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COUNCIL ON STATE TAXATION



54th Annual Meeting
October 17 – 20, 2023
Las Vegas, Nevada

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TUESDAY, OCTOBER 17 TH	
12:00 – 7:00 PM	Registration – <u>Grand Ballroom Foyer</u>
1:00 – 4:00 PM	<p>Legislative/Government Relations – <u>Grand Ballroom 1</u> Chamber of Commerce Executives and COST Member Government Affairs/Tax Policy Professionals will discuss and share information regarding COST tax priorities for the upcoming 2023/2024 legislative cycle. COST advocacy materials will also be discussed and shared.</p> <p>Speakers: Susan Courson Smith, Pfizer; Co-Chair, COST Legislative Committee Jamie Laiewski, Charter Communications; Co-Chair, COST Legislative Committee Kelli Murphy, Ford Motor Company; Chair, COST Policy Committee COST’s Legislative Advocacy Team</p>
1:00 – 4:00 PM	Coffee Station – Sponsored by Bradley* – <u>Grand Ballroom 2</u>
2:00 – 4:00 PM	Massage Chairs – Sponsored by Eversheds-Sutherland* – <u>Grand Ballroom 2</u>
4:00 – 5:30 PM	COST Board of Directors Meeting – <u>Grand Ballroom 8</u>
5:30 – 6:00 PM	STRI Board Meeting – <u>Grand Ballroom 8</u>
5:30 – 7:00 PM	Welcome Reception – Sponsored by EY* – <u>Da Vinci Ballroom</u>
WEDNESDAY, OCTOBER 18 TH	
7:30 AM – 5:10 PM	Registration – <u>Grand Ballroom Foyer</u>
7:30 – 8:30 AM	Continental Breakfast & Networking – <u>Grand Ballroom 2</u>
8:30 – 9:00 AM	<p>Welcome & Opening Remarks – COST’s 54th Annual Meeting of the Membership: Election of New Directors – <u>Grand Ballroom 5</u></p> <p>Speakers: Michael Carchia, COST Chair, Capital One Services Doug Lindholm, COST Chuck Drury, COST</p>
9:00 AM – 5:00 PM	Massage Chair – Sponsored by Eversheds Sutherland(US)* – <u>Grand Ballroom Foyer</u>
9:00 – 10:00 AM	<p>2024 and Beyond: The Acceleration of Business Tax Increases? – <u>Grand Ballroom 5</u> As state revenues drop and rainy-day funds dry up, it is likely that business tax increase proposals will surge in 2024 and beyond. The speakers in this session will discuss many of those likely proposals focusing on those they feel are the greatest potential threats. Will states increase taxation of foreign source income or target foreign subsidiaries? Or will they expand taxation of digital products, or create new digital services taxes and wealth taxes? Or will states simply increase tax rates? Come join us to find out and also learn how to best defend and prepare for this anticipated wave.</p> <p>Moderator: Doug Lindholm, COST</p> <p>Speakers: Meredith Beeson, Global Business Alliance Jeff Friedman, Eversheds Sutherland(US)* Lindsay LaCava, Baker McKenzie* Sarah McGahan, KPMG*</p>
10:00 – 10:15 AM	Refreshment Break & Networking – <u>Grand Ballroom 2</u>
10:15 – 11:05 AM	Choice of 3 Breakouts
	<p>Judicial Deference in Tax Controversies – <u>Grand Ballroom 1</u> Taxpayers often face an uphill battle in tax litigation due to the deference that courts accord to state departments of revenue when it comes to interpretation of ambiguous tax laws and regulations. In recent years, there has been a movement to change the deference standards applied by the courts to restore a level playing field in tax litigation. This session explores the history and practical implications of administrative deference in state tax controversies and discusses recent developments to reform deference standards.</p> <p>Speakers: Jonathan Feldman, Eversheds Sutherland (US)* Joe Garrett, Deloitte* Michael Lurie, Reed Smith*</p>

	<p>Top 10 Cases - Income Tax – <u>Grand Ballroom 4</u> A lot has happened in the various states over the past year. In this session the speakers will cover the most significant income tax cases of 2023 and will offer predictions of what to look out for in 2024.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Craig Fields, Blank Rome* DeAndre Morrow, Greenberg Traurig* Rick Reames, III, Maynard Nexsen</p>
	<p>Digital Services Taxes – <u>Grand Ballroom 5</u> To date, only Maryland has enacted a DST, but over 15 other states have considered proposals to apply gross receipts, sales taxes, or LINK fees to digital advertising, data mining or other digital platform revenues. This panel will discuss the similarities and differences between the leading DST proposals, critique the justifications provided for state-level DSTs, and analyze the best legal challenges to DSTs based on statutory and constitutional grounds.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Trisha Fortune, Ryan* Steve Kranz, McDermott Will & Emery* Rachel Quintana, EY*</p>
11:10 AM – 12:10 PM	Choice of 2 Breakouts
	<p>Hot Topics in Transfer Pricing and Intercompany Transactions. – <u>Grand Ballroom 5</u> As transfer pricing challenges, assessments and court decisions continue to become more and more frequent, states’ methods, practices, and use of third-party consultants should be scrutinized. This session will discuss transfer pricing methodologies employed, how to counter aggressive assertions of profit shifting, and risks and opportunities around intercompany transactions and transfer pricing. It will also cover the need to continually update your transfer pricing study and how to do that correctly.</p> <p>Moderator: Doug Lindholm, COST</p> <p>Speakers: Jay Adams, Jones Walker* Clark Calhoun, Alston & Bird* Trevor Mauck, Baker McKenzie* Scott Susko, EY*</p>
	<p>The Sales Taxation of Digital Products – <u>Grand Ballroom 1</u> The inclusion or expansion of the sales tax base to include cloud computing, digital information and data processing, video and audio streaming, and other digital products continues to provoke controversy across the state tax landscape. This session will provide an update on the latest state digital tax base expansion proposals, the MTC digital products project, and the most significant tax litigation relating to the digital economy. The panelists will also discuss the importance of sales tax exemptions for digital business inputs and the dismal record of the states to date in avoid digital business inputs pyramiding.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Zack Atkins, Pillsbury Winthrop Shaw Pittman* Dorothy Lo, PwC* Nathan Runyan, Holland & Hart* Chris Wilson, Holland & Knight*</p>
12:10 – 1:25 PM	<p>Lunch & Networking – <u>Grand Ballroom 3,6,7</u> Announcement of COST Directors & Officers for 2023/2024</p>

1:25 – 2:15 PM	Choice of 3 Breakouts
	<p>More More Moore Ways to Tax? – <u>Grand Ballroom 5</u> On 26 June 2023, the U.S. Supreme Court granted the petition of certiorari on the appeal of <i>Charles G. Moore v. United States</i>, 36 F.4th 930 (9th Cir. 2022). The speakers in this session will analyze the issues raised in this case including whether or not the transition tax under IRC Section 965 violates the Constitution’s Apportionment Clause and the Due Process Clause of the Fifth Amendment because the transition tax was a direct tax on unrealized income. The speakers will focus on the state tax implications of the <i>Moore</i> case both in terms of the constitutionality of section 965 “deemed repatriation” income (including the potential impact on subpart F and GILTI), and the ramifications for the debate at both the federal and state levels on “wealth” taxes and the “realization” doctrine as it relates to taxing capital gains.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Robb Chase, Eversheds Sutherland(US)* Nikki Dobay, Greenberg Traurig* Alyse McLoughlin, Jones Walker*</p>
	<p>Public Law 86-272 – <u>Grand Ballroom 1</u> This panel will focus on recent updates related to Public Law 86-272. Panelists will discuss the latest issues surrounding the federal law, how the MTC’s revised statement has impacted the landscape, and how states are newly targeting the decades old law.</p> <p>Speakers: Jennifer Karpchuk, Chamberlain Hrdlicka* Rebecca Paulsen, Moss Adams* Masha Yevzelman, Fredrikson & Byron*</p>
	<p>Top 10 Cases and Rising Audit Issues to Watch For - Sales Tax – <u>Grand Ballroom 4</u> A lot has happened in the various states over the past year. In this session the speakers will cover the most significant sales tax cases and new continuing issues that have arisen in 2023, discuss the best ways to deal with them, and will offer their predictions of how they will impact taxpayers going forward as well as what cases to watch for in 2024.</p> <p>Speakers: Bill Backstrom, Jones Walker* Jordan Goodman, HMB Legal Counsel* Carolynn Kranz, Industry Sales Tax Solutions*</p>
2:20 – 3:10 PM	Choice of 3 Breakouts
	<p>Report from the Front Lines: Western States Chamber Roundtable Discussion on Business Taxes – 2023 Recap & 2024 Predictions – <u>Grand Ballroom 5</u> Tax policy professionals from key state business associations will prognosticate on significant tax policy issues in the western states’ upcoming legislative sessions, viewed through the prism of this year’s accomplishments and setbacks.</p> <p>Moderator: Stephanie Do, COST</p> <p>Panelists: Richard Anklam, New Mexico Tax Research Institute Scott Bruun, Oregon Business and Industry Rusty Cannon, Utah Taxpayers Association Cindy Creighton, Nevada Taxpayers Association Robert Gutierrez, California Tax Foundation Ashley Harpstreith, Wyoming Taxpayers Association Phil Horwitz, Moss Adams* Miguel Legarreta, Associated Taxpayers of Idaho Kevin McCarthy, Arizona Tax Research Association Emily Shay, Association of Washington Business Tom Yamachika, Tax Foundation of Hawaii</p>

	<p>Transformational Global Minimum Tax Reform Is Coming in 2024 – <u>Grand Ballroom 1</u></p> <p>The OECD’s Pillar 2 global minimum tax reforms are scheduled for a grand opening in 2024. This session will provide an overview of the key elements of Pillar 1 and Pillar 2 (IIR, UTPR, and QDMTT), and contrast the international provisions with GILTI and domestic minimum tax legislation in the United States. The panelists will also discuss the potential indirect Pillar 2 impacts on state corporate income taxes relating to combined reporting, financial accounting, information reporting, the taxation of foreign source income, and minimum taxes.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Barbara Angus, EY* Erinne Fuhring PwC* Justin Hill, KPMG*</p>
	<p>Local Taxes - Constitutional Constraints and Best Practices for Tax Administration – <u>Grand Ballroom 4</u></p> <p>Just as state taxation is subject to federal constitutional limitations, local level taxes are subject to the same federal limitations, in addition to state constitutional limitations. This session explores the application of federal constitutional limitations to local taxes, review related controversies, and best practices for tax compliance.</p> <p>Speakers: Andre Burvant, Jones Walker* Tim Gustafson, Eversheds Sutherland(US)* Brian Kirkell, RSM*</p>
3:10 – 3:25 PM	<p>Refreshment Break – Sponsored by <u>Foley & Lardner*</u> – <u>Grand Ballroom 2</u></p>
3:25 – 4:15 PM	<p>Choice of 3 Breakouts</p>
	<p>Audit Session: West Region SALT Developments & Audit Reports (COST Industry Members Only)</p> <p>Alaska, Arizona, California, Colorado, Hawaii, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington & Wyoming – <u>Grand Ballroom 5</u></p> <p>COST audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in the West region of the country.</p> <p>Moderators: Madison Barnett, The Coca-Cola Company Michael Carchia, Capital One Services</p> <p>Facilitators: Mike Kelley, Microsoft Corporation Toni Mincic, Lumen Technologies Shelly Morse, USAA</p>
	<p>Using Tax Insurance to Provide Certainty in State Tax Matters – <u>Grand Ballroom 1</u></p> <p>This session will provide an introduction to Tax Insurance in the SALT world including how tax insurance works, when and where to find it, why to consider tax insurance in audit scenarios as well as to insure positions outside of audit controversy. This session will cover the benefits of tax insurance, how it works, the cost, and how it reduces tax reserves. The speakers will provide actual case studies where tax insurance has been used in M&A transactions, state tax positions on returns, and pending state tax litigation. The presentation will cover the basics of tax insurance with insight and explanations from the perspectives of a broker, an underwriter, an attorney, and a corporate director of tax.</p> <p>Speakers: Justin Berutich, Euclid Transactional Steve Britt, CAC Specialty* Kenny Levine, Reed Smith* Lee Zoeller, Alliant Insurance Services</p>
	<p>Acquisitive Buyers – Considerations and Actions for Success – <u>Grand Ballroom 4</u></p> <p>This session will focus on what companies need to think about if they are buying other companies. The panel will first discuss the M&A considerations and then follow that up discussing</p>

	<p>what needs to be done to onboard them, transition and other operational considerations. We will address issues for companies that have either physical or economic nexus and how these activities can vary.</p> <p>Speakers: Jaye Calhoun, Kean Miller* John Goss, CKH CPAs & Advisors* Diane Yetter, YETTER*</p>
4:20 – 5:10 PM	Choice of 3 Breakouts
	<p>Audit Session: West Region SALT Developments & Audit Reports (COST Industry Members Only) <i>Continued...</i> – <i>Grand Ballroom 5</i></p> <p>Moderators: Madison Barnett, The Coca-Cola Company Michael Carchia, Capital One Services</p> <p>Facilitators: Mike Kelley, Microsoft Corporation Toni Mincic, Lumen Technologies</p>
	<p>Whatever Happened to Allocable Income? – <i>Grand Ballroom 1</i></p> <p>Some states claim all income is business income, no matter what, despite constitutional limitations and state specific guidance. This session will review the traditional categories of allocable income, the sourcing rules regarding allocable income particularly as to goodwill and the gain on sale of an investment interest. The panel will review recent case law addressing allocable income and the MTC Model rule.</p> <p>Speakers: Lynn Gandhi, Foley Lardner* Aaron Johnson, Lane Powell* Janette Lohman, Thompson Coburn*</p>
	<p>Beyond ChatGPT – How AI Can Transform Tax Functions – <i>Grand Ballroom 4</i></p> <p>2023 has been inundated with media coverage over ‘generative artificial intelligence’ programs, such as ChatGPT. Artificial intelligence (AI) is everywhere and opening its potential within the tax function can yield huge benefits. Learn about how AI can be used to elevate your tax function, including supporting and standardizing data collection and data analytics, providing tax strategy recommendations, and aiding the audit process.</p> <p>Speakers: Nausher Hoodbhoy, PwC* Kirsten Light, Andersen* Larry Mellon, Vertex* Jeff York, Deloitte*</p>
5:15 – 5:45 PM	<p>Pre-Reception – COST Mentoring Program Networking (COST Industry Members Only) – <i>Da Vinci Ballroom</i></p> <p>COST is offering a mentoring program for its members. Join us at this event to find out how you can join the program as a mentor or to be mentored on any difficulties you are having or on developing a career plan. Take advantage of the experience and expertise of your fellow members in smoothing your career path.</p>
5:45 – 7:15 PM	Reception – Sponsored by Crowe and PwC – <i>Da Vinci Ballroom</i>
7:30 PM	Group Dinner – Everyone is invited to join other COST members for dinner at Mon Ami Gabi (a quick walk from the hotel)! 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 you will be there, or contact Judy Slotnik! (Folks will pay their own way.)
THURSDAY, OCTOBER 19TH	
6:30 – 7:15 AM	Early Morning Walk with Judy Slotnik (COST’s Membership Coordinator) and Other Early Risers – Get your day off to a great start sharing an early morning stroll with other attendees. The group will leave from the hotel lobby at 6:30 a.m.
6:40 AM – 5:25 PM	Registration
6:45 – 8:00 AM	Breakfast & Networking – <i>Grand Ballroom 2</i>

7:00 – 8:00 AM	<p>Early Morning Ethics Coffee Talk - Ethics in the Digital Age – <u>Grand Ballroom 1</u> Rise and shine and enjoy an entertaining, informative hour on the latest ethics developments relevant to state tax professionals. This presentation will serve as your “wake up” for Thursday morning. Get the CLE and CPE ethics credits you need by attending this program, which will focus on compliance with ethical rules in our increasing digital, hybrid work environment. Have you thought about the ethical implications of using ChatGPT? This program will provide important insights on the applicable ethical rules that should guide your interactions with this new technology. (PLEASE NOTE – THERE WILL BE A SEPARATE REGISTRATION SIGN IN SHEET FOR THIS SESSION AND ATTENDEES MUST ARRIVE AND SIGN IN BY 7:00 AM TO OBTAIN CPE/CLE.)</p> <p>Speakers: Mary Kay Martire, McDermott Will & Emery* Mark Yopp, Baker McKenzie*</p>
7:30 AM – 5:10 PM	<p>Coffee Station – Sponsored by Bradley* – <u>Grand Ballroom 2</u></p>
9:00 AM – 5:00 PM	<p>Massage Chair Sponsored by Blank Rome* – <u>Grand Ballroom Foyer</u></p>
8:10 – 9:00 AM	<p>Choice of 3 Breakouts</p>
	<p>Report from the Front Lines: Northeast States Chamber Roundtable Discussion on Business Taxes – 2023 Recap & 2024 Predictions – <u>Grand Ballroom 5</u> Tax policy professionals from key state business associations will prognosticate on significant tax policy issues in the northeast states’ upcoming legislative sessions, viewed through the prism of this year’s accomplishments and setbacks.</p> <p>Moderator: Leonore Heavey, COST</p> <p>Panelists: Linda Caprara, Maine Chamber of Commerce Andrew Griffin, Maryland Chamber of Commerce Sam Larson, Associated Industries of Massachusetts Carl Marrara, Pennsylvania Manufacturers’ Association Ken Pokalsky, Business Council of New York State</p>
	<p>Foreign Factor Representation – <u>Grand Ballroom 1</u> The states have a long history of taxing foreign dividends, and more recently, GILTI without allowing full or even partial foreign factor representation. This trend is getting worse, not better, as evidenced by Minnesota’s new approach to taxing about one-half of foreign source income with no foreign factor representation. This session will discuss the historic state limitations on foreign factor representation, and past legal challenges to these practices. The panelists will also analyze the likely future legal challenges based on Commerce Clause discrimination and fair apportionment principles.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Mike Kelley, Microsoft Corporation Carley Roberts, Pillsbury* Jennifer Young, Moss Adams*</p>
	<p>Financial Accounting for SALT – <u>Grand Ballroom 4</u> The accounting for state and local tax consequences can be intimidating to say the least. This session seeks to demystify it and provide practical advice for taxpayers navigating the subject. Topics covered include a description of the application of ASC 740 and ASC 450, valuation allowances, and deferred tax assets. In addition to covering the basics, the discussion dives into specific hypotheticals that are intended to provide practical application of some not-so-practical accounting rules.</p> <p>Speakers: Todd Betor, Eversheds Sutherland(US)* Veronica Caputo, Grant Thornton* Brian Myers, Crowe*</p>

9:05 – 9:55 AM	Choice of 3 Breakouts
	<p>Audit Session: Northeast Region, Canada and MTC SALT Developments & Audit Reports (COST Industry Members Only) <i>Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Canada & MTC Audits. – <u>Grand Ballroom 5</u></i></p> <p>COST 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.</p> <p>Moderators: Mollie Miller, Fresenius Medical Care Archana Warner, Constellation Energy Corporation</p> <p>Facilitators: Susan Courson-Smith, Pfizer Laura James, Kimberly-Clark Corporation</p>
	<p>Informal Discovery Options – <u>Grand Ballroom 1</u></p> <p>One of the favorite activities of revenue agencies is to request information – often endlessly. In this session the speakers will provide guidance and suggestions on how to put the shoe on the other foot. They will describe various methods available to obtain information from Revenue Agencies including interrogatories, requests to produce, depositions and FOIA requests. The speakers will also provide insight on how to respond to those requests from the Revenue Agencies.</p> <p>Speakers: David Hughes, HMB Legal Counsel* Curtis Osterloh, Scott Douglass & McConnico* Jack Trachtenberg, Deloitte*</p>
	<p>Sales Tax VDAs Versus Amnesty Agreements – <u>Grand Ballroom 4</u></p> <p>Consideration of whether states are still getting what they want with amnesty programs, including whether such programs are bringing in increasing amounts of revenue; historical view of both programs and consideration of whether taxpayers are more willing to voluntarily file; legislative vs. procedure/policy as the framework for VDA and amnesty programs – and view of which process works better; VDA versus closing agreements.</p> <p>Speakers: Nicole Bryant, Grant Thornton* David Pope, DLA Piper* R. Gregory Roberts, Roberts Law Group*</p>
9:55 – 10:10 AM	Refreshment Break & Networking – <u>Grand Ballroom 2</u>
10:10 – 11:00 AM	Choice of 3 Breakouts
	<p>Audit Session: Northeast Region, Canada and MTC SALT Developments & Audit Reports (COST Industry Members Only) <i>Continued...</i> – <u>Grand Ballroom 5</u></p> <p>Moderators: Mollie Miller, Fresenius Medical Care Archana Warner, Constellation Energy Corporation</p> <p>Facilitators: Susan Courson-Smith, Pfizer Laura James, Kimberly-Clark Corporation</p>
	<p>On What Basis? Identifying and Calculating Tax Base Differences Between Federal and State Asset Basis – <u>Grand Ballroom 1</u></p> <p>State conformity to federal tax base calculation is never as straightforward as it may seem. Although states conform to one of several federal starting points to calculate income, state modifications--statutory or constitutionally based--create significant differences in asset basis, subsidiary capitalization calculations, and other tax attribute determinations. This presentation will illustrate the opportunities these differences present to taxpayers--and the documentation and calculation challenges that taxpayers must embrace to seize these benefits.</p>

	<p>Speakers: Eric Anderson, Andersen* Evan Hamme, Pillsbury Winthrop Shaw Pittman*</p>
	<p>Best Practices – Sales Tax Processes – <u>Grand Ballroom 4</u> This session will cover all of the processes involved in recording and reporting sales tax information and the records that must be prepared and retained. The speakers will cover resale certificates, exemption certificates and other documents necessary in day-to-day sales tax operations and the best way to set up your processes to assure accurate reporting and support for future audits.</p> <p>Speakers: Angela Acosta, BDO* Eric Fader, Duane Morris* Matt MacNeil, Avalara*</p>
11:05 – 11:55 AM	<p>Choice of 3 Breakouts</p> <p>California Office of Tax Appeals – <u>Grand Ballroom 5</u> A representative from the OTA will join this session to update attendees on the OTA's processes and how it is seeking to provide the best opportunities to taxpayers to fairly resolve their appeals. Questions and discussion will be welcome and encouraged.</p> <p>Moderator: Stephanie Do, COST</p> <p>Panel: Myriam Bouaziz, California Office of Tax Appeals Michele Brown, California Office of Tax Appeals Oksana Jaffe, KPMG* Shail Shah, Greenberg Traurig*</p> <p>Foreign Country Taxation and US SALT – Governments Working Off the Same Playbook – <u>Grand Ballroom 1</u> The speakers in this session will explore the overlap between SALT and foreign country tax tactics – including examples such as: Digital PE/US nexus; Digital service taxes/US alternative (gross receipts) tax base adoptions; Treaties/US constitutional protections; and, Withholding mechanisms. The speakers will discuss how best to deal with these provisions and their outlook on further “policy creep”.</p> <p>Speakers: Shirley Sicilian, KPMG* Marc Simonetti, State Tax Law* Margaret Wilson, Wilson Law Group*</p> <p>Spotted on the Sonar – Property Tax Litigation and Legislation Issues with Best Practices – <u>Grand Ballroom 4</u> As you certainly know, property taxes imposed upon businesses in FY 2021 constituted over 38 percent of the total state and local tax burden imposed on businesses. This session will take a deep dive into the key property tax cases addressed and pending this year, along with important legislation that will impact the imposition of property taxes on businesses. Property taxes are often seen as a given and impossible to address. The presenters in this session will provide litigation and legislation updates to assist you with controlling your company's exposure to property taxes. Best practices to manage property taxes will also be discussed.</p> <p>Moderator: Fred Nicely, COST</p> <p>Speakers: Ted Clark, Crowe* Bradley Marsh, Greenberg Traurig*</p>
12:00 PM – 12:40 PM	<p>Presentation to William Backstrom (Jones Walker) of the Annual COST/ Paul Frankel Excellence in State Taxation Award – <u>Grand Ballroom 5</u></p>
12:40 – 1:40 PM	<p>Lunch & Networking – <u>Grand Ballroom 3,6,7</u></p>

1:40 – 2:30 PM	Choice of 3 Breakouts
	<p>Audit Session: SALES TAX ISSUES AND EXPERIENCES (COST Industry Members Only) – <u>Grand Ballroom 5</u></p> <p>Moderators: Fred Nicely, COST Pat Reynolds, COST</p> <hr/> <p>Alternative Apportionment – <u>Grand Ballroom 1</u></p> <p>Evolving state standard apportionment formulas, with strong trends toward single sales factor and market sourcing, combined with new business models, may no longer “fairly reflect” a company’s instate business activity, making alternative apportionment requests more important and more frequent. This discussion will consider (1) common misconceptions associated with alternative apportionment, (2) common fact patterns that may warrant an alternative methodology, (3) procedural do’s and don’ts associated with alternative apportionment petitions, (4) state to state variation in addressing alternative apportionment petitions and (5) using expert reports to support the petition.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Matt Lindeman, PwC* Leah Robinson, Mayer Brown* Phillip Trampe, Deloitte*</p> <hr/> <p>Recent Developments in the Evolving State Taxation of Pass-Through Entities – <u>Grand Ballroom 4</u></p> <p>This session will address pass-through entity issues, including evaluating the relevance and factors relating to whether a unitary relationship impacts the tax treatment of the sale of an interest in a pass-thru entity, the apportionment issues resulting from the disposition of an interest, and the complexity of dealing with tiered partnerships.</p> <p>Speakers: Bruce Ely, Bradley Arant Boult Cummings* Zach Gladney, Alston & Bird* Charles Moll, McDermott Will & Emery*</p>
2:35 – 3:25 PM	Choice of 3 Breakouts
	<p>Report from the Front Lines: Southeast States Chamber Roundtable Discussion on Business Taxes – 2023 Recap & 2024 Predictions – <u>Grand Ballroom 5</u></p> <p>Tax policy professionals from key state business associations will prognosticate on significant tax policy issues in the southeast states’ upcoming legislative sessions, viewed through the prism of this year’s accomplishments and setbacks.</p> <p>Moderator: Patrick Reynolds, COST</p> <p>Panelists: Charles Aull, Kentucky Chamber of Commerce Helen Brantley, Texas Taxpayers and Research Association French Brown, Dean Mead Jason DeCuir, Advantous Consulting T.J. Lawhon, Wright, Lindsey & Jennings</p> <hr/> <p>The Continuing Issues and Opportunities Related to the TCJA – <u>Grand Ballroom 1</u></p> <p>The speakers in this session will explore the differences between Federal and state taxation of GILTI, FDII and the requirements to capitalize IRC §174, research and development expenses.</p> <p>Speakers: Greg Rottjakob, Ryan* Joseph Schmidt, Ryan*</p> <hr/> <p>The Transformation of the Global Indirect Tax Landscape (Including E-Invoicing) – <u>Grand Ballroom 4</u></p> <p>The global indirect tax landscape is changing and may affect all US- based companies. Over 110 jurisdictions now require non-residents to register for, remit, and collect VAT. In addition, there are over 40 jurisdictions that have or are planning to implement e-invoicing requirements and a</p>

	<p>number of countries are looking to digitalize their compliance process. These changes create serious risks for US-based companies. Managing the risk will require involvement of the C-suite, IT, Legal, Finance, Tax and other parts of the company. This session will explore these international indirect tax developments.</p> <p>Speakers: Jun Miyake, Ryan* Scott Roberti, EY* Philippe Stephanny, KPMG*</p>
3:25 – 3:40 PM	Refreshment Break & Networking – <u>Grand Ballroom 2</u>
3:40 – 4:30 PM	Choice of 3 Breakouts
	<p>Audit Session: Southeast Region and Puerto Rico SALT Developments & Audit Reports (COST Industry Members Only) Alabama, Arkansas, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia and Puerto Rico Audits. – <u>Grand Ballroom 5</u></p> <p>COST 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.</p> <p>Moderators: Karen DiNuzzo-Wright, Wal-Mart Inc. Jamie Laiewski, Charter Communications</p> <p>Facilitators: Lani Caniff, Ameriprise Financial, Inc. Kathryn Friel, Entergy Services, LLC Jeffrey Langer, The Home Depot</p>
	<p>All in the Family? State Treatment of Nonresident Holding Companies, Management Companies and More – <u>Grand Ballroom 1</u></p> <p>This session will address the connections between states and holding companies that trigger tax obligations. Particular focus will be on issues tied to ownership of in-state pass-through entities, management companies, shared service companies and other affiliate issues that are common with affiliated groups that operate on a multistate or multinational basis. This session will include current nexus issues, the states' inconsistent application of traditional unitary business principles as applied to nonresident holding companies and other current topics.</p> <p>Speakers: Lorie Fale, Akerman* Mitchell Newmark, Blank Rome*</p>
	<p>Building Your Credits & Incentives Action Plan: Don't Leave Money on the Table! – <u>Grand Ballroom 4</u></p> <p>Tax departments are often one of the last learn about company capital investment planning. As result available credit and incentive opportunities might either be missed on not fully taken advantage of. This session will explore how to begin to master the state and local incentive landscape and help unlock the full potential of available business attraction incentives.</p> <p>Speakers: Anna Kathryn Barber, Stonehenge Capital* Christopher Grissom, Bradley Arant Boult Cummings* Josh Schulman, Crowe* Ben Weisfuse, BDO*</p>
4:35 – 5:25 PM	Choice of 3 Breakouts
	<p>Audit Session: Southeast Region and Puerto Rico SALT Developments & Audit Reports (COST Industry Members Only) <i>Continued...</i> – <u>Grand Ballroom 5</u></p> <p>Moderators: Karen DiNuzzo-Wright, Wal-Mart Inc. Jamie Laiewski, Charter Communications</p> <p>Facilitators: Lani Caniff, Ameriprise Financial, Inc. Kathryn Friel, Entergy Services, LLC Jeffrey Langer, The Home Depot</p>

	<p>Is Rolling Conformity Unconstitutional? – <u>Grand Ballroom 1</u></p> <p>Many states are described as "rolling conformity" states, meaning that they adopt federal taxable income—presumably as taxable income is amended from time to time by Congress. Under federal tax reform, this has special meaning, as many states automatically conform to those (mostly unfavorable) changes. But many state constitutions prohibit those "rolling conformity" states from delegating that kind of definitional authority to Congress. So they may not be "rolling" after all. In this session, we will explore this interesting situation.</p> <p>Speakers: Mark Loyd, Dentons* Kyle Sollie, Reed Smith* Jamie Yesnowitz, Grant Thornton*</p>
	<p>The New Mobile Workforce -- Employees Working from Anywhere – <u>Grand Ballroom 4</u></p> <p>Employees are seeking flexible work locations and the ability to not just work from home but to spend time in varied locations. This creates withholding issues for the employer and employees. This panel will discuss the relaunched Mobile Workforce coalition seeking state and federal legislation, the model legislation, and recent state legislative and litigation activities. The panel will also discuss efforts by some governmental organizations to address the issue; including NCSL SALT Task Force, Institute for Policy Leaders Tax Academy and MTC plans to relook at their model bill.</p> <p>Moderator: Michael Carchia, Capital One Services</p> <p>Speakers: Deborah Bierbaum, Multistate Associates* Eugene Gibilaro, Blank Rome* Charlie Kearns, Eversheds-Sutherland*</p>
5:30 – 7:30 p.m.	<p>It's Sports Night at the COST Vendor Fair – Featuring AAA Scholarship, Arizona Leadership, Ashland Group, Avalara, COST, DMA, EY, Greenberg Traurig, Jones Walker, Step Up For Students, Sugar Creek Capital, TAX CSA, Tax.com, TTARA, University of Florida's Lastinger Center for Learning – <u>Da Vinci Ballroom</u></p> <p>Join the fun as various service and product providers host our Annual Meeting Vendor Fair. There'll be lots of give-aways and good food. And at the end of the Vendor Fair there will be several drawings for some fantastic prizes. But you have to stay to the end to win the prize!!! So, come join us for a lot of fun!! <i>Dress in your best team gear to represent your favorite team/sport.</i></p>
FRIDAY, OCTOBER 20TH	
7:00 AM – 12:20 PM	Registration - <u>Grand Ballroom Foyer</u>
7:00 – 8:00 AM	Continental Breakfast & Networking – <u>Grand Ballroom 2</u>
7:00 AM – 12:20 PM	Coffee Station – Sponsored by Bradley* – <u>Grand Ballroom 2</u>
9:00 AM – 12:00 PM	Massage Chair Sponsored by Eversheds Sutherland (US)* – <u>Grand Ballroom Foyer</u>
8:00 – 9:25 AM	<p>Tax Administrators Roundtable – <u>Grand Ballroom 5</u></p> <p>This roundtable discussion will feature key state tax administrators discussing the latest news, developments, and outlook from a tax perspective. These administrators will provide insights on what happened in their states during 2023 and what is planned for 2024 and beyond. Moderated by an experienced advisor, this session will provide an opportunity to ask those important questions we all seem to have, either confidentially or face-to-face.</p> <p>Moderator: Jim Eads, Ryan*</p> <p>Panelists: Phillip Ashley, Associate Deputy Comptroller for Tax (Comptroller of Public Accounts– Texas) Chester Cook, Assistant Commissioner, Georgia Department of Revenue David Harris, Director, Illinois Department of Revenue Angela Jones, Advocate, Taxpayers Rights Advocate - California Franchise Tax Board</p>
9:25 – 9:40 AM	Refreshment Break, Networking, and Hotel Check Out – <u>Grand Ballroom 2</u>

9:40 – 10:30 AM	<p>Choice of 3 Breakouts</p> <p>Report from the Front Lines: Central/Midwest States Chamber Roundtable Discussion on Business Taxes – 2023 Recap & 2024 Predictions – <u>Grand Ballroom 5</u> Tax policy professionals from key state business associations will prognosticate on significant tax policy issues in the Midwest states’ upcoming sessions, viewed through the prism of this year’s accomplishments and setbacks.</p> <p>Moderator: Fred Nicely, COST</p> <p>Panelists: David Ober, Indiana Chamber of Commerce Carol Portman, Taxpayers’ Federation of Illinois Maurice Scholten, Taxpayers’ Federation of Illinois Tom Zaino, Zaino Hall & Farris</p> <p>Third-Party Ancillary Services Included By the Seller—Whose Tax is It? – <u>Grand Ballroom 1</u> The speakers in this session will review the trend of sellers and lessors bundling the services, technology, and products offered by third parties to be sold as part of the seller’s offering and the impact on purchaser’s use tax, seller’s collection obligations, sourcing and tax accounting.</p> <p>Speakers: Michael Bowen, Akerman* Caroline Cain, Grant Thornton* Chad Woodfork, Alvarez*</p> <p>Mitigating the Quagmire with Sourcing Receipts with all Taxes to Avoid Double Taxation – <u>Grand Ballroom 4</u> While it is often assumed it is the states using cost of performance versus market sourcing that causes issues with an overlap of taxation on the same income/receipts, this session will explain how states using the same approach (especially market sourcing) can still lead to inequitable results. The presenters will focus on ways to mitigate issues with double taxation caused by states sourcing rules for income, gross receipts, and even sales taxes. While more states have adopted market-based sourcing, the application of this approach to income, gross receipts taxes (and sales taxes) with seemingly similar rules are often inconsistent. One particularly problematic area with this is the sourcing of receipts from services. This session will examine recent sourcing cases and provide guidance to address this problem across the country.</p> <p>Speakers: Richard B. Fry III, Buckingham Doolittle & Burroughs Nicole Johnson, Blank Rome</p>
10:35 – 11:25 AM	<p>Choice of 2 Breakouts</p> <p>Audit Session: Central /Midwest Region SALT Developments & Audit Reports (COST Industry Members Only) Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Texas & Wisconsin – <u>Grand Ballroom 5</u> COST audit session during which participants share recent audit and litigation experiences involving all types of state and local taxes in the Central/Midwest region of the country.</p> <p>Moderator: Arthur Parham, Retired, Entergy Services Robert Tuinstra, Corteva Agriscience</p> <p>Facilitators: Roxie Baird, USAA Patrick Shrake, Cargill, Inc.</p> <p>Addbacks, Throwbacks, Royalty Exclusions, Oh My! – <u>Grand Ballroom 1</u> States have become more aggressive with their application of addbacks, throwbacks, and other similar provisions (e.g., New York’s historical royalty exclusion provision). This session will guide you through the latest tactics states use to employ these rules, address common exceptions (e.g., subject to tax, conduit, etc.), and walk through guidance in select jurisdictions. We will also address potential constitutionality concerns and the direction we see states are heading with these rules.</p>

	<p>Speakers: W. Matt McCord, DuCharme McMillan & Associates David Shipley, Stevens & Lee* Michael Tedesco, Baker McKenzie*</p>
11:30 AM – 12:20 PM	<p>Choice of 2 Breakouts</p>
	<p>Audit Session: Central /Midwest Region SALT Developments & Audit Reports (COST Industry Members Only) <i>Continued...</i> – <u>Grand Ballroom 5</u></p> <p>Moderator: Arthur Parham, Retired, Entergy Services Robert Tuinstra, Corteva Agriscience</p> <p>Facilitators: Roxie Baird, USAA Shelly Morse, USAA Patrick Shrake, Cargill, Inc.</p>
	<p>Gross Receipts Taxes – The Continuing Evolution – <u>Grand Ballroom 1</u></p> <p>Everybody knows that Washington, Ohio, and Texas impose gross receipts taxes. But did you know that Georgia does? How about Tennessee? Oregon? West Virginia? Washington D.C? New Mexico, Arizona, Indiana, South Dakota, Delaware, Nevada? How about Local jurisdictions? This session will discuss whether GRT adoption is ebbing or accelerating.</p> <p>Speakers: Stephen Jasper, Bass, Berry & Sims* Robert Mahon, Perkins Coie* Tom Zaino, Zaino Hall & Farrin*</p>
12:20 PM	<p>Annual Meeting Adjourns</p>

* Denotes COST Practitioner Connection Subscriber