

also the corporation's registered agent. He supervised corporate employees in 1991, and he knew that the corporation was required to remit withholding taxes to the department during the period under review.

The Circuit Court reviewed the decision by the Commission, which held

that the taxpayer was a responsible person under sec. 71.83(1)(b)2, Wis. Stats., with the **authority** and the **duty** to pay the corporation's withholding taxes, and the **intention to breach that duty**. The taxpayer contends that the Commission failed to produce the required evidence to

establish that he was a responsible person.

The Circuit Court affirmed the decision of the Commission.

The taxpayer has not appealed this decision. □



Tax Releases

"Tax releases" are designed to provide answers to the specific tax questions covered, based on the facts indicated. In situations where the facts vary from those given herein, the answers may not apply. Unless otherwise indicated, tax releases apply for all

periods open to adjustment. All references to section numbers are to the Wisconsin Statutes unless otherwise noted.

The following tax releases are included:

land contracts, mortgages, stocks, bonds, and securities, or from the sale of similar intangible personal property, shall follow the residence of the individual, estate, or trust.

Facts and Question 1: The taxpayer was a legal resident of Wisconsin for 1998 (i.e., the taxpayer was domiciled in Wisconsin). During 1998 the taxpayer rolled over a \$40,000 distribution from a regular IRA to a Roth IRA. The taxpayer will report the taxable distribution over a four-taxable year period (\$10,000 per year). The taxpayer filed a 1998 Wisconsin income tax return and included the \$10,000 on his return. In 1999, the taxpayer abandons his Wisconsin residency and establishes a new legal residence in Florida.

Is the remaining \$30,000 (that is, the \$10,000 portion of the distribution that is includable in the taxpayer's federal adjusted gross income in tax years 1999, 2000, and 2001) taxable by Wisconsin?

Answer 1: Yes. The remaining \$30,000 of the IRA distribution is taxable by Wisconsin even though the taxpayer is a nonresident of Wisconsin. The taxpayer must file a Wisconsin income tax return (Form 1NPR) for each year (1999, 2000, and 2001) and report \$10,000 as Wisconsin income each year.

Individual Income Taxes

1. Rollovers to Roth IRAs (p. 29)
2. Tuition Expense Subtraction: Eligible Institutions (p. 30)

Sales and Use Taxes

3. Meat Processors May Qualify as Manufacturers (p. 36)

INDIVIDUAL INCOME TAXES

1 Rollovers to Roth IRAs

Statutes: Sec. 71.04(1)(a), Wis. Stats. (1995-96)

Note: This tax release applies only with respect to taxable years beginning on or after January 1, 1998.

Background: Federal law (sec. 408A(d)(3)(A)(iii), Internal Revenue Code) provides that a taxpayer who rolls over a distribution from a regular IRA to a Roth IRA before January 1, 1999, is to include the taxable amount of the distribution from the regular IRA in income ratably over the four-taxable year period beginning with the taxable year in which the distribution is made, unless an election is

made to include the entire taxable amount in taxable income for 1998.

This federal provision also applies for Wisconsin tax purposes (sec. 71.01(6)(m), Wis. Stats., as amended by 1997 Wisconsin Act 237).

Section 71.04(1)(a), Wis. Stats. (1995-96), provides that all income or loss of resident individuals and resident estates and trusts shall follow the residence of the individual, estate, or trust. In the case of nonresident individuals and nonresident estates and trusts, income or loss from business, rents and royalties, sales of real property, and personal services shall follow the situs of the business, property, or services. Other income (except certain gambling winnings), including income or loss derived from

The entire IRA distribution is considered received by the taxpayer in the year of the rollover (1998) while the taxpayer was a resident of Wisconsin. Internal Revenue Code sec. 408A(d)(3)(A)(iii) affects only when the income is reported, not when the distribution creating the income takes place. Therefore, Wisconsin requires the taxpayer to pay tax on the distribution for each of the four years in which the income is reportable, even if the taxpayer becomes a nonresident of Wisconsin during the four-year period.

Facts and Question 2: The taxpayer was a resident of California for 1998. During 1998, the taxpayer rolled over a \$80,000 distribution from a regular IRA to a Roth IRA. The taxpayer will report the taxable distribution over a four-taxable year period (\$20,000 per year). In 1999, the taxpayer moves to Wisconsin and becomes a legal resident of Wisconsin. Is the \$20,000 which the taxpayer must report on his federal income tax return in each of the years, 1999, 2000, and 2001 taxable by Wisconsin?

Answer 2: No. When a person rolls over a distribution from a regular IRA to a Roth IRA during 1998 at a time the person is not a resident of Wisconsin and will report the income over a four-taxable year period, any amount remaining to be included in federal income is not taxable by Wisconsin if the person subsequently becomes a Wisconsin resident. Since federal law provides an election to report the entire taxable amount in the year of the distribution, the taxpayer will be deemed, for Wisconsin tax purposes, to have elected to report the entire amount of income in the year of the distribution when he was a nonresident. Therefore, no amount of the distribution will be taxable by Wisconsin.

Note Even if this taxpayer had moved to Wisconsin in 1998, as long as the

IRA distribution occurred before the taxpayer became a Wisconsin resident, no amount would be taxable by Wisconsin. □

2 Tuition Expense Subtraction: Eligible Institutions

Statutes: Section 71.05(6)(b)28, as created by 1997 Wisconsin Act 237

Note: This tax release applies only with respect to taxable years beginning on or after January 1, 1998.

Background: Section 71.05(6)(b)28, as created by 1997 Wisconsin Act 237, provides a subtraction from federal adjusted gross income when computing Wisconsin taxable income for up to \$3,000 of the amount paid for tuition expenses. The tuition must have been paid for a student who is the claimant, the claimant's spouse if married filing a joint return, or the claimant's child who is claimed as a dependent on the claimant's federal income tax return. Up to \$3,000 may be claimed for each student. For example, if you paid tuition for two dependents who are attending a university, you may claim up to \$3,000 for each.

The amount of the subtraction is reduced as shown in the following chart, based on federal adjusted gross income (FAGI):

Filing Status	Subtraction Reduced if FAGI is Between	No Subtraction Allowed if FAGI is
Single or Head of Household	\$50,000 and \$60,000	\$60,000 or more
Married Filing a Joint Return	\$80,000 and \$100,000	\$100,000 or more
Married Filing a Separate Return	\$40,000 and \$50,000	\$50,000 or more

The tuition must have been paid during the taxable year to attend any of the following:

- Classes in Wisconsin at a school which qualifies as a university, college, or technical college.
- Classes in Wisconsin at other post-secondary schools (post-high schools) that have been approved by the Wisconsin Educational Approval Board.
- Classes in Minnesota at a public vocational school or public institution of higher education in Minnesota under the Minnesota-Wisconsin tuition reciprocity agreement.

Question 1: Which institutions located in Minnesota participate in the Minnesota-Wisconsin tuition reciprocity agreement?

Answer 1: Following is a list of public institutions in Minnesota that participate in the Minnesota-Wisconsin tuition reciprocity agreement. Tuition paid for a student who is attending one of these institutions under the Minnesota-Wisconsin reciprocity agreement qualifies for the subtraction.

(Note: This list was provided by the Wisconsin Higher Education Board on November 13, 1998.)

ELIGIBLE INSTITUTIONS:

Universities and Colleges:

- Anoka Ramsey CC
- Central Lakes C & TC
- Century C & TC
- Fergus Falls CC
- Fond du Lac CC
- Hibbing C & TC
- Inver Hills CC
- Itasca CC
- Lake Superior C & TC
- Mesabi C & TC
- Minneapolis C & TC
- Normandale CC
- North Hennepin CC

Northland C & TC
 Rainy River CC
 Ridgewater C & TC
 Riverland C & TC
 Rochester C & TC
 Vermillion CC
 Worthington CC
 Bemidji State University
 Mankato State University
 Metropolitan State University
 Moorhead State University
 St. Cloud State University
 Southwest Minnesota State University
 Winona State University
 University of Minnesota - Twin Cities
 University of Minnesota - Crookston
 University of Minnesota - Duluth
 University of Minnesota - Morris

Technical Colleges:

Alexandria Technical College
 Anoka-Hennepin Technical College
 Dakota County Technical College
 Hennepin Technical College
 Northwest Technical College
 Pine Technical College
 Red Wing/Winona Technical College
 South Central Technical College
 St. Cloud Technical College
 St. Paul Technical College

Question 2: Which post-secondary schools have been approved by the Wisconsin Educational Approval Board?

Answer 2: Following is a list of schools which have been approved by the Wisconsin Educational Approval Board as of November 13, 1998. Tuition paid for classes taken in Wisconsin from one of these schools qualifies for the subtraction.

(**Note:** This list was provided by the Wisconsin Educational Approval Board on November 13, 1998.)

APPROVED SCHOOLS:

A SpiriTouch Institute, Inc. (ASI)
 6225 University Avenue
 Madison, WI 53705
Additional Teaching Locations
 None

ABC School of Real Estate
 650 Westhill Blvd.
 Appleton, WI 54914
Additional Teaching Locations
 Appleton: 1050 N. Lynndale

Niagara: Niagara Public High School,
 700 Jefferson Avenue

Academy of Travel.
 12700 West Bluemound Road
 Elm Grove, WI 53122
Additional Teaching Locations
 None

ACTION Employment and Training
 1800 Appleton Road
 Menasha, WI 54952
Additional Teaching Locations
 None

Allied Computer Group, Inc.
 600 West Virginia Street, 6th Floor
 Milwaukee, WI 53204
Additional Teaching Locations
 Appleton: 3011 E. Capitol Dr.

American Home Inspectors Training Institute, Ltd.
 212 Wisconsin Avenue
 Waukesha, WI 53186
Additional Teaching Locations
 None

American Institute for Paralegal Studies, Inc.
 17W705 Butterfield Road, Suite A
 Oakbrook Terrace, IL 60181
Additional Teaching Locations
 DePere: St. Norbert College, College Avenue
 Madison: Inntowner, Best Western,
 2424 University Ave.
 Milwaukee: Milwaukee Marriott Brookfield,
 375 S. Moorland Rd.

American Institute of Taxidermy
 4552 Hwy 51 North
 Boulder Junction, WI 54512
Additional Teaching Locations
 None

Art Instruction Schools - Palmer Writers School
 3309 Broadway, NE
 Minneapolis, MN 55413
Additional Teaching Locations
 None

Associated Institute of Travel
 2215 South Oneida Street
 Green Bay, WI 54304
Additional Teaching Locations
 Green Bay: 2050 Riverside Drive

Associated Training Services Corporation
 7190-C Elder Lane
 Sun Prairie, WI 53590
Additional Teaching Locations
 None

Astron, Inc.
 112 South Mountain Way Drive
 Orem, UT 84058
Additional Teaching Locations
 None

Aurora University
 Lake Geneva Campus
 P.O. Box 210
 Williams Bay, WI 53191-0210
Additional Teaching Locations
 New Berlin: Eisenhower High and Middle School,
 4333 Sunnyslope Rd.

Badger State Repair School
 204 W. Centralia
 Elkhorn, WI 53121
Additional Teaching Locations
 None

Balanced Touch Institute, Inc. (The)
 N7576 Timber Drive
 Rib Lake, WI 54470
Additional Teaching Locations
 Rib Lake: Rib Lake Health Care Center,
 650 Pearl St.
 Wausau: Northcentral Technical College,
 1000 Campus Dr.

Barbizon School of Modeling
 Time Life Building
 541 North Fairbanks
 Chicago, IL 60611
Additional Teaching Locations
 Schaumburg, IL: Barbizon School,
 1051 Perimeter Dr.

Becker CPA Review Corp.
 Devry Inc.
 One Tower Lane
 Oakbrook Terrace, IL 60181-4624
Additional Teaching Locations
 Madison: Madison College, 31 S Henry Street
 Milwaukee: Keller Graduate School of Management, 100 East Wisconsin Avenue Suite 2550
 Waukesha: Keller Graduate School of Management, 20935 Swenson Drive Suite 450
 Waukesha: Holiday Inn, 2417 Bluemound Rd.
 Whitewater: University of Wisconsin,
 5019 Carlson Hall

Brown Institute
 1440 Northland Drive
 Mendota Heights, MN 55120
Additional Teaching Locations
 None

Bryant & Stratton College
 1300 N Jackson St
 Milwaukee, WI 53202
Additional Teaching Locations
 None

Business and Banking Institute
 323 West Wells Street
 Milwaukee, WI 53203
Additional Teaching Locations
 None

Capri College
 6414 Odana Road
 Madison, WI 53719
Additional Teaching Locations
 None

Careers in Travel
 428A Division St.
 Stevens Point, WI 54481
Additional Teaching Locations
 None

Carlson Travel Academy
 9072 North Deerbrook Trail
 Brown Deer, WI 53233
Additional Teaching Locations
 None

Central Wisconsin School of Real Estate 3017 Church Street Stevens Point, WI 54481 <i>Additional Teaching Locations</i> Schofield: 1030 Grand Avenue	OH, Columbus: 1350 Alum Creek Dr. TX, Irving: 4800 Regent Blvd.	Graceland College Division of Health Care Professionals 700 College Avenue Lamoni, IA 50140 <i>Additional Teaching Locations</i> None
Century 21 Affiliated School of Real Estate 2800 Royal Avenue Madison, WI 53713 <i>Additional Teaching Locations</i> None	Diesel Truck Driver Training School, Inc. Hwy 151 & Hwy VV P.O. Box 560 Sun Prairie, WI 53590 <i>Additional Teaching Locations</i> None	Great Plains Educational Services 6318 Hartford Drive P. O. Box 44344 Madison, WI 53744 <i>Additional Teaching Locations</i> Madison: Radisson Hotel, 517 Grand Canyon Dr. Madison: Howard Johnson Downtown, 525 W. Johnson St. Madison: Cardinal Stritch College, 8017 Excelsior Dr.
Century 21 Savaglio School of Real Estate 1557 S. Green Bay Road Racine, WI 53406 <i>Additional Teaching Locations</i> None	Educational Center for Financial Services 11805 West Hampton Avenue Milwaukee, WI 53225 <i>Additional Teaching Locations</i> Appleton: Woodfield Suites, 3730 W. College Ave. Eau Claire: Howard Johnson, 809 W. Clairemont Ave. Green Bay: Holiday Inn, 2580 S. Ashland Ave. Madison: Howard Johnson Plaza Hotel, 525 West Johnson Street Madison: Herzog College of Technology, 1227 N. Sherman Ave. Madison: Radisson Inn, 517 Grand Canyon Wauwatosa: Holiday Inn Express Mayfair, 11111 W. North Ave.	H & R Block P. O. Box 25397 Milwaukee, WI 53225 <i>Additional Teaching Locations</i> Antigo: 531 Clermont Appleton: 339 W. Wisconsin Ave. Beaver Dam: 228 Front St. Beloit: 1731 Madison Rd. Beloit: 2632 Prairie Ave. Black River Falls: 13 N. First St. Burlington: 132 W. Chestnut Chippewa Falls: 337 E. Prairie View Rd. Delavan: 218 E. Walworth Eau Claire: 1035 N. Hastings Way Eau Claire: 2525 E. Clairemont Ave. Eau Claire: 2639 N. Clairemont Ave. Fond du Lac: 171 S. Main St. Fort Atkinson: 116 N. Main St. Friendship: 511A Main St. Green Bay: 601 S. Military Ave. Greenfield: 6015 W. Forest Home Ave. Hales Corners: 5300 S. 108th Street Hartford: 225 N. Main St., In Times Press Building Janesville: 2020 E. Milwaukee Janesville: 2511 Milton Ave. Jefferson: 130 E. Racine Jefferson: 109 N. Main Street, Suite 101 Kenosha: 3456 52nd St. Kenosha: 6124 - 22nd Avenue LaCrosse: 1527 Losey Blvd. LaCrosse: Bridgeview Plaza, 2344 Rose St. Madison: 1205 N. Sherman Ave. Madison: 1240 S. Park St. Madison: 2617 E. Washington Avenue Madison: 6754 Odana Rd. Manitowoc: Shopko Plaza Marshfield: 405 S. Central Medford: 201 S. Main St. Menomonee Falls: N85 W15768 Appleton Ave. Menomonie: 815 E. Sixth Ave. Middleton: 2530 Allen Blvd. Milwaukee: 1201 N. 35th St. Milwaukee: 1842 S. 15th Milwaukee: 3254 S. 27th St. Milwaukee: 4885 S. 27th St. Milwaukee: 5209 W. Fond du Lac Ave. Milwaukee: 6806 W. Brown Deer Rd. Milwaukee: 7600 W. Capitol Dr. Milwaukee: 809 E. Capitol Drive Monroe: 1821 6th St. Mukwonago: 101 Lake St. Neenah: 796 Winneconne Avenue Neillsville: 624 Hewitt New Berlin: 15429 W. National Ave. New Holstein: 2014C Wisconsin
Charles Training Institute 3417 Douglas Avenue Racine, WI 53402 <i>Additional Teaching Locations</i> None	English Language Center P.O. Box 5234 Madison, WI 53705 <i>Additional Teaching Locations</i> None	
CHI Energy Resource Center 4222 Milwaukee St., Suite 12 Madison, WI 53714 <i>Additional Teaching Locations</i> None	Entre Computer Center 13400 Bishops Lane, Suite 270 Brookfield, WI 53005 <i>Additional Teaching Locations</i> None	
College of St. Scholastica (The) 1200 Kenwood Avenue Duluth, MN 55811 <i>Additional Teaching Locations</i> DePere: Ministry and Life Retreat Center, St. Norbert Abbey, 1016 N. Broadway Marathon: St. Anthony's Retreat Center, 300 E. 4th St.	Executrain of Wisconsin 18650 West Corporate Drive, Suite 115 Brookfield, WI 53045 <i>Additional Teaching Locations</i> Appleton: 501 Nicolet Madison: 4600 American Pkwy., Suite 102 Milwaukee: 720 N. Water St.	
Dairyland Diesel Driving School Highway 12 and Plaza Dr P. O. Box 131 Wisconsin Dells, WI 53965 <i>Additional Teaching Locations</i> None	Focuscorp, Inc. 3201 Latham Drive Madison, WI 53713-4615 <i>Additional Teaching Locations</i> None	
Dearborn Financial Institute 11805 West Hampton Ave. Milwaukee, WI 53225 <i>Additional Teaching Locations</i> Madison: Quality Inn South, 4916 East Broadway Oshkosh: Hilton Inn, 1 North Main Street	Fox Valley School of Massage P.O. Box 615 Neenah, WI 54957-0615 <i>Additional Teaching Locations</i> Appleton: 2003 N. Meade St., Suites 211 & 212 Appleton: Appleton Medical Center, 1818 S. Merde St.	
Dental Assisting Careers Institute 9302 West Bluemound Road Milwaukee, WI 53226-4449 <i>Additional Teaching Locations</i> None	Fox Valley Travel School 2444 W. College Ave. Appleton, WI 54911 <i>Additional Teaching Locations</i> Appleton: Comfort Suites and Amora Villa De Pere: St. Norbert College, College Ave.	
DeVry Institutes One Tower Lane Oakbrook Terrace, IL 60181 <i>Additional Teaching Locations</i> AZ, Phoenix: 2149 W. Dunlap Ave. CA, Fremont: 6800 Dumbarton Circle CA, Long Beach: 3880 Kilroy Airport Way CA, Pomona: 901 Corporate Center Dr. GA, Alpharetta: 2555 Northwinds Parkway GA, Decatur: 250 North Arcadia Ave. IL, Chicago: 3300 N. Campbell Ave. IL, Addison: 1221 N. Swift Rd. MO, Kansas City: 11224 Holmes Rd. NY, Long Island City: 30-20 Thomson Ave.	Gered Models International, Ltd. 2702 Monroe Street Madison, WI 53711 <i>Additional Teaching Locations</i> None	

New Richmond: 340 S. Knowles	<i>Additional Teaching Locations</i>	CA, Long Beach: 3880 Kilroy Airport Way
Oconomowoc: 112 N. Main	None	CA, Pomona: Pomona Center, 901 Corporate Center Drive
Oshkosh: 937 N. Main St.		GA, Alpharetta: 2555 Northwinds Parkway
Oshkosh: 1092 S. Koeller Rd.	Insurance Agent Prelicensing School (The)	GA, Atlanta: Atlanta/Perimeter Center, Two Ravinia Dr.
Pewaukee: Silvernail Shopping Center, 2110 W. Silvernail	2033 South 104th Street	GA, Atlanta: Buckhead Center, 4 Piedmont Center, 3565 Piedmont Rd., NE, Suite 240
Platteville: 15 W. Main St.	West Allis, WI 53227	GA, Decatur: Decatur Center, 250 N. Arcadia Ave.
Plymouth: 2621 Eastern Avenue	<i>Additional Teaching Locations</i>	IL, Elgin: Elgin Ctr, 385 Airport Rd.
Prairie du Chien: 702 E. Blackhawk	Appleton: Woodfield Suites, 3730 West College Avenue	IL, Oakbrook Terrace: One Tower Lane
Racine: 2310A South Green Bay Rd.	Appleton: Paper Valley Hotel, 333 West College Avenue	IL, Orland Park: South Surburan Ctr, 15255 S. 94th Ave., Suite 400
Racine: 3701 Durand Ave., Elmwood Plaza	Brookfield: Midway Hotel, 1005 South Moorland Road	IL, Chicago: Chicago Loop Center, 225 W. Washington, Suite 100
Racine: 3900C Erie St.	Brookfield: Primerica Financial Services, 1335 S. Moorland Rd.	IL, Lisle: Lisle Center, 6200 Rt. 53, Suite G-11
Reedsburg: 1030 E. Main Street	Green Bay: Primerica Financial Services, 1066 Mather St.	IL, Schaumburg: Northwest Suburban Ctr, 1051 Perimeter Dr., 9th Fl., Woodfield Exec. Plaza
Rhineland: 76 S. Brown	La Crosse: Primerica Financial Services, 200 Main St., Ste. 210	IL, Lincolnshire: North Suburban Ctr, Tri-State Int'l, Bldg 25, Suite 130
Rice Lake: 800 South Main Street	La Crosse: Primerica Financial Services, 205 5th Ave.	IN, Merrillville: Merrillville Center, Twin Towers, 1000 East 80th Place, Suite 609
River Falls: 107 W. Walnut	Madison: Primerica Financial Services, 2317 International Lane, Ste. 216	MO, St. Louis: St. Louis Center, Suite 260, 1801 Park 270 Drive
St. Francis: 4698 S. Whitnall Ave.	Madison: Quality Inn South, 4916 E. Broadway	MO, St. Louis: St. Louis !! Center, 1010 Market St., Suite 550
Salem: 2763 6 - 75th St.	Marshfield: Marshfield Innkeeper, 2700 South Roddis Avenue	MO, Kansas City: South Ctr, 11224 Holmes Rd.
Sauk City: 205 Phillips Blvd.	Milwaukee: Quality Inn-Airport, 5311 S. Howell Ave.	MO, Kansas City: Downtown Ctr, City Ctr Sq, 1100 Main St.
Sheboygan: 2821 N. 15th	Tomah: Holiday Inn, Hwy 21 & Jct I-94	VA, McLean, Tysons Corner Center, 1751 Pinnacle Dr.
Sheboygan: 2233 Calumet Drive		WI, Milwaukee: Milwaukee Center, 100 E. Wisconsin Ave., Suite 2550
Sheboygan: 2613 S. Business Drive	ITT Technical Institute	WI, Waukesha: Waukesha Center, 20935 Swenson Drive, Suite 450
South Milwaukee: 2901 S. Chicago	6300 West Layton Avenue	
Stevens Point: 2607 Post Rd	Greenfield, WI 53220-4612	Kenosha School of Real Estate 4721 75th Street Kenosha, WI 53142
Stoughton: 1060 W. Main St., #4, Stoughton Plaza Shopping Center	<i>Additional Teaching Locations</i>	<i>Additional Teaching Locations</i>
Tomah: 115 East Clifton	None	None
Two Rivers: 1608 Washington St.	Jackson Hewitt Tax School of Wisconsin	Lakeside School of Massage Therapy 1726 N. 1st Street, 1st Floor Milwaukee, WI 53212
Viroqua: 101 S. Rock	4575 Bonney Road	<i>Additional Teaching Locations</i>
Waterloo: 112 E. Madison Street	Virginia Beach, VA 23462	None
Watertown: 409 E. Main St.	<i>Additional Teaching Locations</i>	LAN Masters Technical Education Services 1218 South Military Avenue Green Bay, WI 53404
Waukesha: 121 W. Sunset Drive	None	<i>Additional Teaching Locations</i>
Waukesha: 21505 Hwy 18	John Casablancas Modeling and Career Center	None
Waupun: 310 E. Main St.	Brookfield Lakes Corporation Center IV	LAN Masters Technical Education Services 1218 South Military Avenue Green Bay, WI 53404
Wautoma: Hwy. 21E	200 North Patrick Boulevard, # 700	<i>Additional Teaching Locations</i>
West Allis: 2261 S. 108th St.	Brookfield, WI 53045	None
West Allis: 6755 W. Greenfield Ave.	<i>Additional Teaching Locations</i>	LAN Masters Technical Education Services 1218 South Military Avenue Green Bay, WI 53404
West Bend: 703 Cedar St.	None	None
Whitewater: 135 W. Center St.	John Rinehart Taxidermy School	Lesley College 29 Everett Street Cambridge, MA 02138-2790
Wisconsin Rapids: 641 8th Street, South.	3032 McCormick Drive	<i>Additional Teaching Locations</i>
	P.O. Box 5010	Green Bay: Northeast Wisconsin Technical College, 2340 Mason St.
Herzing College	Janesville, WI 53547-5010	Green Bay: Lombardi Middle School, 1520 South Pointe Road
1227 North Sherman Ave.	<i>Additional Teaching Locations</i>	Kenosha: Lakeview Technology Academy, 9449 88th Ave.
Madison, WI 53704	None	Milwaukee: Maple Dale School, 8377 N. Port Washington Rd.
<i>Additional Teaching Locations</i>	Johns Hopkins University	Verona: Verona Senior High School, 300 Richard St.
None	3400 North Charles Street	West Allis: Nathan Hale High School, 11601 W. Lincoln Ave.
High-Tech Institute	Baltimore, MD 21218	Lincoln Technical Institute 7320 W. Agatite Norridge, IL 60656
1515 E. Indian School Road	<i>Additional Teaching Locations</i>	
Phoenix, AZ 85014	Milwaukee: Plankinton Center, 161 W. Wisconsin Ave.	
<i>Additional Teaching Locations</i>		
None	Keller Graduate School of Management	
Howard Academy for the Metal Arts	100 East Wisconsin Ave., Suite 2550	
188-194 West Main Street	Milwaukee, WI 53202	
Stoughton, WI 53589	<i>Additional Teaching Locations</i>	
<i>Additional Teaching Locations</i>	AZ, Mesa: Mesa Center, Suite 5450, 1201 South Alma School Road	
None	AZ, Phoenix: Phoenix/Northwest Ctr, 2149 W. Dunlap Ave.	
Hypnosis Wellness & Training Center	CA, Irvine: 3333 Michelson Drive	
20 South Main St., Suite 24		
Janesville, WI 53545		
<i>Additional Teaching Locations</i>		
None		
IKON Technology Services		
11425 West Lake Park Drive		
Milwaukee, WI 53224		
<i>Additional Teaching Locations</i>		
None		
Institute of Dental Assisting		
6641 University Ave.		
Middleton, WI 53562		

Additional Teaching Locations

None

Loyola University Chicago

820 N. Michigan Avenue

Chicago, IL 60611

Additional Teaching Locations

None

Madison English as a Second Language School,

LLC

3009 University Avenue

Madison, WI 53705

Additional Teaching Locations

Madison: 3009 University Ave., Room 103

Madison Media Institute

One Point Place

Office Building, Suite 1

Madison, WI 53719

Additional Teaching Locations

None

MBTI Business Training Institute

606 W. Wisconsin Ave.

Milwaukee, WI 53203

Additional Teaching Locations

None

McConnell School, Inc. (The)

1201 Marquette Avenue, Suite 100

Minneapolis, MN 55403

Additional Teaching Locations

None

Midwest Center for Career Education

408 Archery Road

Manitowish Waters, WI 54545

Additional Teaching Locations

None

Midwest Center for the Study of Oriental

Medicine

6226 Bankers Road, Suites 5 & 6

Racine, WI 53403

Additional Teaching Locations

Racine: 6233 Bankers Rd., Suite 15

Milwaukee School of Massage

1661 North Water Street, Suite 301

Milwaukee, WI 53202

Additional Teaching Locations

None

Minneapolis Business College

1711 West County Rd. B

Roseville, MN 55113

Additional Teaching Locations

None

Motorcycle and Marine Mechanics Institute

Division of Clinton Technical Institute

9751 Delegates Drive

Orlando, FL 32837

Additional Teaching Locations

AZ, Phoenix: Motorcycle Mechanics Institute,

2844 W. Deer Valley Rd.

Nashville Auto Diesel College

1524 Gallatin Road

Nashville, TN 37206

Additional Teaching Locations

None

National-Louis University

Milwaukee/Beloit Campus

325 North Corporate Drive, Suite 200

Brookfield, WI 53045-5861

Additional Teaching Locations

Beloit: Beloit Memorial High School,

1225 Fourth St.

Brookfield: Brookfield Academy,

3460 N. Brookfield Rd.

Brown Deer: Brown Deer Methodist Church,

5736 W. Brown Deer Rd.

Dousman: Kettle Moraine Middle School,

301 E. Ottawa Ave.

Glendale: Nicolet High School,

6701 N. Jean Nicolet Rd.

Grafton: Grafton High School,

1950 Washington Street

Kenosha: Bradford High School,

3700 Washington Rd.

Kenosha: Bullen Junior High School,

2804 39th Ave.

Madison: Cherokee Middle School,

4301 Cherokee Drive

Madison: LaFollette High School, 702 Pflaum Rd.

Madison: Quality Inn South, 4916 E. Broadway

Mequon: Homestead High School,

5000 W. Mequon Rd.

Milwaukee: Grand Avenue Middle School,

2340 W. Wisconsin Ave.

Milwaukee: Lady Pitts School,

4920 Capitol Dr., #232

Milwaukee: Marshall High School,

4141 N. 64th St.

Milwaukee: Sheraton Inn Mayfair,

2303 N. Mayfair Rd.

Milwaukee: St. Catherine's High School,

2647 N. 51st St.

Milwaukee: War Memorial Center,

750 N. Lincoln Memorial Dr.

Oak Creek: Oak Creek High School,

340 Puetz Rd.

Racine: Case High School, 7345 Washington Ave.

Salem: Central High School, P.O. Box 38,

24617 75th St.

Sheboygan: South High School, 3128 S. 12th St.

Shorewood: Lake Bluff Elementary School,

1600 East Lake Bluff Boulevard

Shorewood: Shorewood High School,

1701 E. Capitol Dr.

Somers: Shoreland Lutheran High School,

9026 12th St.

Waterford: Waterford High School,

110 S. Center St.

New Horizons Computer Learning Center, Inc.

5315 Wall Street, Suite 140

Madison, WI 53718

Additional Teaching Locations

Green Bay: 840 S. Military Ave.

New Horizons Computer Learning

Center - Milwaukee

2100 North Mayfair Road

Wauwatosa, WI 53226

Additional Teaching Locations

None

Neway Directions, Inc.

6400 Gisholt Drive, #102

Madison, WI 53713

Additional Teaching Locations

None

Nova Southeastern University

3301 College Avenue

Fort Lauderdale, FL 33314

Additional Teaching Locations

Milwaukee: The Grand Milwaukee Hotel,

4747 S. Howell Ave.

Wausau: Best Western Midway Motel,

2901 Martin Ave.

Ottawa University - Milwaukee

300 N. Corporate Drive, Suite 110

Brookfield, WI 53045-5865

Additional Teaching Locations

None

Professional Bartending School of Wisconsin

739 S. 108th Street

West Allis, WI 53214

Additional Teaching Locations

None

Professional CDL Training Institute, Inc.

3865 West Wells Street

Milwaukee, WI 53208

Additional Teaching Locations

None

Professional Dental Assistant Training (PDAT)

510 Hartbrook Drive

Hartland, WI 53029

Additional Teaching Locations

None

Professional Institute of Dental Assisting, Inc.

1714 N. Randall Ave.

Janesville, WI 53545

Additional Teaching Locations

None

ProStaff Training Plus

1033 North Mayfair Road, Suite 304

Wauwatosa, WI 53226-3240

Additional Teaching Locations

None

Rasmussen College

3500 Federal Drive

Eagan, MN 55122

Additional Teaching Locations

None

Real Estate School (The)

928 Grand Avenue

Schofield, WI 54476

Additional Teaching Locations

None

Robbins & Lloyd Career Training Institute

Monterrey Park

5309 N. 118th Ct.

Milwaukee, WI 53225

Additional Teaching Locations

Kenosha: Bear Realty, 4011 80th St.

Milwaukee: 5309 N. 118th Ct.

Saint Croix Center for the Healing Arts

3121 St. Croix Trail South

P.O. Box 354

Afton, MN 55001

Additional Teaching Locations

None

Saint Mary's University of Minnesota

2500 Park Avenue South

Minneapolis, MN 55404

Additional Teaching Locations

Minocqua: Minocqua Elementary School,
7450 Titus Dr.
Mukwonago: Mukwonago High School,
605 W. School Rd.
Oconomowoc: 641 E. Forest St.
Pewaukee: Waukesha County Technical College,
800 Main St.
Platteville: Gray Elementary School,
110 W. Adams Street
Stevens Point: UW - Stevens Point,
900 Reserve St.
Sun Prairie: St. Albert House, 2420 St. Albert Dr.
Superior: Superior High School, 2600 Catlin Ave.
Wisconsin Rapids: Wisconsin Rapids School
District - District Office, 510 Peach St
MN, Lindstrom: Chisago Lakes High School,
13750 Lakes Blvd.

Securities Training Corporation
309 W. Washington Street, Suite 450
Chicago, IL 60606

Additional Teaching Locations
None

Security Travel School
605 North 8th Street
Sheboygan, WI 53081
Additional Teaching Locations
None

Shorewest Real Estate Institute
11622 West North Avenue
Wauwatosa, WI 53226
Additional Teaching Locations
Brookfield: 17450 West North Avenue
Brookfield: Unitarian Universalist Church West,
13001 W. North Ave.
Menasha: Wauwatosa United Realty,
1486 Kenwood Center-Midway Rd.
Mequon: Wauwatosa Realty Co.,
1407 W. Mequon Road
Mequon: Homestead High School,
5000 W. Mequon Road
Sheboygan: Wauwatosa United Realty,
2500 Kohler Memorial Dr.
Waukesha: 121 W. Sunset Dr.
Wauwatosa: Wauwatosa Realty Co.,
11622 W. North Ave.
West Bend: UW-Washington County,
400 University Ave.
West Bend: 2419 West Washington Avenue
West Bend: West Bend High School,
1305 E. Decorah Road

Southeastern Academy
233 Academy Drive
P. O. Box 421768
Kissimmee, FL 32742-1768
Additional Teaching Locations
None

Stark Company School of Real Estate
717 John Nolen Drive
Madison, WI 53713
Additional Teaching Locations
Madison: 702 North High Point Road

Summit Schools, Inc.
117 Oakridge Court
P. O. Box 497
Watertown, WI 53094-0497

Additional Teaching Locations

Appleton: Paper Valley Hotel & Conference
Center, 333 W. College Ave
Watertown: ISC.INC, 117 Oakridge Ct.

TAI Travel Academy
4279 S. 76th St.
Greenfield, WI 53220
Additional Teaching Locations
None

TAI Travel Academy-Kenosha
4653 75th Street
Kenosha, WI 53142
Additional Teaching Locations
None

Travel Institute, Inc.
5801 Washington Avenue
Racine, WI 53406
Additional Teaching Locations
None

Travel Learn, LTD
2701-C University Avenue
Madison, WI 53705
Additional Teaching Locations
None

Trinity College of Vermont
208 Colchester Avenue
Burlington, VT 05401
Additional Teaching Locations
Milwaukee: Milw. Co. Mental Health C Building,
9501 Watertown Plank Rd.

Trinity International University
2065 Half Day Road
Deerfield, IL 60015-1284
Additional Teaching Locations
Brookfield: 777 S. Barker Road,
Elmbrook Church
Madison: 7702 Old Sauk Road,
High Point Church

Underwater Career Center
S5780, Highway 123
Baraboo, WI 53913
Additional Teaching Locations
None

Universal Technical Institute
3002 North 27th Avenue
Phoenix, AZ 85017-4599
Additional Teaching Locations
TX, Houston: 721 Lockhaven Dr.

University of Maryland University College
University Boulevard at Adelphi Road
College Park, MD 20742
Additional Teaching Locations
Green Bay: Wisconsin Public Service
Corporation, 600 N. Adams St.
Two Rivers: Wisconsin Electric Power Company,
6610 Nuclear Rd

University of St. Francis
500 North Wilcox Street
Joliet, IL 60435
Additional Teaching Locations
Brookfield: 16900 W. Gebhardt Rd.,
Brookfield Central High School
Elkhorn: W3985 County Rd.,
Lakeland Medical Center

Madison: 1010 Mound Ave., Meriter Hospital,
McConnell Hall
Milwaukee: 2900 W. Oklahoma Ave.,
St. Luke's Hospital
Milwaukee: 3237 S. 16th St., St. Francis Hospital

Upper Iowa University
605 Washington Street
P. O. Box 1857
Fayette, IA 52142
Additional Teaching Locations
Janesville: Blackhawk Technical College,
6004 Prairie Road
Lancaster: Lancaster Middle School,
802 E. Elm Street
Madison: 4601 Hammersley Road
Menomonee Falls: N88 W17658 Christmann
Road
Oak Creek: 8580 S. Howell Avenue
Pewaukee: 800 W. Main Street
Prairie du Chien: 520 East Blackhawk Avenue
Rhineland: Nicolet Technical College,
Tamarack Center, Trunk Hwy G
Richland Center: Brewer Public Library,
325 N. Central Avenue
Tomahawk: Tenneco Packaging Training Center,
N9090 County Road East
Wausau: Northcentral Technical College,
1000 W. Campus Drive, Room 114
West Allis: 6610 West Greenfield Avenue

ValCom Education
3113 W Beltline Hwy., Floor 2
Madison, WI 53713
Additional Teaching Locations
None

WESLI, LLC Wisconsin English Second
Language Institute
19 North Pinckney Street
Madison, WI 53703
Additional Teaching Locations
None

Wisconsin Institute of Natural Wellness
6921 Mariner Drive, Suite G
Racine, WI 53406
Additional Teaching Locations
None

Wisconsin Madison English Language Institute
LLC (Inactive)
1885 Essex Drive
Sun Prairie, WI 53590
Additional Teaching Locations
None

Wisconsin Real Estate Academy
7601 Pershing Blvd., Suite 4
Kenosha, WI 53142
Additional Teaching Locations
Kenosha: Harbor View Office Center, Suite 120

Wisconsin School of Professional
Pet Grooming, Inc.
N51 W34917 Wisconsin Ave.
P. O. Box 175
Okauchee, WI 53069
Additional Teaching Locations
None

Wisconsin Technology Training Institute, Ltd.
2201 S. Oneida Street, Suite 7
Green Bay, WI 53404

Additional Teaching Locations
None

Wyoming Technical Institute
4373 North 3rd Street
Laramie, WY 82070
Additional Teaching Locations
WY, Laramie: 1557 North Third St.

Question 3: An individual pays tuition to attend a post-secondary school (post-high school) in Wisconsin, but this school does not appear in the listing in the answer for Question 2 above. May the tuition paid by this individual be claimed as a subtraction from federal adjusted gross income in computing his or her Wisconsin taxable income?

Answer 3: Yes, the tuition may be claimed as a subtraction, but only if the school which the individual attends qualifies as a university, college, or technical college. To qualify as a university, college, or technical college, the school must have a curriculum which leads to a diploma, degree, or occupational or vocational objective. If you have any questions about whether a school qualifies, you may write to: Wisconsin Department of Revenue, Technical Services, P.O. Box 8933, Madison, WI 53708-8933.

SALES AND USE TAXES

Note: The following tax release interprets the Wisconsin sales and use tax law as it applies to the 5% state sales and use tax. The 0.5% county and 0.1% stadium sales and use taxes may also apply. For information on sales or purchases that are subject to the county or stadium sales and use tax, refer to Wisconsin Publication 201, *Wisconsin Sales and Use Tax Information*.

3 Meat Processors May Qualify as Manufacturers

Statutes: Section 77.54(2), (6)(a), and (6m), Wis. Stats. (1995-96)

Wis. Adm. Code: Section Tax 11.39(3)(s) and (4)(b) and (n)10., Wis. Adm. Code (October 1997 Register)

Background:

Law:

Section 77.54(2), Wis. Stats. (1995-96), provides a sales and use tax exemption for:

“The gross receipts from sales of and the storage, use or other consumption of tangible personal property becoming an ingredient or component part of an article of tangible personal property or which is consumed or destroyed or loses its identity in the manufacture of tangible personal property in any form destined for sale, but this exemption shall not include fuel or electricity.”

Section 77.54(6)(a), Wis. Stats. (1995-96), provides a sales and use tax exemption for the gross receipts from the sale of and the storage, use or other consumption of:

“Machines and specific processing equipment and repair parts or replacements thereof, exclusively and directly used by a manufacturer in manufacturing tangible personal property and safety attachments for those machines and equipment.”

Section 77.54(6m), Wis. Stats. (1995-96), provides, in part:

“For purposes of sub. (6)(a) ‘manufacturing’ is the production by machinery of a new article with a different form, use and name from existing materials by a process popularly regarded as manufacturing...”

Wisconsin Administrative Code:

Section Tax 11.39(3)(s), Wis. Adm. Code (October 1997 Register), provides that manufacturers ordinarily

include meat packing and processing plants.

Section Tax 11.39(4)(b) and (n)10., Wis. Adm. Code (October 1997 Register), provides that nonmanufacturers include butcher shops and persons engaged in custom slaughtering of animals. **Note:** Since the processes performed by some butcher shops may qualify as manufacturing, sec. Tax 11.39(4), Wis. Adm. Code (October 1997 Register), is being revised to remove butcher shops from the list of nonmanufacturers.

Court Decisions:

- A. In *H. Samuels Company Inc. vs. Department of Revenue*, Supreme Court of Wisconsin, December 19, 1975 (CCH 201-195), the Supreme Court affirmed the judgement of the trial court, finding that the taxpayer, who used heavy machinery to process scrap metal into prepared grades, met the statutory definition of manufacturing. The requirement that the article of tangible personal property produced must be the result of a “process popularly regarded as manufacturing” applied with reference to those conversant with the subject matter involved, not the “man on the street.”
- B. In *Clarence W. Knebel d.b.a. Knebel’s Processing Plant, Inc. and Knebel Processing Plant, Inc. vs. Wisconsin Department of Revenue*, Wisconsin Tax Appeals Commission, October 20, 1978 (CCH 201-528), the Commission concluded that the taxpayer was not entitled to the manufacturing exemption provided in sec. 77.54(6)(a), Wis. Stats., on machinery and equipment used in its slaughtering operations.

The taxpayer was in the business of slaughtering and processing

beef, lamb, and hogs for wholesale and retail trade.

The taxpayer also slaughtered animals for others (custom slaughtering). The taxpayer cut, wrapped, and froze the animals and made cube steaks, hamburger steaks, and sausages for its customers. The ownership of the animals remained with the customer.

The taxpayer used the same facilities for both custom slaughtering and slaughtering of animals purchased. The taxpayer's custom slaughtering operations were not popularly regarded as manufacturing by those conversant with the industry.

- C. In *Peck Meat Packing Corporation vs. Wisconsin Department of Revenue*, Wisconsin Tax Appeals Commission, August 13, 1980 (CCH 201-735), the Commission concluded that there was ample testimony that the taxpayer was popularly regarded as a manufacturer by persons familiar with the industry.

The taxpayer started with live cattle and cow and beef carcasses. The taxpayer "deboned" carcasses by separating the carcasses into several boneless cuts of beef. The beef was removed from carcasses and had bones, muscles, and fat removed to make it suitable for processing by other manufacturers, such as sausage makers, hamburger makers, chili makers, and others.

Facts:

Meat Processor A uses the following step-by-step processes to produce fresh bratwurst, smoked wieners, and steaks and roasts.

Fresh Bratwurst

Step 1 – Large chunks of raw meat are delivered in boxes. The meat is frozen when it arrives and it is put into a cooler to maintain the proper temperature, to prevent spoiling.

Step 2 – The meat is transported from the holding cooler, where it was placed upon arrival, to the grinder. The grinder is used to grind the meat into the desired texture.

Step 3 – After the meat is ground, it is weighed. Weighing is necessary to determine the proper amount of spices to be added, to obtain the desired flavor.

Step 4 – After being weighed, the meat is placed in a mixer. Spices are added and the mixer mixes the meat and spices together.

Step 5 – After the product is mixed, it is moved to the stuffer. The stuffer is used to "force" the meat into the desired casings.

Step 6 – Once the stuffing process is completed, the product is placed into the package for which it will be offered for sale to the customer. The product is vacuum packed, which assures the product is in an air tight container.

Step 7 – The finished product is placed in a cooler until such time as it is needed for retail or wholesale sale to customers.

Smoked Wieners

Steps 1 through 5 are the same as for the fresh bratwurst, explained above.

Step 6 – After the product is stuffed into the desired casings, it is placed on a rack. When the rack is full, the rack is placed in the smoker. The smoker adds the desired "smoked" flavor to the product.

Step 7 – After the product is smoked, it is placed in a cooler until the temperature of the product reaches the desired level.

Step 8 – Once the temperature of the product reaches the desired level, it is taken out of the cooler and packaged into the package in which it will be offered for sale to the customer. The product is vacuum packed, which assures the product is in an air tight container.

Step 9 – The finished product is placed in a cooler until such time as it is needed for retail or wholesale sale to customers.

Steaks and Roasts

Step 1 – Large chunks of raw meat are delivered in boxes. The meat is frozen when it arrives, and it is put into a cooler to maintain the proper temperature, to prevent spoiling.

For example, a box may contain a "short loin" cut. The "short loin" cut is then cut into various products such as top sirloin, T-bone, porterhouse, and tenderloin steaks. If the box contains a "chuck" cut, the "chuck" cut is then cut into various products such as chuck eye roasts, top blade steaks, pot roasts, etc.

Step 2 – The needed box of meat (depending on the end product desired), is transported from the holding cooler, where it was placed upon arrival, to the saw. The saw is used to cut the large chunks of meat that arrived at the store into the smaller individual products.

Step 3 – After being cut, the smaller cuts of meat are placed on trim tables. At the trim tables, excess fat and unwanted portions of the meat are removed, to get the product into the condition for sale to the customer.

Step 4 - Once the product has been trimmed, it is placed onto a packaging tray.

Step 5 - After the product is on the packaging tray, it is sent through the “auto wrapper,” which is a machine that wraps plastic around the product, to seal it.

Step 6 - Once the product is wrapped, it is placed on a metal tray. Once the metal tray is full, the product is transported to a cooler, where it will be held until needed for retail or wholesale sale to customers.

Question 1: Does the process used by Meat Processor A, as described in the Facts above, meet the definition of “manufacturing” for purposes of the exemptions provided in sec. 77.54(2) and (6)(a), Wis. Stats. (1995-96)?

Answer 1: Yes. The process used by Meat Processor A meets the definition of “manufacturing” in sec. 77.54(6m), Wis. Stats. (1995-96).

Question 2: Does it make a difference if the process is done in a grocery store or butcher shop?

Answer 2: No. If the process qualifies as manufacturing, it does not matter where the process is performed.

Question 3: Does it make a difference if the process involves the **custom** slaughtering of animals (i.e., slaughtering of animals owned by persons other than the person or entity performing the process)?

Answer 3: Yes. Custom slaughtering of animals is not manufacturing. In *Clarence W. Knebel, d.b.a. Knebel's Processing Plant, Inc. and Knebel Processing Plant, Inc. vs. Wisconsin Department of Revenue*, Wisconsin Tax Appeals Commission, October 20, 1978, the Commission determined that the taxpayer's custom slaughtering operations were not popularly regarded as manufacturing.

Notes:

- (a) For machines and specific processing equipment and repair parts or replacements to qualify for exemption under sec. 77.54(6)(a), Wis. Stats. (1995-96), the machines, etc., must be used *exclusively and directly* by a manufacturer in a manufacturing process.
- (b) There are other processes which may be different but somewhat similar to the process described in the Facts that may also qualify as manufacturing. If you have a question as to whether a similar process qualifies as manufacturing, you may request a written determination by writing to: Wisconsin Department of Revenue, Administration Technical Services, P.O. Box 8933, Madison, WI 53708-8933.