

2010 Texas Margin Tax
February 11, 2010 • AT&T Conference Center • Austin, TX
February 18, 2010 • South Texas College of Law • Houston, TX
February 23, 2010 • Belo Mansion • Dallas, TX

Day 1 Morning

Presiding Officer:

Christina A. Mondrik, Mondrik & Associates - Austin, TX

8:00 am In Austin Only	Registration Opens Includes continental breakfast.
8:50 am In Austin Only	Welcoming Remarks
9:00 am 1.00 hr	Franchise Tax Audits The audit process, records needed, and common errors. Panelists: Gary Dullum, Texas Comptroller of Public Accounts - Dallas, TX Panelists: Bobby Lebkowsky, Texas Comptroller of Public Accounts - Dallas, TX In Houston: Moderator: Christina A. Mondrik, Mondrik & Associates - Austin, TX Ted Pace, Texas Comptroller of Public Accounts - Houston, TX In Dallas: Moderator: Cynthia M. Ohlenforst, K&L Gates LLP - Dallas, TX Ted Pace, Texas Comptroller of Public Accounts - Houston, TX In Austin: Moderator: Christina A. Mondrik, Mondrik & Associates - Austin, TX
10:00 am 0.50 hr	Surviving an Audit by the Texas Comptroller of Public Accounts With the Texas Comptroller's office significantly increasing its audit work force, taxpayers can expect an increase in audits and likely more aggressive assessments. This presentation covers important <i>dos</i> and <i>don'ts</i> and other matters that tax practitioners should keep in mind as they help navigate their clients through an audit by the Texas Comptroller of Public Accounts. David E. Colmenero, Meadows, Collier, Reed, Cousins, Crouch & Ungerman, L.L.P. - Dallas, TX
10:30 am In Austin Only	Break

10:45 am 0.50 hr	<p>Service Businesses and Total Revenue: Getting to Net</p> <p>Determining the total revenue tax base is especially important for service businesses. What must be included and what may be excluded? This presentation focuses on what is properly reportable as income for franchise tax purposes, and when federal income tax requirements will or will not support such reporting on a net result of operations.</p> <p>Ira A. Lipstet, DuBois, Bryant & Campbell, L.L.P. - Austin, TX</p>
11:15 am 1.00 hr	<p>Cost of Goods Sold (COGS): Answering the Tough Questions</p> <p>Many taxpayers have said COGS is the “800 pound gorilla” of the revised Texas franchise tax law. This session presents some of the questions regarding COGS and perhaps brings up a few that most taxpayers have not thought about.</p> <p>Steven W. Anderson, KPMG LLP - Houston, TX</p>

Day 1 Afternoon

Presiding Officer:

Hon. Peter Brooks, State Office of Administrative Hearings - Austin, TX

In Austin Only	LUNCHEON PRESENTATION
12:15 pm In Austin Only	<p>Pick up Box Lunch</p> <p>Included in conference registration.</p>
12:30 pm 0.75 hr	<p>Who Bears the Burden of the Margin Tax?</p> <p>The 2006 revisions to the franchise tax changed not only how the tax is calculated, but also who pays the tax and how they file. This discussion, featuring perspectives from both the public and private sectors, covers all of the major aspects of tax burden including how the tax shifted across industries, by size of taxpayer, and over different business forms. Historically, major shifts in tax burden are a major factor driving discussions of tax policy and will undoubtedly play a significant role in future discussions regarding the franchise tax.</p> <p>Dale Craymer, Texas Taxpayers and Research Association - Austin, TX Michael Reissig, Texas Comptroller of Public Accounts - Austin, TX</p>
1:15 pm In Austin Only	Break
1:30 pm 0.50 hr	<p>Manufacturing: Special Margin Tax Issues</p> <p>A discussion and analysis of the benefits and pitfalls applicable to the manufacturing industry under the revised Texas franchise tax on taxable margin.</p>

2:00 pm 0.50 hr	<p>Special Margin Tax Issues for the Construction and Oil and Gas Industries</p> <p>A consideration of special margin tax issues faced by the construction industry and the oil and gas industry. The discussion includes costs eligible for deduction; potential revenue exclusions and other margin tax issues for business entities engaged in real estate construction; repairs and remodeling; oil and gas production and refining; well servicing companies; and real estate subcontractors.</p> <p>Christina A. Mondrik, Mondrik & Associates - Austin, TX</p>
2:30 pm 0.50 hr	<p>Real Estate and Passive Entities: Special Margin Tax Issues</p> <p>Coverage of current issues involving real estate and passive entities, including the Comptroller's Proposed Rule on Margin Passive Entities; the treatment of rental and other income that flows from a partnership to a partner for purposes of determining whether the partner qualifies as a passive entity; and reporting requirements for passive entities. The session also examines the issue of whether a landlord may recover from a tenant a portion of the margin tax imposed on the landlord pursuant to common expense reimbursement clauses contained in leases entered into prior to the enactment of the margin tax.</p> <p>Daniel J. Micciche, Akin, Gump, Strauss, Hauer, & Feld, L.L.P. - Dallas, TX</p>
3:00 pm In Austin Only	<p>Break</p>
3:15 pm 1.00 hr	<p>Planning Opportunities and Pitfalls</p> <p>The days of relying solely on the "old reliable" LP planning structures have gone the way of the dinosaur, but planning opportunities to save taxes still exist. This session presents ways to save taxes by thinking ahead (including elimination of Texas receipts through planning) and ways of paying more in taxes resulting from not thinking ahead (including tiered partnership elections and other bad choices). Also included, a discussion of the Comptroller's consideration of an economic substance rule.</p> <p>Karey W. Barton, Ryan, Inc. - Austin, TX Ray H. Langenberg, Scott, Douglass & McConnico, LLP - Austin, TX</p>
4:15 pm 1.00 hr	<p>Ask the Tax Policy Experts</p> <p>Are you still bewildered, puzzled, troubled, uncertain, or perplexed by the Revised Texas Franchise Tax? If so, this is your opportunity to pose your "sixty-four-thousand-dollar question" directly to Senior Policy Analysts in the franchise tax section of the Comptroller's office. Panelists Teresa Bostick and Janet Spies spend an hour demystifying some of the complexities of the franchise tax. Come with your questions! Hon. Peter Brooks moderates the discussion.</p> <p>Moderator: Hon. Peter Brooks, State Office of Administrative Hearings - Austin, TX Panelists: Janet Spies, Texas Comptroller of Public Accounts - Austin, TX In Houston: Panelists: Jerry Howard Oxford, TX Comptroller of Public Accounts - Austin, TX In Dallas: Panelists: Jennifer A. Specchio, TX Comptroller of Public Accounts - Austin, TX In Austin: Panelists: Jerry Howard Oxford, TX Comptroller of Public Accounts - Austin, TX</p>
5:15 pm In Austin Only	<p>Adjourn</p>