

(07/09/24)

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Wednesday, August 14, 2024

12:00 p.m. – 6:45p.m.	Registration
1:00 – 1:15 p.m.	Welcome and Introductions Charles Drury, COST Pat Reynolds, COST
1:15 – 2:15 p.m.	Update on State Legislation As expected, with technology at the forefront of the changing economy, the states have been very active in pursuing legislation that targets it. This session will cover important developments, analyze actions that have been taken, and predictions of what may pop up in the near future. This session will also discuss how taxpayers can more effectively argue in the legislative arena that business already pays more than its fair share of state and local taxes. (<i>DSTs are covered in a separate session.</i>) Moderator: Karl Frieden, COST Speakers: Jay Adams, Jones Walker* Robert Johnson, Crowe* Benjamin Muilenburg, PwC* Christanna Springs, Deloitte Tax*
2:15 – 3:15 p.m.	Top 10 Income and Transactional Tax Cases Impacting the Tech Industry This session will delve into the most significant transactional and corporate income tax cases that are shaping the landscape for technology companies. The speakers will explore the implications of both pending and fully litigated cases, providing a comprehensive overview of the current legal environment (excluding the ongoing digital litigation covered in a separate session). The focus will be

	<p>on identifying litigation trends and addressing other emerging issues related to the technology industry.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Nikki Dobay, Greenberg Traurig* Jeff Friedman, Eversheds Sutherland(US)* Jordan Goodman, Kilpatrick Townsend & Stockton* Leah Robinson, Mayer Brown*</p>
3:15 – 3:30 p.m.	Refreshment Break / Networking
3:30 – 4:30 p.m.	Choice of Two Breakouts
	<p>Escalating Burden of Gross Receipts Taxes and Local Taxes (Including Recent SF Activity) on Taxpayers</p> <p>The speakers in this session will discuss the growing reliance of state and local authorities on gross receipts taxes and other local taxes and the significant financial and compliance burden they create. These taxes, some labeled as “fees,” are often applied to a wide range of business activities, resulting in higher costs for consumers and businesses alike. As jurisdictions seek to stabilize their budgets, the cumulative effect of these taxes is squeezing taxpayers. This session will address these concerns with these taxes (and fees), including some lacking economic fairness.</p> <p>Moderator: Fred Nicely, COST</p> <p>Speakers: Michele Borens, Eversheds Sutherland(US)* Matt Hedstrom, Alston & Bird* Andres Vallejo, Vallejo, Antolin, Agarwal & Kanter*</p>
	<p>State Tax Implications of Pillar Two for Multinational Companies</p> <p>The OECD’s Pillar Two global minimum tax (GMT) is the most transformative international tax reform in decades. This session will provide an overview of the key provisions in Pillar Two and an update on the implementation of GMTs in dozens of countries in 2024. The panelists will identify how state income taxes and credits are included in the calculations required to determine the applicability of GMTs. Finally, the panelists will explore whether Pillar Two is likely to enhance or retard the renewed interest at the state level on the adoption of worldwide combined reporting.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Jeff Burns, Deloitte Tax* Raymund Dagarag, BDO* Alysse McLoughlin, Jones Walker*</p>
4:35 – 5:35 p.m.	Choice of Two Breakouts
	<p>Digital Assets: Cryptocurrency and NFTs Enter the Mainstream</p> <p>The Metaverse, NFTs, Crypto currency, and other developing digital platforms create unique state and local tax issues. Increasingly, state legislators and tax administrators are attempting to fill in the gaps with their current (often outdated) tax laws to address these platforms. This session will cover these issues including some recent state actions to address these products, including efforts to amend the SSUTA to include NFTs as a “digital code.”</p> <p>Moderator: Patrick Reynolds, COST</p> <p>Speakers: Trisha Davidson, YETTER* Kameelah Kareem, KPMG* Lindsay McAfee, Deloitte Tax * Jackie Orea, Andersen* Patrick White, BitWave</p>

	<p>The Continuing Impact of the TCJA on State Income Taxation</p> <p>The federal Tax Cuts and Job Act (TCJA) is now over six years old, but its impact continues to reverberate across state taxation. This panel will discuss ongoing issues with state conformity (and non-conformity) to key provisions in the TCJA (GILTI, interest expense limitations, and accelerated depreciation of capital investments). The panelists will explore the continuing controversy within states that tax some portion of GILTI over the level of foreign factor representation provided. The session will also discuss the looming Congressional debate over expiring provisions in the TCJA and how potential outcomes could impact state taxation.</p> <p>Moderator: Karl Frieden, COST</p> <p>Speakers: Michael Hilkin, McDermott Will & Emery* Sebastian Watt, Reed Smith*</p>
5:45 – 6:45 p.m.	<p>Welcome Reception</p> <p>Take this opportunity to start your tax networking with friends and colleagues in a casual atmosphere. Compare notes on today's presentations.</p>
Thursday, August 15, 2024	
7:30 a.m. – 5:20 p.m.	Registration
7:30 – 8:00 a.m.	Continental Breakfast / Networking
8:00 – 9:00 a.m.	<p>The Raging Debate over Digital Services Taxes (DSTs)</p> <p>Maryland is still the only state that has implemented a digital services tax, but 20 other states have considered this novel and controversial state tax policy option in recent years. This panel will explore the two primary focal points of DST proposals –digital advertising and data mining. California's recent DST proposals will also be covered. The panelists will explain and critique the underlying justifications raised by DST proponents. Finally, the panelists will provide an update on Maryland's DST litigation.</p> <p>Moderator: Stephanie Do, COST</p> <p>Speakers: Chris Engels, Crowe* Steve Kranz, McDermott Will & Emery* Carley Roberts, Pillsbury Winthrop Shaw Pittman*</p>
9:05 – 10:05 a.m.	Choice of Two Breakouts
	<p>Where is Your Purchaser (Sourcing) and Why is Obtaining More Information of Increasing Importance</p> <p>With the adoption of market-based sourcing, the location of the purchaser has become increasingly significant for corporate income tax purposes. Most states now source sales for income and sales tax purposes based on where the customer, or the customer's customer, receives the product or benefit. In the realm of sales and use tax, states are requiring that sales of digital products be primarily sourced using purchaser address information. However, unlike tangible personal property, which necessitates address information for delivery, digital products can be sold without obtaining address information from its customers. Both from an income tax and sales tax perspective businesses face a unique challenge trying to comply with state sourcing requirements. This session will delve into the types of information that should be obtained for both income tax and sales tax purposes to comply with these sourcing requirements. It will also discuss the issues businesses may encounter when trying to obtain the necessary information, including privacy concerns.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Samantha Breslow, Kilpatrick Townsend & Stockton* Michael Kerman, Mayer Brown* Katie Quinn, Jones Walker* Jeff Vesely, Pillsbury Winthrop Shaw Pittman*</p>

	<p>The Creeping Sales and Use Tax – And Ways to Mitigate the Taxation of Business Inputs As States Expand Their Sales Tax Base to Digital Products and Services</p> <p>States are increasingly expanding their sales tax base to include more services and digital products. This session will address efforts (successful and unsuccessful) that some of the states have used when expanding their tax bases and strategies which often result in multiple taxation of business inputs. The speakers will provide strategies that taxpayers can use to mitigate those expansive taxes and reduce or eliminate the taxation of business inputs.</p> <p>Moderator: Fred Nicely, COST</p> <p>Speakers: Charlie Kearns, Eversheds Sutherland(US)* Marc Simonetti, State Tax Law* Diane Yetter, YETTER*</p>
10:05 – 10:20 a.m.	Refreshment Break / Networking
10:20 – 11:20 a.m.	Choice of Two Breakouts
	<p>Navigating New California Tax Issues: A Guide for Tech Companies</p> <p>California continues to have an outsized impact on tech companies and the panelists in this session will cover many of those issues such as: the broader impact of the <i>Microsoft</i> case re: apportionment, PL 86-272, the continuing efforts on the part of the state to abrogate the regulatory process in California (by circumventing the APA process), the on-going issues with the technology transfer agreements with the CDTFA, the CA Tax appeals process and the sales tax sharing agreements – just to name a few.</p> <p>Moderator: Stephanie Do, COST</p> <p>Speakers: Eric Anderson, Andersen* Robert Johnson, Crowe* Mark Stefan, EY*</p>
	<p>Tax Base Modifications and Transfer Pricing Strategies for the Tech Sector</p> <p>States are looking for additional sources of income from their corporate income taxes. Transfer pricing audits, which have accelerated over the last few years, is one favored source. States are broadening their scope and examining any number of tax return modifications that lower a taxpayer's income. This panel will discuss all these challenges and also provide insight into potential areas that states may target next.</p> <p>Moderator: Doug Lindholm, COST</p> <p>Speakers: David Blum, Akerman* Kathleen Cornett, Alston & Bird* Pravin Ugalat, BDO*</p>
11:25 a.m. – 12:25 p.m.	Choice of Two Breakouts
	<p>Dealing with Complex Marketplace Facilitator and Accommodations Laws</p> <p>In this session, the presenters will discuss various state and local laws and fees that disproportionately impact technology companies such as marketplace facilitator provisions and accommodation tax/fees. What are the best ways to administer and limit these taxes/fees? What are the best processes for complying with them.</p> <p>Moderator: Fred Nicely, COST</p> <p>Speakers: Vanessa Frank, PwC* Stefi George, Akerman* Jon Guiliano, KPMG* Matthew Mantle, Dentons*</p>

	<p>How to Win an Alternative Apportionment Claim</p> <p>Taxpayers have always faced an uphill battle in establishing the right to alternative apportionment. As reflected by recent cases like <i>Vectren</i>, the burden on taxpayers remains high. But that doesn't mean that taxpayers should just give up. This session will describe how taxpayers can increase their chances of success and provide best practices for prevailing on alternative apportionment claims. Using real-world examples, the session will cover how to determine whether the statutory apportionment method is distortive, including situations involving market sourcing, mismatches between the tax base and factors, and nonunitary income and one-off events. Additionally, ways taxpayers can leverage technology and data analytics not only to convince the relevant taxing authorities that the statutory method is distortive, but also to show that your proposed alternative is reasonable will be covered. Importantly, the presenters will address how taxpayers can achieve victory without the uncertainty and cost of lengthy appeals or litigation.</p> <p>Moderator: Marilyn Wethekam, COST</p> <p>Speakers: Dave Gutowski, Reed Smith* Paul Melniczak, Reed Smith*</p>
12:25 – 1:30 p.m.	Lunch – Networking (OTA Speaker?)
1:30 - 2:30 p.m.	Choice of Two Breakouts
	<p>SALT Issues Related to M&A With a Focus on the “Start Up to IPO” Process</p> <p>The presenters in this session will discuss the unique issues that technology companies face when navigating the M&A processes including those that are faced when converting a private “start-up” entity through the IPO process into a public corporation. What are the steps needed to properly facilitate this conversion? What are some of the pitfalls to watch out for and the resulting opportunities if done correctly? This session will answer those questions.</p> <p>Speakers: Gary Holcomb, EY* Ben Wylie, Instacart</p>
	<p>Property Tax Mitigation and Preventing Loss of Exclusions (e.g., Solar Energy)</p> <p>The panelists in this session will discuss updates and new developments regarding the treatment of intangibles in California property tax. In addition, they will cover the Inflation Reduction Act of 2022 and California's property tax exclusion for active solar energy systems, California solar projects are very attractive investment opportunities for many large businesses. However, California's property tax change in ownership rules continue to remain a trap for the unwary. This session will cover the nuts and bolts of California's solar exclusion and change in ownership rules and discuss important property tax considerations for prospective and existing tax-equity investors.</p> <p>Speakers: Craig Becker, Pillsbury Winthrop Shaw Pittman* Charles Moll, McDermott Will & Emery*</p>
2:35 – 3:35 p.m.	Choice of 2 Breakouts
	<p>Best Practices for Handling Complex Technology Industry Audits</p> <p>This session will turn those tax audit cloudy skies into clear blue skies. The technology sector has its own unique challenges with tax audits, especially with some state tax agencies imposing taxes on products not existing at the time a definition was placed into a state's tax law. The presenters will explain best practices for dealing with statutory and regulatory ambiguities, litigation issues and how to make sure you are prepared for them, and more broadly how to manage audits effectively and efficiently. Waivers, documentation requests, sampling, and negotiating settlements are covered in this session.</p> <p>Speakers: Mark Loyd, Dentons* Shirley Wei, BDO*</p>
	<p>Tips for Tax Automation for the Technology Industry (And AI)</p> <p>When working in (or for) a technology company, you grow accustomed to continuous change in the way your company does business. Technology used for tax compliance is also dynamic, with</p>

	<p>adaptations to simplify compliance with a multitude of complicated state tax laws. The presenters in this session will provide tax automation tips for both transactional taxes and income taxes.</p> <p>Speakers: Kristin Born, PwC* Joni Johnson-Powe, KPMG* Larry Mellon, Vertex*</p>
3:35 – 3:50 p.m.	Refreshment Break / Networking
3:50 – 5:20 p.m.	<p>Ask The Experts</p> <p>Really, free advice from practitioners? That’s right! This is your chance to question practitioners and get their views on state and local tax issues related to your technology operations and issues. The panel will answer questions that have been submitted by attendees as well as discussions they’ve had with attendees during the Workshop that would be of interest to other attendees. Finally, the panel will address trends they expect to see in 2024 and beyond, as they apply to the technology industry as well as the use and impact of technology in general.</p> <p>Moderators: Pat Reynolds, COST</p> <p>Panelists: Eric Anderson, Andersen* Chris Engels, Crowe* Lorie Fale, Akerman* Erinne Fuhring, PwC* Jordan Goodman, Kilpatrick Townsend & Stockton* Matt Hedstrom, Alston & Bird* Larry Mellon, Vertex* Shail Shah, Greenberg Traurig * Marc Simonetti, State Tax Law* Christanna Springs, Deloitte Tax* Jeff Vesely, Pillsbury Winthrop Shaw Pittman* Shirley Wei, BDO* Diane Yetter, YETTER* TBD</p>
5:20 – 6:30 p.m.	<p>Reception</p> <p>All attendees are welcome to attend a closing reception to network with other attendees and sponsors and speakers. Please take advantage of this opportunity to round out your Workshop experience.</p>
6:30 p.m.	Workshop Adjourns

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