equity financing through private placement transactions.

Recent Publications & Speaking Engagements

- Author – "[Spotlight on Louisiana: 2015 Legislative Session Increases Tax Burdens to Balance State Budget](#)," Baker Donelson Tax Alert (July 14, 2015)
- Presenter/Chair – "Business on the Bayou: Tax Incentives and Economic Development in Louisiana," Louisiana State Bar Association (May 1, 2015)
- Presenter – "Tax Incentives for Emerging Companies," Northwestern State University School of Business Spring CLE (April 24, 2015)
- Presenter – "Using Representations and Warranties in Mergers and Acquisitions," Professional Education Broadcast Network (April 7, 2015)
- Presenter – "Discussion of State Tax Appeals Procedures," Council On State Taxation, Southeast Regional Meeting (March 12, 2015)
- Presenter – "[Business and Transactional Issues in Connection with Sales/Exchanges of Partnership/LLC Interests](#)," Professional Education Broadcast Network (February 4, 2015)
- Panelist – "Delaware South? What you Need to Know About the New Louisiana Business Corporation Act," Baker Donelson presentation, Baton Rouge, Louisiana (February 3, 2015); New Orleans, Louisiana (February 5, 2015)
- Presenter – "Earnouts in Business and Real Estate Transactions," Professional Education Broadcast Network (December 16, 2014)
- Author – "[Spotlight on Louisiana: Tax Amnesty Begins Today](#)," Baker Donelson Tax Alert (October 15, 2014)
- Author – "[Moving Past the 10 Year Anniversary of Hurricane Katrina and the Expiration of Tax Incentives](#)," *Silicon Bayou News* (October 15, 2014)
- Lecturer – "Hiring a Lawyer in Connection with your Film Production," University of New Orleans Entertainment Law Class (October 2011; April 2012; October 2013; October 2014)
- Author – "Increased Tax on Salt Domes: Good Tax Policy or an Economic Sinkhole?" *LOGA Industry Report* (Fall 2014)
- Co-presenter – "[Limitations on Closely Held Company Owners - Business Opportunities and Non-Competes](#)," Professional Education Broadcast Network (May 6, 2014)
- Author – "[Rule 4372's Potential Impact on Sales, Use Taxation of Oil and Gas Services](#)," Legal Update, *LOGA Industry Report* (Spring 2014)
- Presenter – "Selling Privately-Held Companies," Baker Donelson Special Event, Houston, Texas (April 22, 2014)

- Presenter – "Tax Incentives for Start-Ups," Southeastern Emerging Companies Boot Camp Series, New Orleans Entrepreneur Week (March 28, 2014)
- Co-presenter – "Planning to Avoid, Rather than to Pay, Louisiana Sales and Use Taxes," Construction Financial Management Association, Southeast Louisiana, New Orleans Chapter (March 26, 2014)
- Author – "The 64-Parish Question: What's the Applicable Tax?" *New Orleans City Business* (March 25, 2014)
- Co-presenter – "Navigating Louisiana Sales and Use Taxation," Tax Executives Institute, Inc., New Orleans Chapter (February 21, 2014)
- Co-presenter – "Navigating Louisiana Sales and Use Taxation," Construction Financial Management Association, Southcentral Louisiana, Baton Rouge Chapter (January 16, 2014)
- Co-presenter – "Navigating Louisiana Sales and Use Taxation," Hannis T. Bourgeois, LLP (December 16, 2013)
- Author – "[Spotlight on Louisiana: Low Tax Cost Ranks Louisiana in Top Ten for Business](#)," Baker Donelson Tax Alert (October 15, 2013)
- Panelist – "Building on the Foundation: A New Orleans Tech Future That Will Drive the Economy," New Orleans Tech Week, New Orleans, Louisiana (October 10, 2013)
- Author – "[Spotlight on Louisiana: Louisiana Legislature Reduces its Tax Credit for Wind and Solar Energy Systems](#)," Baker Donelson Tax Alert (October 3, 2013)
- Author – "[Spotlight on Louisiana: Department of Revenue Denies Marriage Benefits to Same-Sex Couples](#)," Baker Donelson Tax Alert (September 18, 2013)
- Co-author – "[Spotlight on Louisiana Tax Amnesty: Better to Ask for Forgiveness?](#)" Baker Donelson Tax Alert (September 17, 2013)
- Panelist – "Film Finance Forum," The Expo: Louisiana Actors & Film Industry Conference, New Orleans, Louisiana (September 7, 2013)
- Co-presenter – "Indie Film Making and the Law," Sidewalk Film Festival (August 24, 2013)
- Presenter – "Key Legal Issues Relating to Developing, Producing and Distributing a Motion Picture," part of University of New Orleans Film Festival 2013 (May 12, 2013)
- Presenter – "Navigating Louisiana Sales and Use Taxation Laws Applicable to Software Businesses," Louisiana Technology Park Lunch and Learn (February 28, 2013)
- Author – "[Treasury Issues Final Regulations for Film and TV Production Expensing](#)," Baker Donelson Tax Alert (December 28, 2012)
- Presenter – "Selling Privately-Held Companies Valued at \$20 million and Larger," Baker Donelson Special Event, Houston, Texas (October 31, 2012)
- Panelist – "Film Finance Forum," The Expo: Louisiana Actors & Film Industry Conference, New Orleans, Louisiana (September 28, 2012)

- Co-presenter – "What to Do When the Majors Don't Come Knocking," Fourth Annual IP and Entertainment Law Sidewalk CLE (August 24, 2012)
- Presenter – "Navigating Louisiana Sales and Use Taxation," Construction Financial Management Association, Southeast Louisiana, New Orleans Chapter (June 27, 2012)
- Presenter – "Selling Privately-Held Companies Valued at \$20 million and Larger," Baker Donelson Special Event (June 12, 2012)
- Presenter – "Business Funding and Succession Planning," Baker Donelson seminar (June 4, 2012)
- Author – "[Spotlight on Louisiana: Tax Credits are Music to the Ears](#)," Baker Donelson Tax Alert (May 2, 2012)
- Author – "Harnessing The Wind And Sun To Reduce Taxes," *Law360* (April 24, 2012)
- Presenter – "Key Legal Issues Relating to Developing, Producing and Distributing a Motion Picture," part of one-day seminar offered by New Orleans Video Access Center and Loyola University College of Law Sports and Entertainment Law Society (April 14, 2012)
- Featured – "[Filmmaking Seminar on Tap](#)," interview on "Making the Deal" seminar, wwwlvtv.com (April 9, 2012)
- Presenter – "Key Legal Issues Relating to Developing, Producing and Distributing a Motion Picture," film/music industry presentation (April 2, 2012)
- Presenter – "Business Succession Planning," Construction Financial Management Association, Southeast Louisiana chapter (March 28, 2012)
- Presenter – "Tax Incentives for Emerging Companies in Louisiana," Idea Village Boot Camp (March 16, 2012)
- Author – "[Spotlight on Louisiana: Harnessing the Wind and Sun Can Reduce Taxes](#)," Baker Donelson Tax Alert (March 8, 2012)
- Presenter – "Navigating Louisiana Sales and Use Taxation," NACM-Louisiana Inc. Education (November 18, 2011)
- Presenter – "Tax Incentives for Emerging Companies," Baker Donelson Emerging Company Boot Camp at Louisiana Technology Park (November 2011)
- Author – "[Spotlight on Louisiana: A Digitally Enhanced Incentive](#)," Baker Donelson Tax Alert (October 2011)
- Author – "[Spotlight on Louisiana: Experimentation Results in Less Taxation](#)," Baker Donelson Tax Alert (September 2011)
- Author – "[Spotlight on Louisiana: Revival of State's Angel Investor Tax Credit Program](#)," Baker Donelson Tax Alert (June 2011)
- Author – "[Spotlight on Louisiana: An Overview of Louisiana's Motion Picture Investor Tax Credit](#)," Baker Donelson Tax Alert (May 2011)
- Presenter – "Company Formation and Taxation," Baker Donelson Emerging Company Boot Camp at Idea Village (March 2011)

Professional Honors and Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed as a Louisiana Rising Star by *Louisiana Super Lawyers*, 2012
- Member – Leadership Jefferson Class of 2011
- Member – Louisiana Oil and Gas Association Tax Committee
- Member – Louisiana Film and Entertainment Association
- Board Member – New Orleans Business Alliance
- Member – Creative Digital Media Subcommittee, New Orleans Business Alliance
- Member – Baker Donelson Emerging Company Institute
- Member – Baker Donelson Legal Opinion Committee
- Member – Baker Donelson Economic Development Team
- Fête Louisiane 2013 Event Committee Member – Louisiana Cultural Economy Foundation
- Advisory Board – New Orleans Film Society

Admissions

- Texas, 2014
- Louisiana, 1997

Education

- New York University School of Law, J.D. and LL.M, Taxation, 1997
- Tulane University, B.S., Mathematical Economics, 1994



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Andrew Kolb represents clients in a variety of commercial litigation matters in state and federal courts. Mr. Kolb has particular experience in litigation matters arising from real estate and title matters, foreclosures, state and local tax disputes, business tort claims and contract disputes.

Mr. Kolb also has experience in representing insurers in coverage disputes, bad faith claims, fraud allegations and breach of contract disputes, including primary commercial property insurance, homeowners and automobile policies, executive liability, commercial general liability, errors and omissions, and excess policies.

Representative Experience

Real Estate Litigation

- Represent national title insurer and their insureds in coverage and title disputes, including actions to quiet title.
- Defended client over alleged breach of lease and positioned client for a favorable renegotiation of terms of commercial lease.
- Helped client achieve favorable division of co-owned property during course of litigation.
- Successfully prosecuted suit on behalf of commercial building owner over use of faulty construction materials.
- Represent owners in servitude disputes.
- Sales agreement disputes and suits for specific performance.
- Commercial foreclosures and ancillary litigation.
- Insurance coverage issues related to real estate.

State and Local Tax Disputes

- Represent taxpayers in tax dispute litigation in state district court.
- Negotiate settlements of disputed tax amounts with state taxing authorities on behalf of corporate and individual taxpayers.
- Litigation of property tax valuation disputes.
- Provide clients with pre-litigation advice during audits conducted by state and local taxing authorities.

- Assist clients with evaluating and applying for tax amnesty programs.

Business Disputes

- Obtained summary judgment dismissal of \$800,000 in alleged consequential damages and Unfair Trade Practices Act claims in contract dispute.
- Awarded summary judgment dismissal of damage claims against industrial fabrication client involving factoring agreements.
- Ensured construction company client would receive payment from general contractor by obtaining a temporary restraining order that prevented the general contractor from distributing funds before paying client.
- Obtained dismissal of claims against banking client over alleged Fair Credit Reporting Act violations.

Insurance Coverage

- Counsel insurers on complex first-party policy coverage issues, including property, general liability and life insurance policies.
- Represent executive liability insurers in coverage disputes involving directors and officers liability policies.
- Awarded summary judgment, dismissal of defense and indemnity claims on behalf of CGL insurer based on work-product exclusion.
- Received successful trial verdict for commercial property insurer that rejected bad faith claims and reduced property damage payout from \$1 million to \$55,000.
- Obtained dismissal of \$300,000 in claims against commercial property insurer via summary judgment in suit involving attempt by a third party to reform an insurance policy to be named as an insured.
- Awarded dismissal of property coverage claim of \$125,000 and claims for bad faith penalties against commercial property insurer via summary judgment in dispute over scope of coverage of policy for multi-building commercial site.
- Received dismissal of first party claims against commercial property insurer on basis of prescription.
- Saved commercial property insurer \$400,000 during course of litigation by participating in appraisal process that resulted in a rejection of the \$400,000 claim for additional building damage.

Casualty Litigation

- Represent trucking and transportation companies in severe personal injury, death and property damage claims.

Publications & Speaking Engagements

- Speaker – "Navigating Louisiana Sales and Use Tax Litigation" Tax Executives Institute, New Orleans Chapter (2014)

- Co-author – "[Spotlight on Louisiana Tax Amnesty: Better to Ask for Forgiveness?](#)" Baker Donelson Tax Alert (September 17, 2013)
- Presenter – "Update on Property, Liability and Commercial Insurance Issues," Louisiana Retailers Association Annual Membership Meeting (June 2010)
- Regular Columnist for *The Voice*, Louisiana Retail Association's quarterly publication
- Speaker – "Avoiding Bad Faith Penalties," Worley Claims Expo (2009)
- Speaker – "Seven Important Lessons from *Sher v. Lafayette Insurance Company*," 2008 WL 928486, Louisiana (April 2008)
- "[High Court Rejects Expansion of Judicial Review of Arbitration Awards](#)," *Litigation News* (Spring 2008)

Professional Honors & Activities

- Listed as a Louisiana Rising Star by *Louisiana Super Lawyers*, 2012
- Member – American Bar Association, Title Insurance Litigation Committee
- Member – Louisiana State Bar Association
- Member – Baton Rouge Bar Association
 - Past Committee Member – Belly Up With the Bar
- Board Member – Louisianachildren.org
- Past Treasurer – Tau Kappa Epsilon, EY Chapter Alumni Association

Admissions

- Louisiana, 2002
- U.S. District Court for the Eastern, Middle and Western Districts of Louisiana

Education

- Paul M. Hebert Law Center at Louisiana State University, J.D.-B.C.L., 2002
 - Junior Associate, *Louisiana Law Review*
- Northwestern State University, B.A., 1999, magna cum laude