

MEGA-TRENDS IN STATE TAXATION

The 2014 National Multistate Tax Symposium

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February 5-7, 2014

Disney's Grand Floridian Resort & Spa



THE FLORIDA BAR

Deloitte.

The 2014 National Multistate Tax Symposium

BONUS SESSIONS

Wednesday, February 5

2:00 p.m.–3:30 p.m. — State Accounting for Income Tax

Doug Andersen, Partner, Deloitte Tax LLP

Nick Cotroneo, Partner, Deloitte Tax LLP

In this session, accounting firm panelists will discuss how recent state tax law developments may impact your effective tax rate, deferred tax positions, valuation allowances and tax attribute methodology. The panel will also update you on state tax reporting of uncertain tax positions, financial accounting for indirect taxes, and IFRS.

3:30 p.m.–5:00 p.m. — Florida Tax Developments

Moderator — Chris Snider, Director, Deloitte Tax LLP

Tony Hamm, Deputy General Counsel, Florida Department of Revenue

Kevin Herzberg, Partner-in-Charge, Tampa office, Grant Thornton LLP

Marshall Stranburg, Executive Director, Florida Department of Revenue

Rex D. Ware, Partner, Fowler White Boggs P.A.

Join our Florida tax specialists as they discuss the latest noteworthy legislative, judicial, and administrative developments regarding Florida's corporate income, indirect, and other specific taxes, including possibilities for the upcoming 2014 legislative session and select cases pending on the docket.

6:00 p.m.–8:00 p.m. — Welcome Reception

Join the National Multistate Tax Symposium speakers and Advisory Board members at the Summerhouse Patio and Beach Bar for appetizers and cocktails. Network with fellow tax executives and prepare to enjoy the next two days.

DAY ONE: Thursday, February 6

7:00 a.m.–8:30 a.m. — Registration and Breakfast

BONUS SESSION

7:30 a.m.–8:30 a.m. — Ethics and The State Tax Industry Executive

Amy Eisenstadt, State Tax Counsel, General Electric Company

Lynn A. Gandhi, Partner, Honigman Miller Schwartz and Cohn LLP

Mitchell I. Horowitz, State Tax, Trust & Estates Practice Group Leader, Fowler White Boggs P.A.

Ethics – it's more than keeping your name out of the newspapers. Start the day early and participate with a lively interactive session on ethical dilemmas facing state tax industry executives. This session will feature audience polling on practical hypotheticals, and the panel will discuss and share their experiences on issues that are not always "black and white."

8:30 a.m.–8:45 a.m. — Welcome and Opening Remarks

Joel Maser, Chair, Tax Section of The Florida Bar

Valerie Dickerson, Partner, Deloitte Tax LLP

William D. Townsend, Partner, Fowler White Boggs P.A.

8:45 a.m.–9:45 a.m. — State Tax Reform: Perspective From the Inside

Kevin B. Sullivan, Commissioner, Connecticut Department of Revenue Services

James Wetzler, Retired Director, Consultant to Deloitte Tax LLP

State tax reform continues to be a key talking point amongst government tax officials, elected leaders and candidates. Over the past year, a number of states have enlisted the help of outside commissions to suggest a course for tax reform. Get an inside perspective into the work of some recent state tax reform commissions from this group of speakers "in the know."

9:45 a.m.–10:45 a.m. — My State's Better than Yours

Jordan M. Goodman, Partner, Horwood Marcus & Berk Chtd.

Arthur R. Rosen, Partner, Mc Dermott Will & Emery

Marc Simonetti, Partner, Sutherland Asbill & Brennan, LLP

Stacey Sprinkle, VP, Federal Tax Policy, Verizon

Robert M. Topp, Director, Deloitte Tax LLP

Businesses contemplating expansion, relocation, and/or otherwise modifying their footprint within the US must analyze the potential state tax-related opportunities and drawbacks of doing business in one state versus another. Is there a "better" or "best" state tax regime when considering a relocation or expansion? Watch the show as these panelists take sides and debate whether states such as Florida, New York, Texas and Virginia provide the most compelling overall state tax package. At the end, you decide which state makes the leading case.

10:45 a.m.–11:00 a.m. — Break and move to breakouts

General Breakout

11:00 a.m.–12:00 p.m. — General Breakout: Session 1

(Breakout description below)

12:00 p.m.–1:30 p.m. — Lunch & Luncheon Speaker Address

Jim Eckenrode, Executive Director, Deloitte Center for Financial Services

Retirement planning is probably one of the biggest financial challenges most consumers will ever face and many Americans find it increasingly daunting. Efforts to help consumers meet these challenges appear to have resulted in limited success, despite the significant amount of dollars spent by the retirement industry on sales, marketing and advertising of retirement products and services. This presentation will explore the barriers inhibiting many Americans from taking a more disciplined approach to retirement, and will highlight Deloitte's thoughts on how the industry's operating models and marketing approaches might need to evolve so that financial services providers can more effectively reach and assist consumers in tackling their retirement objectives.

1:45 p.m.–2:45 p.m. — First “Mega-Trend” Breakout Session
3:00 p.m.–4:00 p.m. — Second “Mega-Trend” Breakout Session
(Breakout description below)

4:00 p.m.–4:15 p.m. — Break and Move to Plenary

4:15 p.m.–5:15 p.m. — Mega-Trends of State Taxation

Moderators — **Jerry Gattegno**, Senior Partner, Deloitte Tax LLP and **Robert R. Vonick**, Vice President and Senior Tax Counsel, The Walt Disney Company

William M. Backstrom Jr., Practice Group Leader for the Tax, Trusts and Estates Practice Group, Jones Walker

Bart Baer, Principal, Deloitte Tax

Bobby L. Burgner, Senior Tax Counsel and Director, State & Local Taxes, General Electric Company

Douglas L. Lindholm, President, Council On State Taxation

Richard Prem, Director of State and Local Taxes, Amazon.com

Over the past few years, several distinct mega-trends have begun permeating the state tax landscape. Heavily or single-weighted receipts factors have moved from an experiment in a couple of states to the status quo, market-sourcing is leveling the apportionment playing field between sales of goods and services, intercompany expense add-back rules have been widely adopted, and sales tax provisions impacting digital buyers and sellers are proliferating. This panel of eminent state tax professionals will thoughtfully consider and review the obvious and not so obvious manner in which various mega-trends are affecting state tax liabilities and state tax planning, and how these mega-trends may impact your business now and in the coming years.

6:30 p.m. — Dinner Event: Dinner & Fireworks

Join us for a relaxed dinner with your fellow conference colleagues, guests and families. Enjoy great food with a few surprises for the kids, as well as an outdoor reception featuring drinks, dessert and spectacular fireworks over the water.

DAY TWO: Friday, February 7

7:00 a.m.–8:30 a.m. — Breakfast

General Breakout

8:00 a.m.–9:00 a.m. — General Breakout: Session 2

(Breakout description below)

9:15 a.m.–10:15 a.m. — Legislative, Judicial and Administrative Developments in State Taxation

Valerie Dickerson, Partner, Deloitte Tax LLP

Karl Frieden, Vice President and General Counsel, Council On State Taxation

Jeff Friedman, Partner, Sutherland Asbill & Brennan, LLP

State tax officials and legislatures continue to push the envelope for increased tax revenue sources, collections and enforcement. This panel of multistate tax specialists will share their views as to key recently enacted and pending state tax legislation, as well as other “hot button” state tax judicial and administrative developments. Also, hear their “Top 5” picks for pending court cases to watch this coming year.

10:15 a.m.–10:30 a.m. — Break

10:30 a.m.–11:30 a.m. — A Lively Debate with Huddleston, Lindholm, and Pomp

Joe Huddleston, Executive Director, Multistate Tax Commission

Douglas L. Lindholm, President, Council On State Taxation

Richard D. Pomp, Esq., Alva P. Loisel Professor of Law, University of Connecticut

Join three luminaries of multistate taxation as they debate some of the more far-reaching topics impacting state tax policy. Sit back and enjoy this spirited discussion as Richard Pomp, the noted state tax law professor, author and expert witness, Doug Lindholm, the President of COST, and Joe Huddleston, the Executive Director of the MTC, tackle a series of topics including the proposed UDITPA amendments affecting corporate income tax apportionment and the tax base, the Marketplace Fairness Act’s potential impact on sales tax collection by remote sellers, and the potential change in the nexus landscape envisioned by the Business Activity Tax Simplification Act.

11:30 a.m.–1:00 p.m. — Lunch & Luncheon Address: Washington Update

Jeff Kummer, Director of Tax Policy Services, Deloitte Tax LLP

Fiscal policy will dominate the debate in Washington going into 2014 as Congress and the White House pursue agreements to avoid default on the federal debt and address sequester-related spending reductions. On the tax front, congressional tax writers have stated their intention to craft detailed proposals to overhaul the Internal Revenue Code. Jeff will address the fiscal challenges and the tax reform landscape and look at the potential implications for corporate and individual taxpayers.

1:15 p.m.–2:15 p.m. — General Breakout: Session 3

2:30 p.m.–3:30 p.m. — General Breakout: Session 4

(Breakout description below)

Mega-Trend Breakouts:

Mega-Trend: Sales/Market-Based Apportionment and Nexus Focus

Bart Baer, Principal, Deloitte Tax LLP

Arthur J. Parham Jr., General Tax Advisor, Entergy Service Inc.

Marilyn A. Wethekam, Partner, Horwood Marcus & Berk Chtd.

This session will consider the overall mega-trend of states moving to a sales and market-based focus with respect to corporate income tax apportionment and nexus. Specifically, the panel will address the impact of states' movement away from equally weighted three-factor apportionment formulas, the implementation of market-based sourcing for services and intangibles, and the imposition of "bright-line" nexus standards. Our panelists will provide practical insights on the interplay of these topics, how states are actually applying these policies, and how this movement may impact your global state tax posture.

Mega-Trend: Intercompany Expense Disallowance via "Add-back" Statutes

William M. Backstrom Jr., Practice Group Leader for the Tax, Trusts and Estates Practice Group, Jones Walker

Karen Boucher, Director, Deloitte Tax LLP

Robert J. Tuinstra, Jr., Manager – Domestic Compliance, State & Local Tax & Corporate Tax Counsel, E.I. du Pont de Nemours and Co.

Over the past several years, roughly half the states have enacted "add-back" statutes disallowing certain classes of intercompany royalty, interest, management fee, and other intangible expense deductions. This mega-trend continues to gain momentum with many more states considering future enactment, and others further expanding their existing statutes. This session will consider how variations of these statutes are changing the state tax planning landscape. Learn how states are interpreting and procedurally implementing their expense disallowance provisions, including the varying prescribed "safe harbor" exceptions.

Mega-Trend: Sales Tax on Services and Digital Products

Brian Ertmer, Partner, Deloitte Tax LLP

Carolynn S. Iafrate Kranz, Chief Operating Officer, Industry Sales Tax Solutions

Richard Prem, Director of State and Local Taxes, Amazon.com

This session will address the mega-trend of how many states are statutorily expanding their sales and use tax base by broadening the definition of items subject to taxation to include more types of services and to include certain digital products and services, by modifying their tax rates, and by implementing affiliate and/or "click-through" nexus standards that impose more expansive tax collection and/or information reporting requirements based on perceived in-state "physical presence."

General Breakouts:

Hot Topics in Sales and Use Tax

Janette M. Lohman, Partner, Thompson Coburn LLP

Jennifer Shaunty, Partner, Deloitte Tax LLP

This session will cover select sales and use tax developments related to the taxation of tangible personal property and certain services. Specialists in the field will discuss topics such as nexus, business inputs, computer software and services, manufacturing, contracting, and Internet sales, as well as provide an update on the Streamlined Sales Tax Project (SSTP).

Hot Topics in Credits and Incentives

Michael Locascio, Director, Deloitte Tax LLP

Dawn Mayhew, VP, State Tax Counsel, Discovery Communications

Brian O'Leary, Senior Vice President, Tax Counsel, NBCUniversal Media, LLC

Despite state budget shortfalls, there are still numerous credit and incentive opportunities available for taxpayers to consider as states "compete" for new or expanding business. This panel of CGI specialists will discuss important state legislative developments and trends in this area, as well as shed practical insight on how best to procure and manage CGI benefits.

State Taxation of Flow Through Entities

Bruce P. Ely, Chair, SALT Practice Group, Bradley Arant Boult Cummings LLP

Ken Jewell, Director, Deloitte Tax LLP

Many corporate organizational structures encompass some element of flow-through entities. Join our pass-through entity specialists as they discuss the growingly uniform, yet still distinct, state income tax treatment of partnerships and limited liability companies – such as apportionment factor flow-through, unitary considerations, impact of intercompany transactions, entity-level taxation, and withholding taxes. Select sales and indirect tax consequences will also be addressed.

Non-Resident Withholding on Executive Compensation and Mobile Employees

Greg Bergmann, Partner, Deloitte Tax LLP

Tim Noonan, Partner, Hodgson Russ

Frank Yanover, Senior Tax Counsel, General Electric Company

Non-resident state tax withholding on certain forms of executive compensation such as stock options, deferred compensation and retirement benefits is a vexing issue for most employers. This session will address the myriad of concerns related to taxability, timing, and sourcing, as well as offer practical tips on how to design proactive solutions. The panel will also consider employer withholding questions related to mobile workforce employees and international assignees.

Unitary/Combined Filing Developments

Teresa Chiftis, Senior Manager, Tax Controversies, Microsoft

Carley A. Roberts, Partner, Sutherland Asbill & Brennan LLP

David Vistica, Director, Deloitte Tax LLP

This session will provide an update on key unitary/combined return reporting developments. Topics include the growing trend of both combination/de-combination audits, managing elective combination mechanisms, coordination with federal consolidated return rules, "Joyce" v. "Finnigan," treatment of intercompany transactions, net operating loss utilization in combined returns, and trapped credit application. The panel will also consider implications of the ongoing "Gore" litigation.

Deep Dive into California Corporate Income Tax Issues

Dan Kostenbauder, Vice President – Tax Policy, Hewlett-Packard Company

John Rucker, Principal, Deloitte Tax LLP

Brian W. Toman, Partner, Reed Smith

California corporate income taxation represents one of the most complex challenges in all of state taxation regardless of whether a business is headquartered or simply doing business in the state. This panel of California corporate income tax specialists will explore California's distinct and, at times, cutting-edge approach to combination, sourcing, tax base modifications, net operating losses, dividends, intercompany transactions, and other federal "disconnects." The panel will also address implications of the ongoing "Gillette" litigation and repeal of the Multistate Tax Compact.

State Tax Implications of International Transactions

Craig B. Fields, Partner, Morrison & Foerster LLP

Lori Magee, State Tax Manager, Caterpillar Inc.

Gary Perler, Principal, Deloitte Tax LLP

Multinational businesses must determine the state income tax consequences of international transactions and operations from both an outbound and inbound perspective. These state tax specialists will discuss issues related to state income taxation of foreign corporations, as well as foreign source income in the form of dividends, gross-ups, Subpart F income, and IRC Section 1248 gains. They will also explore potential state tax return filing issues encountered by non-US entities such as the interplay of state nexus standards and possible application of federal income tax treaties on state taxation.

Additional Information

What *The National Multistate Tax Symposium* is all about

The 2014 *National Multistate Tax Symposium* provides a world-class, value-driven educational forum where leading authorities throughout the state tax industry address the latest developments and current issues in areas of state and local taxes. The Symposium offers an extensive curriculum focused on a broad base of issues presented from a practical standpoint. This forum will provide an opportunity for interaction with leading practitioners, peers, and colleagues from across the country.

Who should attend

Multistate tax professionals including Vice Presidents of Tax, Tax Directors, State Tax Directors, State Tax Managers, and other multistate tax specialists seeking expert discussion of the latest in state tax technical, legislative, and planning developments.

How to register

Due to limited availability for this conference, we strongly advise you to register early at www.deloitte.com/us/MultistateTaxSymposium. The registration fee of \$695 includes tuition, evening events, and all group meals throughout the conference. It does not include air transportation or accommodations.

Accommodations

The Symposium will be held at *Disney's Grand Floridian Resort & Spa*, Orlando, Florida. A limited number of rooms are reserved for participants at the rate of \$255, plus applicable tax. Please do not contact the hotel directly. You will have an opportunity to select your desired hotel reservations when you register, including additional days before and after the conference.

Special benefits available to registrants

Disney's Grand Floridian Resort & Spa is offering the special rate of \$255 for three days prior to and three days following *The National Multistate Tax Symposium* (based on hotel space and special rate availability). Special theme park tickets are available to the Symposium attendees, their guests and family members, and Disney's special half-day and multi-day Meeting/Convention Theme Park tickets are designed to fit any agenda. You can save time and money with an advance purchase discount. Links to more information on these benefits are available on our registration site.

Transportation

Disney's Grand Floridian Resort & Spa is approximately 45 minutes from Orlando International Airport. The cost of a taxi is approximately \$65. Private car service to and from Orlando International Airport can be arranged by calling Mears Transportation at +1 407 423 5566. The cost is \$90 from the airport and \$75 from the hotel. *Disney's Magical Express* service, which provides complimentary transportation from Orlando International Airport and delivery of your bags to your room, is available to you as well. Guests can make a booking as soon as they have purchased their flights by calling +1 407 827 6777.

Attire

Business casual attire is appropriate for daytime sessions. Casual attire is encouraged for Wednesday's Welcome Reception and Thursday's Dinner Event. A sweater or jacket may be appropriate for evening events.

Evening events

Your guests are invited to attend Wednesday's Welcome Reception (at a charge) and Thursday's Dinner Event. The Welcome Reception is geared toward adults, with appetizers and drinks.

Continuing education

Up to 17 CPE Credits, Accounting, Taxes & Specialized Knowledge Applications (under consideration). Credit amount may be dependent on session selection. [Click here for more information](#). Florida Bar members who attend this program will receive 19 hours of general CLE credits, including 1 hour of ethics. This program also qualifies for 14 hours of tax law certification.

Cancellation

Refunds will be issued for cancellations received prior to January 3, 2014.

For more information:

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Symposium Site

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