

Thank you to our sponsors!



Monday, April 29, 2019

1:00 – 7:30 p.m.	Early Registration – Colorado Foyer
2:00 – 3:30 p.m.	COST BOD Meeting – Mt. Princeton Meeting Room
3:30 – 4:00 p.m.	STRI BOD Meeting – Mt. Princeton Meeting Room
4:00 – 6:00 p.m.	<p>State Tax Legislative Update with a Special Focus on State Conformity/ Non-conformity with Federal Tax Reform– through Spring 2019 – Colorado Ballroom</p> <p>Open to all registered conference attendees, this pre-conference session will focus on state income/franchise tax legislative trends and hotspots in 2019, with a special focus on state conformity and non-conformity with key Federal Tax Reform business and international tax provisions. Additional topics that will be covered are state actions in the area of combination and <i>Finnegan</i>. Active participation by attendees is encouraged. The discussion will also cover key 2019 COST priorities and initiatives relating to income/franchise taxes.</p> <p>Moderators: Nikki Dobay, COST, Portland, OR Karl Frieden, COST, Washington, DC</p> <p>Panel: Fred Nicely, COST, Washington, DC Patrick Reynolds, COST, Washington, DC David Sawyer, COST, Washington, DC</p>
6:00 – 7:30 p.m.	Welcome Reception – Colorado Foyer – <i>Sponsored by Ryan*</i> - Don't miss this opportunity to jump start your income & franchise tax networking with friends and colleagues in a casual atmosphere. It's a great way to get geared up for the meeting.

Tuesday, April 30, 2019

7:00 a.m. – 5:00 p.m.	Registration – Colorado Foyer
7:00 – 8:00 a.m.	Continental Breakfast / Networking – Aspen Ballroom
8:00 – 8:15 a.m.	<p>Welcome & Opening Remarks – Colorado Ballroom</p> <p>Douglas Lindholm, COST, Washington, DC Arthur Parham, COST Chair, Entergy Services, The Woodlands, TX Charles Drury, COST, Washington, DC</p>
8:15 – 9:30 a.m.	<p>Federal Tax Reform Legislation – State Conformity, Or Not? – Colorado Ballroom</p> <p>It's been almost a year and a half since the TCJA was passed. In this session, the panel will examine the states' actions in adopting the TCJA provisions, or not adopting them. The panelists will highlight the primary policy, regulatory and compliance issues that have emerged in relation to key provisions such as the repatriation transition tax, GILTI and 163j. Finally, the panelists will look ahead and give their predictions on how conformity/non-conformity with TCJA will change the state tax landscape in the future.</p> <p>Moderator: Karl Frieden, COST, Washington, DC</p> <p>Speakers: Harley Duncan, KPMG*, Washington, DC Andres Vallejo, Reed Smith*, San Francisco, CA Steven Wlodychak, EY*, Washington, DC</p>

9:30 – 10:00 a.m.	<p>Navigating COST's Website & Resources – Focused on State Income Taxes – and Latest Developments on the Treasury Offset Program – <i>Colorado Ballroom</i></p> <p>This session will cover (1) COST's website and ways to navigate it to provide you with the information you need (COST directory, forums, testimony, studies, calendar of events, legislative and legal advocacy materials) and (2) the issues business taxpayers are encountering with the Treasury Offset Program which allows states to submit tax "debts" to be offset by federal payments to COST-member vendors.</p> <p>Speakers: Charles Drury, COST, Washington, DC Doug Lindholm, COST, Washington, DC Pat Reynolds, COST, Washington, DC</p>
10:00 – 10:15 a.m.	Refreshment Break / Networking – <i>Colorado Foyer</i>
10:15 – 11:45 a.m.	<p>COST Member Only Audit Session – West/Southwest Region Audit Reports – <i>Colorado Ballroom</i> <i>Colorado, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wyoming</i></p> <p>COST industry-member-only audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in West/Southwest region of the country.</p> <p>Moderators: Doug Lindholm, COST, Washington, DC Arthur Parham, Entergy Services, The Woodlands, TX</p> <p>Facilitators: Madison Barnett, The Coca-Cola Company, Atlanta, GA Toni Mincic, CenturyLink, Broomfield, CO</p>
11:50 a.m. – 12:45 p.m.	Choice of 3 Breakouts
	<p>Combined/Unitary Reporting – Increasingly Inconsistent – <i>Mt. Oxford Meeting Room</i></p> <p>More and more states are moving to a combined/unitary reporting method. But as the number of states adopting this methodology increases, so do the variations between the states. The speakers in this session will cover the recent adopters and identify the variations between the states' versions highlighting those differences that provide opportunities for taxpayers to minimize their tax burden.</p> <p>Moderator: Nikki Dobay, COST, Portland, OR</p> <p>Speakers: Michael Bryan, Deloitte*, Philadelphia, PA David Shipley, McCarter & English*, Newark, NJ</p>
	<p>FDII: The Most Overlooked Federal Tax Reform Provision – <i>Mt. Columbia Meeting Room</i></p> <p>One of the most novel and overlooked provisions in federal tax reform is the deduction for foreign-derived intangible income or FDII. This Panel will discuss the roots of FDII in European patent box legislation. The speakers will provide a detailed analysis of how taxpayers may take advantage of FDII and which states, to date, are conforming to it.</p> <p>Moderator: Karl Frieden, COST, Washington, DC</p> <p>Speakers: Taylor Kiessig, Eversheds Sutherland (US)*, Washington, DC Todd Roberts, PwC*, Denver, CO</p>
	<p>Gross Receipts Taxes – Are They Spreading? – <i>Colorado Ballroom</i></p> <p>The speakers in this session will explore the rationale underlying several states' recent adoption of Gross Receipts Taxes. They will describe the variations between the adopted methods and their views on future adoptions by other states.</p>

	<p>Speakers: Michael Boykin, Grant Thornton*, Los Angeles, CA Brett Durbin, Lane Powell*, Seattle, WA</p>
12:45 – 1:45 p.m.	Lunch – Networking – <i>Aspen Ballroom</i>
1:45 – 2:45 p.m.	Choice of 3 Breakouts
	<p>Intercompany Transactions – State Challenges – <i>Mt. Oxford Meeting Room</i> Transactions between related parties attract the attention of state taxing authorities. They believe that such transactions provide opportunities for the “redistribution” of income. But supply chains and service companies are a common part of a corporate family. In this session, the speakers will discuss several weapons that states use to challenge intercompany transactions such as addbacks, throwbacks and throwouts, as well as transfer pricing studies. The speakers will also discuss if the state has the authority to use these weapons and what the taxpayer’s best arguments are against their application.</p> <p>Speakers: Bill Backstrom, Jones Walker*, New Orleans, LA Louise Gregory, Grant Thornton*, Denver, CO Kate Pascuzzi, ConocoPhillips, Bartlesville, OK</p>
	<p>Taking Advantage of Technology – <i>Colorado Ballroom</i> – Technological advances are occurring rapidly and continually change the way we do business. These advances not only improve and streamline operational processes, they can also be used to enhance audit documentation and presentation. In this session, the speakers will discuss the use of technology to improve and simplify the way business is done.</p> <p>Speakers: Anne Giffels, Ryan*, Chicago, IL Andrew Gold, Deloitte*, Houston, TX</p>
	<p>Nexus After Wayfair – <i>Mt. Columbia Meeting Room</i> – <i>Wayfair</i> was a sales and use tax case but its implications stretch far beyond that arena. The belief that physical presence was required before nexus could be asserted is no more. But what are the requirements now? The speakers in this session will explore the implications of <i>Wayfair</i> on income tax nexus and provide their views on how states have or will apply the holding.</p> <p>Speakers: Craig Fields, Morrison & Foerster*, New York, NY Erica Kenney, EY*, Denver, CO</p>
2:45 - 3:00 p.m.	Refreshment Break / Networking – <i>Colorado Foyer</i>
3:00 – 5:00 p.m.	<p>COST Member Only Audit Session – Northeast Region Audit Reports – <i>Colorado Ballroom</i> <i>Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and MTC Audits</i></p> <p>COST industry-member-only audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in the Northeast region of the country and with the MTC.</p> <p>Moderators: Karl Frieden, COST, Washington, DC Robert Tuinstra, DuPont, Wilmington, DE</p> <p>Facilitators: William Allen, NextEra Energy, Juno Beach, FL Jamie Fenwick, Charter Communications, Charlotte, NC Andy Solomon, L3 Technologies, New York, NY</p>
5:15 – 5:30 p.m.	<p>First-Time Attendees and New Members Meet & Greet with COST Board and Staff Reception – <i>Aspen Ballroom</i> First-time attendees and new COST members get first crack at the bar and hors d’oeuvres, and a chance to meet with the COST Board and Staff.</p>

5:30 – 7:15 p.m.	Reception – Sponsored by <i>Morrison & Foerster*</i> and <i>PwC*</i> - <i>Aspen Ballroom</i> Now that your brain is filled with the most current income & franchise tax knowledge, reward your hard work with cocktails, lots of delicious food and good conversation. Share your thoughts and experiences from the first full day with others and gain new perspectives.
7:30 p.m.	Group Dinner – Otra Vez Cantina, 610 16th Street Mall Everyone is invited to join other COST members for dinner! Don't miss this opportunity to mingle with fellow tax professionals and expand your professional network! Please stop by the Registration Desk to let us know that you will be there or contact Judy Slotnik! Folks will pay their own way.
Wednesday, May 1, 2019	
6:30 – 7:15 a.m.	Early Morning Walk Join COST's Membership Coordinator, Judy Slotnik, and other early risers for an invigorating early morning walk through the streets of the historic city of Denver and get your day off to a great start! Meet in the Lobby of the Hotel at 6:30 a.m.
7:15 a.m. – 4:45 p.m.	Registration – Colorado Foyer
7:15 – 8:30 a.m.	Continental Breakfast / Networking – Aspen Ballroom
7:30 – 8:30 a.m.	Early Morning Ethics Coffee Talk: Ethical & Professional Challenges Facing State Tax Professionals – Mt. Columbia Meeting Room The speakers will explore key tenets of ethical rules for attorneys and accountants working in the state tax arena, using vignettes and electronic audience polling. They will use practical examples to provide a greater understanding of ethical rules as they arise in the state tax context for both attorneys and accountants. This session will qualify for one hour of CPE/CLE certification for ethics credits. (PLEASE NOTE – THERE WILL BE A SEPARATE REGISTRATION SIGN IN SHEET FOR THIS SESSION AND ATTENDEES MUST ARRIVE AND SIGN IN BY 7:30 AM. IN ORDER TO OBTAIN CLE/CPE). Speakers: Michael Martens, Ryan*, Boston, MA David Pope, Baker & McKenzie*, New York, NY
8:35 – 10:10 a.m.	COST Member Only Audit Session – Southeast Region and Puerto Rico Audit – Reports – Colorado Ballroom <i>Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and Puerto Rico</i> COST industry-member-only audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in the Southeast region of the country and in Puerto Rico. Moderators: Hugh McKinnon, Raytheon Company, Waltham, MA Pat Reynolds, COST, Washington, DC Facilitators: Benjamin Bright, HCA Healthcare Inc., Nashville, TN Jeffrey Langer, The Home Depot, Atlanta, GA Roberta Podrug, Best Buy Co., Minneapolis, MN
10:10 – 10:25 a.m.	Refreshment Break / Networking – Colorado Foyer
10:25 – 11:25 a.m.	Choice of 2 Breakouts
	Federal Legislation – 163(j) – Mt. Columbia Meeting Room State conformity with the IRC 163 (j), the provision that limits the deductibility of interest, is likely to lead to the largest state tax increase of any provision in the Tax Cuts & Jobs Act. This session will discuss state conformity (and non-conformity) with 163 (j), and whether any additional states are likely to change their position in 2019. The panel will review regulatory guidance issued to date by the states on how to calculate the interest limitation in combined reporting states and separate reporting states. Finally,

	<p>the speakers will evaluate the interaction between the 163 (j) limitation and state addback statutes.</p> <p>Speakers: Alysse McLoughlin, McDermott Will & Emery*, New York, NY Alexis Morrison-Howe, Deloitte*, Boston, MA</p>
	<p>When Is a Pass-Through Engaged in a Business for State Tax Purposes – Colorado Ballroom</p> <p>Don't assume that lending, owning real estate, or investing activities conducted by a pass-through all have the same taxability consequences or that they automatically result in the company engaging in business for state tax purposes. Careful analysis of fact and law is required. The speakers in this session will walk you through that analysis and identify those factors that will or will not trigger a state's attention.</p> <p>Speakers: Zal Kumar, Mayer Brown*, New York, NY William Thistle, Bradley Arant Boult Cummings*, Birmingham, AL</p>
11:30 a.m. – 12:25 p.m.	Choice of 3 Breakouts
	<p>The Taxation of Section 965 Deemed Repatriation – Mt. Columbia Meeting Room</p> <p>The transition tax on repatriated earnings (Section 965) was the key element of the Tax Cuts and Jobs Act with a 2017 tax year effective date. This panel will provide an overview of the states that fully and partially imposed the transition tax, and how the rules differed among the states. The speakers will review any regulatory guidance issued by the states, particularly regarding factor representation, both in terms of whether it is provided for and how it is calculated. Finally, the panel will discuss lingering legal and compliance issues relating to the transition tax (and any continuing tax on foreign dividends) that are likely to emerge on audit and/or in litigation.</p> <p>Speakers: Phillip Horwitz, Moss Adams*, Denver, CO Carley Roberts, Pillsbury Winthrop Shaw Pittman*, Sacramento, CA</p>
	<p>Market Based Sourcing – Colorado Ballroom – States continue to require the use of a sales factor that is determined through market place sourcing. The speakers in this session will cover this ever-expanding development and provide guidance for determining if the state has authority to use this method, how the factor should be calculated and other positions available to the taxpayer to compute a fair reflection of its in-state activity.</p> <p>Speakers: Robert Johnson, Crowe*, Sherman Oaks, CA R. Gregory Roberts, Reed Smith*, New York, NY</p>
	<p>The Latest Developments in the World of Unclaimed Property – Mt. Oxford Meeting Room – The speakers in this session will provide an update of the latest developments in Unclaimed Property including legislation, litigation and regulation. The UCP world is fast evolving. This session will keep you up to date.</p> <p>Speakers: Ethan Millar, Alston & Bird*, Los Angeles, CA Patrick Reynolds, COST, Washington, DC</p>
12:25 – 1:45 p.m.	Lunch – Networking – <i>Aspen Ballroom</i>
1:45 – 2:45 p.m.	Choice of 3 Breakouts
	<p>Best Practices in Handling Audits and Controversies – Keeping in Mind the Budget and Alternative Methods of Resolution – Mt. Columbia Meeting Room</p> <p>The state has issued a large assessment and you persuaded your company to fight it. Now you have to determine the budget you'll need to make your best case. A necessary part of that process will involve an examination of the various methods of resolution. The speakers in this session will walk you through both of these analyses with a case study that explains the building blocks of litigation project management and the budgeting processes within a framework of alternative resolutions.</p>

	<p>Speakers: Lynn Gandhi, Honigman LLP*, Detroit, MI Marilyn Wethekam, Horwood Marcus & Berk*, Chicago, IL</p>
	<p>State Conformity with the Federal Consolidated Return Regulations – <i>Colorado Ballroom</i> - State Conformity with the federal consolidated return regulations is one of the most complex topics in state corporate income taxation. This panel will explore why understanding state conformity (or non-conformity) with the federal consolidated return regulations has become even more important with the enactment of federal tax reform provisions such as GILTI and 163 (j). The speakers will analyze the nuances of the interaction between state combined reporting statutes and federal consolidated return regulations.</p> <p>Speakers: Kirk Lyda, Jones Day*, Dallas, TX Robert Ozmun, PwC*, Boston, MA</p>
	<p>Cash or Credit? How the Changes to IRC Section 118 Impact State and Local Credits and Incentives – <i>Mt. Oxford Meeting Room</i></p> <p>Historically, cash or land offered by a state, county or city to a company looking to relocate or expand in that particular jurisdiction was not taxable as income at the federal level but was treated as a non-taxable contribution to capital under IRC section 118. No longer. With the amendments to IRC section 118 expressly excluding such grants from the definition of contribution to capital, both state and local governments and corporate taxpayers alike are revisiting and rethinking incentive packages to avoid triggering federal tax on the incentive itself.</p> <p>Speakers: Todd Lard, Eversheds Sutherland (US)*, Washington, DC Mark Nachbar, Ryan*, Downers Grove, IL</p>
2:45 – 3:00 p.m.	Refreshment Break/Networking – <i>Colorado Foyer</i>
3:00 – 4:45 p.m.	<p>COST Member Only Audit Session – Midwest Region Audit Reports – <i>Colorado Ballroom</i> <i>Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin</i></p> <p>COST industry-member-only audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in Midwest region of the country.</p> <p>Moderators: Karen DiNuzzo-Wright, Walmart, Inc., Bentonville, AR Mollie Miller, Fresenius Medical Care North America, Waltham, MA</p> <p>Facilitators: Jesse Hereford, Walmart Inc., Bentonville, AR Laura James, Kimberly-Clark Co., Neenah, WI Patrick Shrake, Cargill Inc., Minneapolis, MN</p>
5:00 – 7:00 p.m.	<p>Vendor Fair Reception – <i>Aspen Ballroom</i></p> <p>Drink, food, prizes and fun await as select vendors showcase their income and franchise tax services and products. Be sure to stay for the drawing at the end of the reception!</p>
Thursday, May 2, 2019	
6:30 – 7:15 a.m.	Early Morning Run - Join COST's West Coast Counsel, Nikki Dobay, and fellow early-risers for a run through the streets of Denver. Get a jump on your day and enjoy an opportunity to meet other attendees and see some historic and beautiful sites. Meet in the Lobby of the Hotel at 6:30 a.m.!
7:00 a.m. – 12:30 p.m.	Registration – <i>Colorado Foyer</i>
7:00 – 8:00 a.m.	Continental Breakfast/Networking – <i>Aspen Ballroom</i>

8:00 – 9:30 a.m.	<p>State Tax Administrators’ Roundtable – <i>Colorado Ballroom</i></p> <p>Candid discussion by state tax administrators about the most pressing issues in their respective states. COST members will have the opportunity to ask those pressing questions in need of answers.</p> <p>Moderator: Rhonda Sparlin, RubinBrown*, Denver, CO</p> <p>Panelists: Adam Krupp, Commissioner, Indiana Department of Revenue, Indianapolis, IN Ken Roberts, Commissioner, Idaho State Tax Commission, Boise, ID John Valentine, Commissioner, Utah State Tax Commission, Salt Lake City, UT</p>
9:30 – 9:45 a.m.	<p>Refreshment Break/Networking/Hotel Checkout</p>
9:45 – 10:45 a.m.	<p>GILTI – <i>Colorado Ballroom</i></p> <p>No provision in the Tax Cuts & Jobs Act has been more controversial from a state tax perspective than GILTI. This panel will survey the state tax landscape to discuss state conformity, decoupling and inaction relating to GILTI. The speakers will review state tax guidance issued to date on compliance with GILTI, particularly as it pertains to factor representation. Finally, the panelists will provide commentary on whether the state taxation of GILTI threatens the consensus of limiting state taxation to the water’s edge that has prevailed since the 1980s.</p> <p>Moderator: Nikki Dobay, COST, Portland, OR</p> <p>Speakers: Maria Eberle, Baker & McKenzie*, New York, NY Mitchell Newmark, Morrison & Foerster*, New York, NY</p>
10:45 a.m. – 12:30 p.m.	<p>COST Member Only Audit Session – Far West Audit Reports – <i>Colorado Ballroom</i> <i>Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, Washington</i></p> <p>COST industry-member-only audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in the Far West region of the country.</p> <p>Moderators: Nikki Dobay, COST, Portland, OR John Paraskevas, Exxon Mobil Corp., Spring, TX</p> <p>Facilitators: Tom Garbin, PPG Industries, Pittsburgh, PA Kyle Snedekar, Conagra Brands Inc., Omaha, NE</p>
12:30 p.m.	<p>Spring Audit Session/Income Tax Conference Adjourns</p>

*Indicates Practitioner Partner- Visit www.cost.org for articles