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:

Individual Income Taxes

Homestead Credit

Sales/Use Taxes

Individual and Corporation Franchise or Income Taxes

Temporary Surcharge

INDIVIDUAL INCOME TAXES

1. Eligibility for the Wisconsin Income Tax Exemption for Members of the Wisconsin State Teachers Retirement System

Statutes: Section 71.05(1)(a), Wis. Stats. (1989-90)

Background: Section 71.05(1)(a), Wis. Stats. (1989-90), provides that all payments received from certain retirement systems are exempt from Wisconsin income tax if the payments are paid on the account of a person who was a member of, or who was retired from, one of the specified retirement systems as of December 31, 1963. One of the specified retirement systems is the Wisconsin State Teachers Retirement System which is administered by the Department of Employe Trust Funds.

Section 42.242(5), Wis. Stats. (1965-66), provides that a member of the State Teachers Retirement System who has ceased to be employed as a teacher may, under certain conditions, withdraw the member's deposits made while a member of the combined group based on teaching service performed after June 30, 1957. Members making such withdrawals forfeited the employer contributions.

The Department of Employe Trust Funds considered a withdrawal under sec. 42.242(5), Wis. Stats. (1965-66), to completely close the teacher's account.

However, in the case of *Schmidt v. Department of Employe Trust Funds*, 148 Wis. 2d 844 (Ct. App. 1989), aff'd. 153 Wis. 2d 35 (1990), the court decided that a teacher who returned to teaching after 1963 was eligible for creditable service under sec. 42.245(1)(c), Wis. Stats. (1965-66). This section reduces by one-half the number of years of creditable service when the teacher previously withdrew required member deposits. Therefore, the account of a member making a sec. 42.242(5) withdrawal should not have been completely closed. One-half of the creditable service should have remained in the account, even though there were no contributions remaining in the account to fund a benefit.

There is a 7-year statute of limitations on corrections to a member's account. As a result of the *Schmidt* case, the Department of Employe Trust Funds is correcting the accounts of teachers who appealed the loss of the years of creditable service within the 7-year period.

Facts and Question: Prior to 1964, a teacher withdrew his deposits in the Wisconsin State Teachers Retirement System as allowed by sec. 42.242(5), Wis. Stats. (1965-66). His account in the retirement

system was closed by the Department of Employe Trust Funds. The individual returned to teaching in 1964. The individual timely appealed the loss of creditable service to the Department of Employe Trust Funds. As a result of the decision in *Schmidt v. Department of Employe Trust Funds*, his account was corrected to allow one-half of the creditable service forfeited through the withdrawal.

Are the retirement benefits received by this individual exempt from Wisconsin tax?

Answer: Yes. Because of the restoration of one-half of his pre-1964 creditable service, this individual is deemed to have been a member of the Wisconsin State Teachers Retirement System as of December 31, 1963. Therefore, payments received by this individual from the Wisconsin State Teachers Retirement System qualify for the exemption provided by sec. 71.05(1)(a), Wis. Stats. (1989-90).

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2. **Farm Loss Carryover May Offset Gain From Sale of Partnership Interest**

Statutes: Section 71.05(6)(a)10 and (b)10, Wis. Stats. (1989-90)

Note: This tax release applies only with respect to taxable year 1988 and thereafter.

Background: Section 71.05(6)(a)10, Wis. Stats. (1989-90), limits the amount of farm loss that may be deducted each year. The limitations are based on the amount of the taxpayer's nonfarm Wisconsin adjusted gross income.

Effective for taxable year 1988 and thereafter, sec. 71.05(6)(b)10, Wis. Stats., provides that farm losses added back to income in taxable year 1986 and thereafter may be carried forward for up to 15 years and subtracted to the extent that they are not offset against farm income of any year between the loss year and the taxable year for which the subtraction is claimed. The farm losses may be subtracted only to the extent that they do not exceed the net profits or net gains from the sale or exchange of capital or business assets in the current taxable year from the same farming business or portion of that business to which the limits on deductible farm losses applied in the loss year.

Facts and Question: The taxpayer is a partner in a farm partnership. The partnership generated farm losses in 1986-1990. The taxpayer's deduction for the farm partnership losses was limited each year under sec. 71.05(6)(a)10, Wis. Stats. As a result, the taxpayer has a farm loss carryover available for 1991 of $20,000. The taxpayer sold his interest in the farm partnership in 1991 to the other partners. He has a gain on the sale of his partnership interest.

Can the gain from the sale of the farm partnership interest be offset by the farm loss carryover to 1991?

Answer: Yes. Income from the sale of the farm partnership interest is considered income from the sale of a business asset which can be offset by carryover losses from the same farm partnership. The taxpayer can claim a subtraction modification on his 1991 Form 1 for the lesser of the farm loss carryover ($20,000) or the gain realized on the sale of the partnership interest.

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3. **Limited Partnership Loss - Carryforward of Loss From Taxable Years Beginning Before January 1, 1991**

Statutes: Sections 71.02(1) and 71.04(1)(a), Wis. Stats. (1989-90)

Background: As a result of changes made by 1991 Wisconsin Act 39, all partners (i.e., both general and limited partners) who are not full-year residents of Wisconsin are subject to taxation by Wisconsin for that part of the taxable year during which they are nonresidents on their proportionate share of all items of partnership income, loss, or deduction attributable to a business in, services performed in, or rental of property in Wisconsin. For any part of the taxable year a partner is a resident of Wisconsin, those same items of partnership income, loss, or deduction are subject to taxation by Wisconsin, regardless of whether attributable to business, services, or property in Wisconsin or outside Wisconsin.

Before the 1991 Wisconsin Act 39 changes, limited partners who were precluded from management of the partnership and who could not act for the partnership did not recognize any items of income, loss, or deduction of the partnership for the part of the taxable year they were nonresidents of Wisconsin.

The 1991 Wisconsin Act 39 changes were effective with respect to partnership taxable years beginning on or after January 1, 1991, and a limited partner's taxable years as appropriate to conform to the limited partner's treatment of the income from the partnership to the partnership's tax treatment.

Question: Can pre-1991 losses from a limited partnership, which are available as a carryforward for purposes of computing a nonresident limited partner's federal adjusted gross income, also be used in computing Wisconsin taxable income for 1991 or subsequent taxable years?

Answer: No. Limited partners who are nonresidents of Wisconsin may not deduct their pre-1991 limited partnership losses for Wisconsin purposes in 1991 and subsequent taxable years. The 1991 Wisconsin Act 39 changes to limited partners' treatment of partnership income, loss, and deduction items only apply for partnership years beginning on or after January 1, 1991.

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4. **Rent for School Property Tax Credit Includes Separate Charges**

Statutes: Section 71.07(9), Wis. Stats. (1989-90)

Background: Section 71.07(9), Wis. Stats. (1989-90), provides for the school property tax credit for individuals. This credit is equal to a percentage of property taxes, or rent constituting property taxes, paid during the year for a principal dwelling.

"Rent constituting property taxes" means 25% of rent if heat is not included, or 20% of rent if heat is included, paid at arm's length during the taxable year for the use of a principal dwelling. However, "rent constituting property taxes" does not include any payment for domestic, food, medical, or other services or rent paid that is deductible as a trade or business expense.

Facts and Question: An individual pays $350 to his landlord each month. This includes $300 for rental of his apartment, $30 for the use of a garage, and $20 for the use of a stove, refrigerator, and window air conditioner. The garage and appliances are "optional" items which the individual would not be required to use in order to rent the apartment.

May the "optional" payments for the garage and appliances be included as rent in determining the school property tax credit?

Answer: Yes. Amounts paid by an individual to a landlord in addition to basic rental for items normally associated with the occupancy of a dwelling are considered to be a part of the total rent for purposes of determining the allowable school property tax credit. Examples of additional amounts which are considered rent include payments to a landlord for a garage or other parking space, appliances, furniture, or utilities. (Caution: Allowable rent for school property tax credit purposes does not include amounts paid to a landlord for domestic, food, medical, or other services, as these items are expressly excluded from the definition of "rent constituting property taxes" by statute.)

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HOMESTEAD CREDIT

1. **Lottery Credit for Mobile Home Parking Fees**

Statutes: Section 71.52(7), Wis. Stats. (1989-90)

Background: Under sec. 71.52(7), Wis. Stats. (1989-90), "property taxes accrued" includes monthly parking permit fees paid under sec. 66.058(3)(c), Wis. Stats., for a mobile home. A homestead credit claimant who owns a mobile home, uses it as his or her homestead, and pays monthly parking permit fees rather than property taxes, may claim those fees as property taxes on a homestead credit claim.

A mobile home owner who pays monthly parking permit fees for a mobile home that is his or her primary residence is entitled to a lottery credit. The lottery credit for mobile home owners is first available in 1992 and applies to parking permit fees paid in 1992.

The credit is claimed by filing a special claim form with the local municipal treasurer, attesting that as of January 1, 1992, the person owns the mobile home, and it is his or her primary residence. The claim form must be filed by July 31, 1992. Upon receipt of the claim form, the local municipal treasurer computes the allowable lottery credit. The credit is allowed to the mobile home owner in the form of a reduction in the parking permit fees assessed for 1992.

Question 1: Does the lottery credit for a mobile home owned and occupied as of January 1, 1992, affect the 1991 homestead credit claim of a claimant who pays monthly parking permit fees rather than property taxes?

Answer 1: No. The 1991 homestead credit claim is based on monthly parking permit fees paid in 1991. The lottery credit based on January 1, 1992, ownership and occupancy does not apply to mobile home parking permit fees paid in 1991.

Question 2: Will the lottery credit based on ownership and occupancy as of January 1, 1992, affect the **1992** claim of a homestead credit claimant?

Answer 2: Yes. The lottery credit based on January 1, 1992, ownership and occupancy is deducted by the local municipal treasurer from the monthly parking permit fees for 1992, and those reduced fees may then be claimed on a **1992** homestead credit claim filed on or after January 1, 1993.

Example: Claimant X owns and resides in a mobile home, for which parking permit fees of $320 were assessed for 1991. The local municipal treasurer is advised that the 1992 parking permit fees for X's mobile home are $360.

In January 1992, X files a lottery credit claim form for his mobile home, and the local treasurer computes a lottery credit of $120. The treasurer then deducts the $120 lottery credit from the $360 parking permit fees for 1992, and X is required to pay parking permit fees totaling only $240 for 1992.

When X files his 1991 homestead credit claim, he may claim the entire parking permit fee of $320 for 1991. If he files a 1992 homestead credit claim on or after January 1, 1993, X may claim only the parking permit fee after the lottery credit ($240), rather than $360.

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SALES/USE TAXES

1. **Advertising Signs**

Statutes: Sections 77.51(2) and (14)(i), 77.52(1) and (2)(a)10, and 77.53(1), Wis. Stats. (1989-90)

Wis. Adm. Code: Sections Tax 11.68(1)(a), (4), and (6)(a)10, June 1991 Register, and 11.70(1)(e), December 1977 Register

Background: Section Tax 11.68(1)(a) and (6)(a)10, Wis. Adm. Code, June 1991 Register, provides that the sale, installation, service, and repair of advertising signs, except their concrete foundations, are subject to sales tax. The signs retain their character as tangible personal property after installation, regardless of whether the sign is located on land owned by the owner of the sign.

Section Tax 11.70(1)(e), Wis. Adm. Code, December 1977 Register, provides that nontaxable services include obtaining media space and time.

Facts and Question 1: Sign Company A sells, installs, and repairs advertising signs consisting of a billboard, steel supports, and a concrete foundation. On its billings, Company A separately states the amount billed for the concrete foundations. Are Company A's receipts from selling, installing, and repairing advertising signs subject to sales tax?

Answer 1: Yes, except for the amounts allocated to the concrete foundations, Company A's receipts are subject to sales tax. Company A may purchase materials for the billboard and steel supports exempt from sales tax by furnishing properly completed resale certificates to its suppliers. Company A's purchases of concrete for the foundation are subject to sales or use tax.

Note: The amount charged for the concrete foundation is not taxable, whether or not it is separately stated. If not separately stated, Company A may allocate a reasonable portion of its receipts as being attributable to the concrete foundation.

Facts and Question 2: Sign Company B sells, installs, and repairs advertising signs which are attached to buildings. Are Company B's receipts from selling, installing, and repairing these signs subject to sales tax?

Answer 2: Yes. Company B's receipts are subject to sales tax since these signs retain their character as tangible personal property after installation. It does not matter whether the customer owns the building. Company B may purchase the signs, and related repair parts, exempt from sales tax by furnishing properly completed resale certificates to its suppliers.

Facts and Question 3: A car dealership leases a sign from sign Company C on which the dealership displays various advertising messages. The car dealership has possession and control of the sign. Are Company C's lease receipts subject to sales tax?

Answer 3: Yes. Company C's lease receipts are subject to sales tax since the receipts are from the lease of tangible personal property.

Facts and Question 4: Sign Company D owns and maintains a large sign for which it contracts with customers to have their advertising messages displayed for specified periods of time. No consideration is paid to Company D for possession of the sign, rather the charges are for displaying a message. Are Company D's receipts from displaying advertising messages subject to sales tax?

Answer 4: No. Company D's receipts from the service of displaying a message are not subject to sales tax.

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2. Effective Date of Imposition of Use Tax on Items Stored in Wisconsin and Subsequently Shipped Outside Wisconsin

Statutes: Section 77.51(18), Wis. Stats. (1989-90), as amended by 1991 Wisconsin Act 39, and sec. 9449(13), 1991 Wisconsin Act 39

Background: Section 77.51(19), Wis. Stats. (1989-90), was repealed and sec. 77.51(18), Wis. Stats. (1989-90), was amended by 1991 Wisconsin Act 39 to redefine "storage" for purposes of imposing Wisconsin use tax. The effect of the repeal and amendment is that purchases of tangible personal property (other than printed advertising materials) purchased without Wisconsin sales or use tax and stored in Wisconsin, even though subsequently shipped outside Wisconsin, are subject to Wisconsin use tax.

Section 9449(13) of 1991 Wisconsin Act 39 provides that the treatment of sec. 77.51(18) and (19) of the statutes takes effect on the first day of the 2nd month beginning after the publication date of August 14, 1991. Therefore, it takes effect on October 1, 1991.

Question: Does the imposition of use tax under sec. 77.53(1), Wis. Stats. (1989-90), apply to the storage of tangible personal property that will subsequently be shipped outside Wisconsin, if the storage occurs on or after October 1, 1991, regardless of when the tangible personal property was purchased?

Answer: No. Wisconsin use tax, as imposed under sec. 77.53(1), Wis. Stats. (1989-90), will not apply to the storage of tangible personal property in Wisconsin that is subsequently shipped outside Wisconsin if the property was purchased prior to October 1, 1991, except if storage occurs in another state prior to October 1, 1991, and is shipped to Wisconsin for additional storage after October 1, 1991, for subsequent shipment outside Wisconsin. Use tax will apply if the property is purchased on or after October 1, 1991, and is stored in Wisconsin on or after that date.

Example 1: Company A, headquartered in Wisconsin with branches in neighboring states, purchases computer hardware from a supplier located in California. The supplier does not have nexus in Wisconsin and is not registered to collect Wisconsin use tax. The supplier had the hardware shipped to Wisconsin by common carrier in 1990. Company A has stored the hardware in Wisconsin and will continue doing so until the computer hardware is needed by the branch offices (after October 1, 1991).

The storage of the computer hardware is not subject to Wisconsin use tax because it was purchased prior to October 1, 1991, the effective date of the change to the definition of storage by 1991 Wisconsin Act 39.

Example 2: Assume the same facts as in Example 1 except that the computer hardware was purchased October 15, 1991.

The storage of the computer hardware is subject to Wisconsin use tax because it is stored in Wisconsin and was purchased after October 1, 1991, the effective date of the change to the definition of storage by 1991 Wisconsin Act 39.

Example 3: Assume the same facts as in Example 1, except that the computer hardware was shipped from the California supplier to Company A's branch office in Minnesota for storage. On or after October 1, 1991, Company A has the computer hardware shipped to Wisconsin for additional storage.

The storage of the computer hardware in Wisconsin is subject to Wisconsin use tax, even though it was purchased before October 1, 1991.

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3. Imposition of County Use Tax on Tangible Personal Property Used Outside Taxable County

Statutes: Sections 77.51(18), Wis. Stats. (1989-90), as amended by 1991 Wisconsin Act 39, and 77.71(2) and (3), 77.72(1), 77.73 and 77.79, Wis. Stats. (1989-90)

Note: This tax release applies to purchases made on or after October 1, 1991.

Background: Section 77.71(2), Wis. Stats. (1989-90), imposes an excise tax on the storage, use, or other consumption of tangible personal property in a county that has adopted the county tax, provided the buyer has not paid a similar tax under sub. (1), (3), or (4) or paid a similar local tax in another state on the purchase of the same property.

Section 77.79, Wis. Stats. (1989-90), provides that the provisions of subch. III of ch. 77, Wis. Stats., including those related to exemptions, exceptions, exclusions, and the retailers' discount, that are consistent with subchapter V (county sales and use taxes), apply to the county tax.

Section 77.51(18), Wis. Stats. (1989-90), was amended by 1991 Wisconsin Act 39 to provide that purchases of tangible personal property (except advertising materials) from a retailer are subject to Wisconsin use tax if the tangible personal property is stored or used in Wisconsin, even if the property is subsequently used outside Wisconsin.

Question: Does the amendment to sec. 77.51(18), Wis. Stats. (1989-90), by 1991 Wisconsin Act 39, affect the imposition of county use tax under sec. 77.71(2), Wis. Stats. (1989-90)?

Answer: Yes. The definition of "use" in sec. 77.51(18), Wis. Stats. (1989-90), as amended by 1991 Wisconsin Act 39, also applies for purposes of imposing county use tax under sec. 77.71(2), Wis. Stats. (1989-90). Therefore, if a person purchases tangible personal property outside Wisconsin or in a nontaxable county and no county tax is paid, and stores it in a taxable county, the purchase of the tangible personal property is subject to county use tax, even though the property may be used in a nontaxable county.

Note: The following examples use Eau Claire County, a county which has not adopted the county tax as of April 1, 1992, and Marathon County and LaCrosse County, counties which have adopted the county tax.

Example 1: Company A is located in Marathon County and has a branch office in Eau Claire County. Company A purchases computer hardware, for use in its Eau Claire office, from a supplier located outside Wisconsin. The supplier does not have nexus in Wisconsin and is not registered to collect Wisconsin use tax. The supplier has the hardware shipped to Company A's office in Marathon County. The computer hardware is stored in Marathon County by Company A and subsequently shipped to its Eau Claire office for installation and set up.

Company A is subject to the Marathon County use tax on its purchase of the computer hardware under sec. 77.71(2), Wis. Stats. (1989-90), because the computer hardware was stored in Marathon County. The supplier is not subject to the county tax because there is no jurisdiction to tax under sec. 77.73, Wis. Stats. (1989-90).

Example 2: Assume the same facts as in Example 1, except that the supplier delivers the computer hardware into Wisconsin using its own trucks (rather than by common carrier). As a result, the supplier has nexus in Wisconsin and nexus in Marathon County under sec. 77.73(1), Wis. Stats. (1989-90), and is registered to collect Wisconsin and county use tax.

The supplier is required to collect Marathon County use tax on the sales price of the computer hardware.

Example 3: A construction contractor located in Marathon County purchases lumber from a supplier located in Eau Claire County. The supplier does not have nexus in Marathon County. The supplier has the lumber shipped to Marathon County by common carrier. The lumber is stored in Marathon County by the construction contractor until it is subsequently used in real property construction in Eau Claire County.

The contractor is subject to Marathon County use tax on its purchase of the lumber under sec. 77.71(2), Wis. Stats. (1989-90), because the lumber is stored in Marathon County. The supplier is not subject to the county tax because there is no jurisdiction to tax under sec. 77.73, Wis. Stats. (1989-90).

Example 4: Assume the same facts as in Example 3, except that the supplier delivers the lumber into Marathon County using its own trucks (rather than by common carrier). As a result, the suppler has nexus in Marathon County under sec. 77.73(1), Wis. Stats. (1989-90).

The supplier is required to collect Marathon County use tax on the sales price of the lumber.

Example 5: Assume the same facts as in Example 3, except that the contractor picks up the lumber in Eau Claire County in its own truck and returns to Marathon County where the lumber is stored. The contractor is not subject to Marathon County tax. Section 77.73(2), Wis. Stats. (1989-90), provides an exception to the county use tax imposed under sec. 77.71 (2), Wis. Stats. (1989-90), when the sale takes place in a Wisconsin county that has not adopted the county tax. Because the sale took place in Eau Claire County, a county that has not adopted the county tax, and the lumber is used in real property construction in Eau Claire County, a county use tax does not apply.

Example 6: A construction contractor located in Eau Claire County purchases lumber from a supplier located in Eau Claire County. The supplier has the lumber shipped within Eau Claire County by common carrier. The lumber is stored in Eau Claire County by the construction contractor until it is subsequently used in real property construction in Marathon County.

Although the contractor stores the lumber in a nontaxable county, the contractor is subject to Marathon County tax under sec. 77.71(3), Wis. Stats. (1989-90), because the lumber is used in real property construction in a taxable county.

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4. **Payment for Photocopies of Medical Records Under Worker's Compensation Law**

Statutes: Sections 77.51(14)(h) and (L), 77.52(1) and (2)(a)7, and 102.13(2)(b), Wis. Stats. (1989-90)

Background: In a tax release titled "Photocopies of Medical Records" (*Wisconsin Tax Bulletin* 61, p. 21), it is explained that charges by a company for photocopies of medical records are subject to Wisconsin sales or use tax.

Section 102.13(2)(b), Wis. Stats. (1989-90), provides that a physician, chiropractor, podiatrist, psychologist, hospital, or health service provider must furnish a legible certified duplicate of written material under a worker's compensation claim upon payment of the greater of actual costs not to exceed 25 cents per page or $5 per request.

Facts and Question: Company ABC employs people in Wisconsin hospitals to photocopy medical records for insurance companies handling worker's compensation claims. Insurance Company B hires Company ABC to photocopy the medical records of John Doe as it relates to a worker's compensation claim. Company ABC photocopies 50 pages of medical records for Insurance Company B at a cost of 25¢ per page not to exceed $5. If Company ABC charges sales tax on the sales of photocopies the charge will exceed the limits prescribed in sec. 102.13(2)(b), Wis. Stats. (1989-90).

Is the sale of photocopies exempt from Wisconsin sales tax because of sec. 102.13(2)(b), Wis. Stats. (1989-90)?

Answer: No. The sale of photocopies *is* subject to Wisconsin sales or use tax even though Company ABC is precluded from collecting the tax from its customer under sec. 102.13(2)(b), Wis. Stats. (1989-90). The Wisconsin sales tax is imposed on the retailer, who in turn may pass the tax on to its customer. There is no provision in the worker's compensation law that precludes the department from collecting sales tax on photocopies from the retailer of such photocopies.

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INDIVIDUAL AND CORPORATION FRANCHISE OR INCOME TAXES

1. **Wisconsin Treatment of Corporations and Partnerships That Are Limited Partners in Partnerships Doing Business in Wisconsin**

Statutes: Sections 71.20(1), 71.21(1), 71.22(1) and 71.23, Wis. Stats. (1989-90)

Wis. Adm. Code: Section Tax 2.82, January 1979 Register

Background: Section 71.02(1), Wis. Stats. (1989-90), relating to the imposition of tax on individuals and fiduciaries, was amended by 1991 Wisconsin Act 39 to provide that income derived from business transacted within the state includes income derived from a limited partner's distributive share of partnership income. In addition, sec. 71.04(1)(a), Wis. Stats. (1989-90), relating to the situs of income for nonresidents, was amended to state that a nonresident limited partner's distributive share of partnership income follows the situs of the business. These changes first apply to a partnership's taxable year beginning on January 1, 1991, and to a limited partner's taxable year as appropriate to conform the limited partner's treatment of the income from the partnership to the partnership's tax treatment.

Facts - Situation 1: ABC Limited Partnership does business in Wisconsin and 20 other states and reports its income on a calendar-year basis. DEF Corporation, a calendar-year corporation organized under Delaware law that is not engaged in business in Wisconsin, owns a limited partnership interest in ABC Limited Partnership during 1991. ABC Limited Partnership's activities are not unitary with the corporation's business operations.

Question 1: Does DEF Corporation's ownership of a limited partnership interest in ABC Limited Partnership, which is doing business in Wisconsin, make DEF Corporation subject to Wisconsin franchise or income taxation for 1991?

Answer 1: No. DEF Corporation is not subject to Wisconsin franchise or income taxation. Because ABC Limited Partnership's activities are not unitary with the corporation's business operations, DEF Corporation is not doing business in Wisconsin based on its