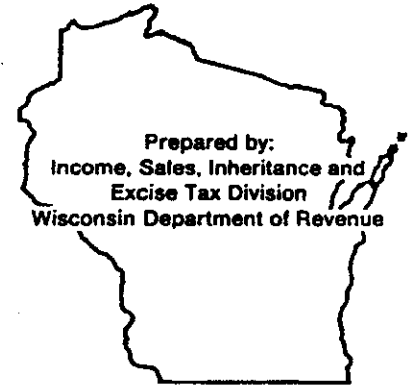


WISCONSIN TAX BULLETIN

January 1989
NUMBER 59



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ADDITIONAL COUNTIES ADOPT COUNTY SALES TAX

Effective April 1, 1989, six new counties have adopted the county sales and use tax: Burnett, Columbia, Marquette, Portage, Richland, and Waupaca. The county tax results from the county boards in these counties approving an ordinance to adopt the tax. On pages 18 through 21 of this Bulletin is the December 1988 Tax Report which explains how the county tax affects retailers.

NEW EXEMPTION PROVISIONS FOR NONPROFIT ORGANIZA- TIONS TAKE EFFECT JANUARY 1, 1989

Effective January 1, 1989, a nonprofit organization's sales of tangible personal property and services, including admissions or tickets to an event conducted by the organization, are exempt from sales tax if:

1. There is no admission to professional entertainment,
2. The organization is not engaged in a trade or business, and
3. The organization is not otherwise required to have a Wisconsin seller's permit.

An organization is deemed to be engaged in a trade or business if its sales of tangible

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personal property or services (not including sales of tickets to events), or its events, occur on more than 20 days during the year. However, if an organization's receipts do not exceed \$15,000 for the year, it is not considered to be engaged in a trade or business even if its sales and/or events exceed 20 days.

For more information about these new exemption provisions, read the Tax Release beginning on page 14 of this Bulletin.

PAYING WISCONSIN TAXES BY CREDIT CARD

Taxpayers in southeastern Wisconsin may be saying "charge it" when paying state income, sales, and other taxes. "We're looking for ways to simplify Wisconsin's tax system," State Revenue Secretary Mark Bugher explained. "While using charge cards to pay taxes won't be for everyone, we want to experiment with this idea to learn if it will be helpful to some taxpayers."

Bugher announced that a credit card option is available on a pilot basis in Milwaukee, Waukesha, Ozaukee, Kenosha, Racine, Walworth, and Washington counties. Taxpayers can pay current or delinquent state taxes by using the cash advance features of their Mastercard or Visa credit cards.

A sliding fee for this service will be charged by Comdata Network, which will

process the cash advances. Service charges will range from \$3.95 for payments of \$50 or less to \$31.95 for a payment of \$1,500. Payments are limited to the amount of cash advance available on the credit card. Fees are in addition to other charges made by the bank issuing the card. No additional costs to the state or reductions in state tax collections will result.

Bugher stressed that the credit card plan is strictly optional. "We feel that it is important to explore new ways to accommodate the needs of taxpayers. Our goal is to experiment with this concept for six months and to then evaluate the costs and benefits. We also welcome taxpayer comments and suggestions on this plan and other ways the Department of Revenue can ease the burden of paying taxes," Bugher added.

To use the credit card option, taxpayers will be required to present a Mastercard or Visa card to a revenue agent in the Milwaukee District Office or another office in one of the 7 counties offering the option. The revenue agent will request authorization of a cash advance on the card and will complete a "Comchek", which is signed by the cardholder much like a credit card form at a retail store.

Information about the credit card plan or other state tax issues is available by calling the closest Department of Revenue office. Phone numbers for offices in counties included in the pilot study are:

Milwaukee	(414)227-4000
Elkhorn	(414)723-4098
Grafton	(414)377-6700
Kenosha	(414)656-7100
Racine	(414)636-3711
Waukesha	(414)521-5310
West Bend	(414)338-4730

INFORMATION RETURNS FOR INTEREST AND DIVIDENDS

Information returns reporting interest and dividend payments do not have to be sent

to the Department of Revenue. However, such information returns are still required to be sent to the Internal Revenue Service and the recipient of such interest and dividends.

Wisconsin does require that rents and royalties of \$600 or more paid to a Wisconsin resident individual or certain non-resident individuals must be reported to the department. Also, annuities, pensions, and other nonwage compensation of \$600 or more not reported on a wage statement which is paid to a Wisconsin resident or to a nonresident who performed services in Wisconsin must be reported to the department. Such reporting is made on Wisconsin Form 9B. Federal Form 1099 may be used in lieu of Form 9b.

1986 WISCONSIN MINIMUM TAX — CONSTITUTIONALITY AND TAX BENEFIT RULE

In administering the 1986 Wisconsin minimum tax, the Wisconsin Department of Revenue has been concerned over challenges to the validity of sec. 71.60(4), Wis. Stats. (1985-86), which states as follows:

"(4) TAX BENEFIT RULE. The tax benefit rule contained in Section 58(h) of the internal revenue code applies to the tax under this section only in respect to determining whether there is a federal alternative minimum tax. No separate tax benefit rule is allowable for the tax under this section." (Emphasis supplied)

On April 19, 1988, former Secretary of Revenue Karen Case wrote a letter to Attorney General Donald Hanaway. This letter mentioned two concerns:

1. Does the nonapplicability of the tax benefit rule as prescribed in the last sentence of sec. 71.60(4), Wis. Stats. (1985-86), result in the administration of a tax law not constitutionally authorized?

2. If the answer to this question is in the affirmative, should the department administer the 1986 Wisconsin minimum tax as an income tax by ignoring the last sentence of sec. 71.60(4), Wis. Stats. (1985-86)?

After reviewing the Wisconsin Statutes and the response of the Attorney General's office, the Wisconsin Department of Revenue will consider the 1986 Wisconsin minimum tax to be constitutional and subject to administration as written without a tax benefit rule. Accordingly, sec. 71.60(4), Wis. Stats. (1985-86), will be interpreted to mean that a taxpayer would have to pay a 1986 Wisconsin minimum tax if he or she owed a federal minimum tax under section 55 of the internal revenue code, even if that taxpayer did not receive a tax benefit for Wisconsin income tax purposes.

FEDERAL TAX LAWS ENACTED IN 1988 DO NOT APPLY FOR WISCONSIN FOR 1988

As a result of the Technical and Miscellaneous Revenue Act of 1988, Public Law 100-647, several changes have been made to the Internal Revenue Code for 1988 which may result in a difference between certain income and deduction items for Wisconsin and federal purposes for 1988.

Federal tax laws enacted during 1988 do not apply for Wisconsin purposes for 1988. Differences between Wisconsin and federal income and deduction items which affect individuals should be reported on Wisconsin Schedule I. A copy of Schedule I and its instructions is reproduced in this Bulletin, beginning on page 22.

PACKAGE WI-X AVAILABLE FOR 1988

Package WI-X contains actual size copies of most 1988 Wisconsin individual, fidu-

ciary, and corporation income tax, gift tax, inheritance tax, motor fuel tax, sales tax, and withholding tax forms. If you have not yet ordered your 1988 Package WI-X, send your request and \$5 per copy requested to: Wisconsin Department of Revenue, Shipping and Mailing Section, Post Office Box 8903, Madison, Wisconsin 53708.

HOW TO OBTAIN WISCONSIN TAX FORMS

During the filing season, small supplies of forms can be obtained from any Department of Revenue office. However, requests will be generally limited to six copies of any single form. This is necessary to prevent the supply of forms at any office from being quickly depleted and unavailable to other persons. In addition, Wisconsin libraries have a copy of Wisconsin Package WI-X which contains copies of most Wisconsin tax forms. Reproductions may be made from Package WI-X, except in the case of items marked "Do Not Photocopy."

Practitioners or other persons requiring larger supplies should write the Wisconsin Department of Revenue, Central Services Section, Post Office Box 8903, Madison, Wisconsin 53708.

EXTENSIONS OF TIME TO FILE AVAILABLE

Federal law provides that corporations can receive from the IRS a 6-month extension of time to file their federal corporate income tax returns (federal Form 1120 series) by filing Form 7004, Application for Automatic Extension of Time to File Corporate Income Tax Return. Individuals can receive a federal 4-month extension of time to file their federal individual income tax return (Form 1040) by filing Form 4868, Application for Automatic Extension of Time to File U.S. Individual Income Tax Return.

Wisconsin law provides that any extension of time granted by the IRS for filing a federal return will also extend the time for filing the corresponding Wisconsin return. Therefore, corporations and individuals allowed an extension by the IRS will also be allowed an extension to file their Wisconsin income or franchise tax return. A copy of the federal extension must be attached to the Wisconsin return when it is filed.

In lieu of the federal extension, a taxpayer may request from the Wisconsin Department of Revenue a 30-day extension of time to file a Wisconsin income or franchise tax return. The request must be made prior to the original due date of the tax return. Only one 30-day extension may be granted to a taxpayer. A 30-day extension will not be granted if a federal extension of time has already extended the due date for filing the Wisconsin income or franchise tax return.

Individuals may request a 30-day extension by filing Form I-101, Application for Extension of Time to File Wisconsin Income Tax Return. Corporations may request a 30-day extension by filing Form IC-830, Application for Extension of Time to File Wisconsin Franchise or Income Tax Return. Fiduciaries may request a 30-day extension by writing to the department at P.O. Box 8904, Madison, WI 53708. No particular form is necessary.

USE OF FEDERAL ESTATE TAX VALUATIONS FOR CLOSELY HELD STOCK FOR INHERITANCE TAX PURPOSES

In the interest of reducing duplication and facilitating preparation of Wisconsin inheritance returns by Wisconsin practitioners, the department has been reviewing numerous alternatives, including a defined policy as to when federal audit values will be accepted. Historically, the Department of Revenue, Bureau of Inheritance and Excise Tax has accepted the federal audit adjustment if in conformity

with Wisconsin law. While attempting to define this policy, some confusion has resulted. Therefore, the designated policy of the department regarding accepting federal audit values is now more fully defined as follows:

For estates of persons who die on or after January 1, 1988, the final federal values for closely held stocks (stocks not actively traded on an organized exchange), real estate, partnerships, sole proprietorships, and similar business enterprises will be accepted as the proper value to be used for Wisconsin inheritance tax purposes for all estates which are required to file a federal estate tax return, if the value of the property is actively verified by a federal estate tax examiner. This rule will not apply in the following situations:

1. Alternate and special use valuations.
2. Blockage and excessive discounts.
3. Buy-sell and restrictive agreements.
4. Transfers in contemplation of death.
5. Property not appraised by a qualified and disinterested appraiser.

HISTORIC STRUCTURE CREDIT MAY BE CARRIED FORWARD

The unused amount of historic structure credit, first available for taxable year 1989 and thereafter, may be carried forward for up to 15 years to the extent not used to offset taxes otherwise due in intervening years. This clarifies an article published in WTB 56, page 6, which indicated that no carryforward of the historic structure credit would be allowed.

FORMS 1099-G MAILED TO TAXPAYERS

Federal law requires that the Department of Revenue provide information returns (Forms 1099-G) to persons who claimed

state income tax payments as an itemized deduction on Schedule A of a federal income tax return and received a refund in 1988 from a Wisconsin income tax return. Approximately 675,000 Forms 1099-G reporting refunds received in 1988 will be mailed to taxpayers by late January 1989.

A taxpayer may have to report all or a portion of a Wisconsin income tax refund as income on a 1988 federal tax return. The refund should not be reported as income on the Wisconsin tax return.

The Form 1099-G for 1988 has been improved. It now has an explanation box on the right side, showing how the refund reported to the IRS was determined. The first line shows the amount of the refund check, and subsequent lines show plus or minus adjustments for amounts applied to next year's estimated taxes, endangered resources donations, late filing penalties and interest, homestead and farmland preservation credits, IRA penalties, and any other adjustments. The last line shows the amount of refund reported to the IRS. This information replaces a flyer that was mailed with Form 1099-G in previous years.

Form 1099-G for 1988 also includes an explanation if part or all of an overpayment is applied to delinquent taxes or to any other delinquent account.

NEW WISCONSIN FRANCHISE OR INCOME TAX RETURN — FORM 4T

Beginning with the 1988 taxable year, tax-exempt organizations which are subject to tax on unrelated business income for federal tax purposes under section 511 of the Internal Revenue Code and file federal Form 990-T, are also subject to tax on unrelated business income for Wisconsin purposes.

Organizations subject to the Wisconsin tax on unrelated business income will be required to file Wisconsin Form 4T, Exempt Organization Business Franchise or Income Tax Return.

Forms 4T have been mailed to nearly 600 organizations which filed federal unrelated business income returns, Form 990-T, with the IRS for 1987, using a Wisconsin address.

CHANGE IN TAXATION OF NONRESIDENT PARTNERS

Prior Position: The department had previously held that a nonresident partner of a personal service or professional partnership was taxable on his or her share of partnership income attributable to personal services performed in Wisconsin, regardless of whether or not the nonresident partner personally performed services in Wisconsin.

New Position: The department has revised its position to provide that partnership income derived from personal services, including professional services, is taxable to a nonresident partner only if that nonresident partner personally performs services in Wisconsin. The amount of personal service income attributable to the nonresident partner's services performed in Wisconsin is taxable. This new position applies to general partners for all years open under the statute of limitations, as well as prospectively. (Note: Business income continues to be taxable whether or not the individual partner conducts business in Wisconsin.)

Example: A CPA firm operates as a partnership and performs services in Wisconsin, Illinois, and Minnesota. Partner A is a nonresident of Wisconsin and performs personal services partly in Wisconsin and partly in Illinois. Partner B is also a nonresident of Wisconsin and performs personal services exclusively in Minnesota.

Partner A would be taxed on the amount of personal service income attributable to his or her personal services performed in Wisconsin. Partner B would not be taxed by Wisconsin on any partnership income attributable to personal services as he or she performed no personal services in Wisconsin. (Note: This example also

applies to other types of personal service or professional partnerships.)

As a result of this change in position, two Tax Releases titled "Taxation of Partnership Income for Wisconsin Income Tax Purposes" which appeared in WTb 41, page 14 and "Wisconsin Taxation of Partnership Income Received by Part-Year Residents" which appeared in WTb 48, page 12 will be superseded by a new Tax Release that will appear in the April 1989 WTb.

CORPORATION APPLICATION FOR QUICK REFUND

Any corporation that overpaid its estimated tax for any taxable year may apply for a quick refund if the overpayment is (1) at least 10% of the expected liability and (2) at least \$500.

A corporation may apply for the quick refund by filing Wisconsin Form 4466W, Corporation Application for Quick Refund of Overpayment of Estimated Tax, after the end of the taxable year and before the corporation files its tax return. A copy of this form is provided on page 28 of this Bulletin. Form 4466W may be obtained by writing the Department of Revenue, Post Office Box 8903, Madison, Wisconsin 53708 or by calling (608) 266-1961.

A copy of Form 4466W must be attached to the related tax return when it is filed.

The Department of Revenue may disallow, without further action, any application that contains material omissions or errors that cannot be corrected. Also, the department may disallow any application that cannot be completely processed before the tax return is due.

If a corporation receives a refund or credit that is later found to be excessive, there is no additional charge on an excessive refund or credit as provided under federal law. However, for Wisconsin tax purposes, taxes due during an extension period accrue interest at the rate of 12% per

year and taxes not paid by the due date of the tax return accrue delinquent interest at the rate of 18% per year. Also, any estimated taxes not paid by the fifteenth day of the third month following the close of the taxable year, along with any interest for underpayment of estimated tax, accrue delinquent interest at the rate of 18% per year.

NEW PUBLICATION FOR COLLEGES

Publication 204, "Sales and Use Tax Information for Colleges, Universities, and Vocational Schools," was mailed by the department in October 1988, to each Wisconsin college, university, and vocational school. This publication explains how the sales and use tax law applies to their various transactions. A copy of this publication is found on pages 29 to 35 of this Bulletin.

"GROSS RENT" CHANGES AFFECT HOMESTEAD CREDIT CLAIMANTS IN NURSING HOMES

The definition of "gross rent" for homestead credit is changed for 1988. Gross rent for 1988 does not include charges for food, medical services, and other personal services, such as laundry, transportation, counseling, grooming, recreational, and therapeutic services. A letter explaining this change was sent by the department in December 1988 to nursing homes. This letter also explained two methods which may be used by a nursing home operator to compute rent paid for occupancy for residents filing a homestead credit claim.

The two methods that follow take into account that gross rent does not have to be reduced by charges for utilities and furnishings, but must be reduced by charges for food, medical services, and other personal services.

Method 1

A standard rate of \$40 per week but not more than the actual rent paid by the claimant. (Note: The standard rate for prior years' claims was \$15 per week.)

Method 2

The "percentage of building occupancy expenses" method. The formula shown below may be completed by a nursing home operator to compute a percentage. That percentage is then multiplied by the total amount paid to the nursing home by a resident filing a homestead credit claim, to determine the rent paid for occupancy. Only expenses attributable to real estate and furnishings may be claimed in the computation.

- a. Building Occupancy Expenses - Real Estate and Furnishings Only
 - 1 Property taxes _____
 - 2 Interest _____
 - 3 Lease or rent expense _____
 - 4 Depreciation _____
 - 5 Upkeep and repairs _____
 - 6 Utilities _____
 - 7 Total Building Occupancy Expenses _____
- b. Gross Income, Including Indirect Payments _____
- c. Percentage Rate (line a.7 divided by line b) _____

CRIMINAL ENFORCEMENT ACTIVITIES

Income Taxes

A Forest County man has been ordered to serve 30 days in jail and pay a \$500 fine for failing to timely file a state income tax return on gross income in excess of \$60,000 for 1984.

Jack A. Flannery, Route 1, Crandon, Wisconsin, was sentenced in Dane County Circuit Court. Judge Nichol sentenced Flannery to 30 days in jail and ordered him to pay a \$500 fine plus \$115

in court costs and penalty assessment after he pled no contest to the violation. A charge for 1983 was dismissed after Flannery pled no contest to the violation for 1984.

Sales/Use Taxes

An Elkhart Lake woman has been fined \$1,000 for criminal violations of the Wisconsin sales and use tax law. Christine E. Budrecki, 391 South Lake Street, Elkhart Lake, Wisconsin, was found guilty on two counts of filing false Motor Vehicle Registration Application forms, MV-1, after she pled no contest to the charges on September 13 in Sheboygan County Circuit Court.

Judge Stengel ordered Budrecki to pay a \$500 fine on each count after she agreed to make restitution in the amount of \$1,714.12 in sales and use tax, penalties, and interest due the Wisconsin Department of Revenue. Judge Stengel also ordered Budrecki to pay \$302 in court costs and penalty assessments.

NEW ISI&E DIVISION RULES AND RULE AMENDMENTS IN PROCESS

Listed below, under Parts A, B, and C, are proposed new administrative rules and amendments to existing rules that are currently in the rule adoption process. The rules are shown at their state in the process as of January 4, 1989. Part D lists new rules and amendments which were adopted in 1988. Part E lists emergency rules. ("A" means amendment, "NR" means new rule, "R" means repealed and "R&R" means repealed and recreated.)

A. Rules at Legislative Council Rules Clearinghouse

- 2.41 Separate accounting method-A
- 2.46 Apportionment of business income of interstate air carriers-R&R
- 2.47 Apportionment of net business

- income of interstate motor carriers of property-A
- 2.49 Apportionment of net business incomes of interstate finance companies-R&R
- 2.57 Annuity payments received by corporations-A
- 2.60 Dividends on stock sold "short" by corporations-A
- 2.61 Building and loan dividends on installment shares received by corporations-R
- 2.63 Dividends accrued on stock -A
- 2.70 Gain or loss on capital assets of corporations; basis of determination-A
- 2.956 Historic structure and rehabilitation of nondepreciable historic property credits-NR
- 3.01 Rents paid by corporations-A
- 3.05 Profit-sharing distributions by corporations-A
- 3.07 Bonuses and retroactive wage adjustments paid by corporations-A
- 3.14 Losses from bad debts by corporations -A
- 3.17 Corporation losses, miscellaneous-A
- 3.35 Depletion, basis for allowance to corporations-A
- 3.36 Depletion of timber by corporations-A
- 3.43 Amortization of trademark or trade name expenditures-A
- 3.48 Research or experimental expenditures-A
- 3.52 Automobile expenses-corporations-R&R
- 3.83 Domestic international sales corporations (DISCs)-A
- 11.05 Government units-A
- 11.09 Medicines-A
- 11.10 Occasional sales-A
- 11.12 Farming, agriculture, horticulture and floriculture-A
- 11.16 Common or contract carriers-A
- 11.18 Dentists and their suppliers-A
- 11.19 Printed material exemptions-A
- 11.26 Other taxes in taxable gross receipts and sales price-A
- 11.32 "Gross receipts" and "sales price"-A
- 11.40 Exemption of machines and processing equipment-A
- 11.41 Exemption of property consumed or destroyed in manufacturing-A
- 11.51 Grocers' guidelist-A
- 11.57 Public utilities-A
- 11.61 Veterinarians and their suppliers-A
- 11.66 Communications and CATV services-A
- 11.67 Service enterprises-A
- 11.68 Construction contractors-A
- 11.84 Aircraft-A
- 11.85 Boats, vessels and barges-A
- 14.01 Administrative provisions-R&R
- 14.02 Qualification for credit-R&R
- 14.03 Household income-R&R
- 14.04 Property taxes accrued-R&R
- 14.05 Rent constituting property taxes accrued-R&R
- B. Rules at Revisor of Statutes Office for Publication of Hearing Notice**
- 1.001 Definition-A
- 2.14 Aggregate of personal exemptions-A
- 2.16 Change in method of accounting for corporations-A
- 2.19 Installment method of accounting for corporations-A
- 2.20 Accounting for acceptance corporations, dealers in commercial paper, mortgage discount companies and small loan companies-A
- 2.21 Accounting for incorporated contractors-A
- 2.22 Accounting for incorporated dealers in securities-R&R
- 2.24 Accounting for incorporated retail merchants-A
- 2.25 Corporation accounting generally-A
- 2.26 "Last in, first out" method of inventorying for corporations-A
- 2.45 Apportionment in special cases-A
- 2.50 Apportionment of net business income of interstate public utilities-A
- 2.505 Apportionment of net business income of interstate professional sport clubs-A
- 2.53 Stock dividends and stock rights received by corporations-A
- 2.56 Insurance proceeds received by corporations-A
- 2.65 Interest received by corporations-A
- 2.72 Exchanges of property by corporations generally-A
- 2.721 Exchanges of property held for productive use or investment by corporations-A
- 2.83 Requirements for written elections as to recognition of gain in certain corporation liquidations-A
- 2.88 Interest rates-A
- 2.90 Withholding; wages-A
- 2.91 Withholding; fiscal year taxpayers-A
- 2.92 Withholding tax exemptions-A
- 2.93 Withholding from wages of a deceased employe and from death benefit payments-A
- 3.09 Exempt compensation of military personnel-A
- 3.095 Income tax status of interest and dividends from municipal, state and federal obligations received by individuals and fiduciaries-A
- 3.098 Railroad retirement supplemental annuities-A
- 3.44 Organization and financing expenses—corporations-A
- 3.45 Bond premium, discount and expense—corporations-A
- 3.82 Evasion of tax through affiliated interests-A
- C. Rules at Legislative Standing Committee**
- 11.10 Occasional sales-A
- D. Rules Adopted in 1988**
- 3.095 Interest income from federal obligations-R&R (effective 5/1/88)
- 11.10 Occasional sales-A (effective 1/1/88)
- 11.12 Farming, agriculture, horticulture and floriculture-A (effective 12/1/88)
- E. Emergency Rules**
- 2.956 Historic structure and rehabilitation of nondepreciable historic property credits-NR (effective 12/28/88)
- 3.095 Income tax status of interest and dividends from municipal, state, and federal obligations received by individuals and fiduciaries-A (effective 1/1/89)

ISI&E DIVISION OFFERS TAXPAYER ASSISTANCE

During the filing season of January through April 17, 1989, department personnel will be available to answer questions.

In the department's larger offices, assistance is provided on a daily basis (Monday through Friday). Assistance in other offices generally is available on Mondays only, although there is an exception for Ashland and Janesville as noted below.

Offices Providing Daily Assistance

Location	Address	Telephone No.	Hours
*Appleton	265 W. Northland	(414)832-2727	7:45-4:30
*Eau Claire	718 W. Clairemont	(715)836-2811	7:45-4:30
*Green Bay	200 N. Jefferson St.	(414)436-4230	7:45-4:30
*Kenosha	5500 8th Ave.	(414)656-7100	7:45-4:30
*LaCrosse	620 Main	(608)785-9720	7:45-4:30
*Madison	4638 University Ave.	(608)266-2772	7:45-4:30
Madison	212 E. Washington Ave.	NONE	8:00-4:15
*Milwaukee	819 N. Sixth St.	(414)227-4000	7:45-4:30
*Racine	616 Lake Ave.	(414)636-3711	7:45-4:30
*Waukesha	141 N.W. Barstow St.	(414)521-5310	7:45-4:30

Offices Providing Assistance on Mondays Only (unless otherwise noted)

Ashland	Courthouse	NONE	10:00-2:00 (b)
Baraboo	1007 Washington	(608) 356-8973	7:45-4:30
Beaver Dam	211 S. Spring St.	(414) 887-8108	7:45-4:30
Grafton	220 Oak St.	(414) 377-6700	7:45-4:30
Elkhorn	300 S. Lincoln St.	(414) 723-4098	7:45-4:30
Fond du Lac	160 S. Macy St.	(414) 929-3985	7:45-4:30
Hayward	221 Kansas Ave.	(715) 634-8478	7:45-11:45
Hudson	1810 Crestview Dr.	(715) 386-8224	7:45-4:30
Janesville	101 E. Milwaukee	(608) 755-2750	7:45-4:30 (a)
Lancaster	130 W. Elm St.	(608) 723-2641	7:45-4:30
Manitowoc	1314 Memorial Dr.	(414) 683-4152	7:45-4:30
Marinette	Courthouse	(715) 735-5498	9:00-12:00
Marshfield	630 S. Central Ave.	(715) 387-6346	7:45-4:30
Monroe	1220 16th Ave.	(608) 325-3013	7:45-4:30
Oshkosh	404 N. Main St.	(414) 424-2100	7:45-4:30
Rhineland	203 Schiek Plaza	(715) 362-6749	7:45-4:30
Rice Lake	9 W. John St.	(715) 234-7889	7:45-4:30
Shawano	420 E. Green Bay St.	(715) 526-5647	7:45-4:30
Sheboygan	504 S. 14th St.	(414) 459-3101	7:45-4:30
Superior	Courthouse	(715) 392-7985	8:00-4:30
Tomah	City Hall	(608) 372-3256	8:00-12:00
Watertown	600 E. Main St.	(414) 261-7700	7:45-4:30
Waupaca	201 1/2 S. Main St.	(715) 258-9564	7:45-11:45
Wausau	210 McClellan St.	(715) 842-8665	7:45-4:30
West Bend	120 N. Main St.	(414) 338-4730	7:45-4:30
Wisconsin Rapids	1681 Second Ave., S.	(715) 421-0500	7:45-4:30

(a) Monday through Wednesday

(b) Tuesday only

*Open during noon hour

REPORT ON LITIGATION

This portion of the WTB summarizes recent significant Tax Appeals Commission and Wisconsin court decisions. The last paragraph of each decision indicates whether the case has been appealed to a higher court.

The last paragraph of each WTAC decision in which the department's determination has been reversed will indicate one of the following: (1) "the department appealed," (2) "the department has not appealed but has filed a notice of nonacquiescence" or (3) "the department has not appealed" (in this case the department has acquiesced to the Commission's decision).

The following decisions are included:

Individual Income Taxes

Laird C. Cleaver (p. 7)

Gain or loss — property transferred by gift

Urban P. Van Susteren (p. 8)

Assessments — failure to file

Corporation Franchise or Income Taxes

Mobil Oil Corporation (p. 8)

Franchise tax — constitutionality

Savings League of Wisconsin Ltd., et al. (p. 9)

Franchise tax — imposition

William Wrigley, Jr., Co. (p. 9)

Nexus

Sales/Use Taxes

Dairyland Harvestore, Inc. et al. (p. 9)

Refunds and remedies of taxpayer — claims for refund

INDIVIDUAL INCOME TAXES

Gain or loss — property transferred by gift. Laird C. Cleaver vs. Wisconsin Department of Revenue (Circuit Court of Dane County, August 16, 1988). The key