

CR 89-210

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CERTIFICATE

STATE OF WISCONSIN)

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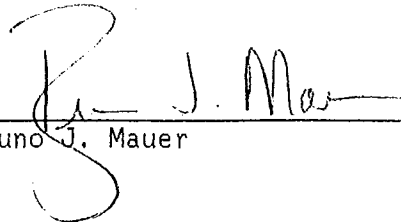
DEPARTMENT OF DEVELOPMENT)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Bruno J. Mauer, Secretary and custodian of the official records of the Department of Development, do hereby certify that the annexed rules relating to the Wisconsin development zone program were duly approved and adopted by this Department on April 5, 1990.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have here-
unto set my hand as Secretary at
123 West Washington Avenue in the
City of Madison, this 5th day of
April, 1990.



Bruno J. Mauer

18-007

6-1-90

ORDER OF THE DEPARTMENT OF DEVELOPMENT

The Wisconsin Department of Development adopts an order to repeal DOD 12.11(2); to amend DOD 12.08(2), 12.09(1), 12.11(1)(i)(intro.), 12.12(5)(intro.) and 12.14(4)(a) and (5); and to create DOD 12.04(8) and DOD 12.11(1)(k), relating to the Wisconsin Development Zone Program.

Analysis Prepared by the Department of Development

The proposed order is authorized by 1987 Wisconsin Act 328, Section 23, and interprets Subchapter VI of Ch. 560, Stats. 1989 Wisconsin Act 31 made several changes to Subchapter VI, Ch. 560, Stats., which governs the Wisconsin Development Zone Program. The adoption of those statutory changes requires several parallel changes to Chapter DOD 12 to keep the administrative rules which relate to development zones in conformance with the statutory provisions. This proposed order makes those changes necessitated by the changes to the statute. In addition, the proposed order authorizes the governing body of a development zone to delegate, to its designee, its responsibility related to making recommendations concerning the level of tax benefits available to businesses within the development zone.

Pursuant to the authority vested in the Department of Development by 1987 Wisconsin Act 328, Section 23, the Department of Development hereby creates rules interpreting Subchapter VI of Ch. 560, Stats., as follows:

SECTION 1. DOD 12.04(8) is created to read:

DOD 12.04(8) the department may designate the premises of a business incubator located near a development zone, as part of the development zone, if all of the provisions of s. 560.737(1) through (3), Stats., apply.

SECTION 2. DOD 12.08(2), 12.09(1)(e) and 12.11(1)(i) are amended to read:

DOD 12.08(2) Annually the department shall estimate the amount of foregone state revenue because of tax benefits claimed by persons in each development zone. Notwithstanding sub.(1), the designation of an area as a development zone shall expire ninety days after ~~December 31 of the calendar year which includes~~ the day on which the department determines that the foregone tax revenues will equal or exceed the limit for the development zone established under s. DOD 12.10(1). The department shall immediately notify the applicant of a change in the expiration date of the development zone under this subsection.

DOD 12.09(1)(e) Recommend or have its designee recommend to the department the amount of tax benefits that a person should be allocated and the basis for the allocation, and indicate whether the proposed economic activity is consistent with the development zone plan.

12.11(1)(i) The person shall certify that jobs will not be relocated from any other location in Wisconsin to a location within the development zone. The person may seek a waiver from the department by providing, at a hearing

conducted by the department which is preceded by a class 2 notice, information showing any of the following:

SECTION 3. DOD 12.11(1)(k) is created to read:

DOD 12.11(1)(k) The person's commitment to use techniques or processes that reduce or eliminate the use of chlorofluorocarbons, halons or other compounds or substances with ozone depleting weights as set out in 40 CFR part 82 appendix A, of 0.1 or more.

SECTION 4. DOD 12.11(2) is repealed.

SECTION 5. DOD 12.12(5)(intro.) and 12.14(4)(a) and (5) are amended to read:

DOD 12.12(5)(intro.) The department may, upon the request of a certified person and upon the recommendation of the local governing body, or the designee of the local governing body, increase the limit on tax benefits established for the certified person under sub.(1), if the department does all of the following:

DOD 12.14(4)(a) The department shall inform a person certified under s. DOD 12.11 of the designated local agency under ~~s. 71.09(12dj)(am)2, Stats.~~, ss. 71.07(2dj)(am)2, 71.28(1dj)(am)2, and 71.47(1dj)(am)2, Stats., responsible for certifying the eligibility of workers for the development zones jobs credit. A person may not receive a development zones jobs credit unless the employee for whom the development zones jobs credit is claimed is certified by the appropriate local agency prior to the date of employment or not more than 30 calendar days after the date of employment.

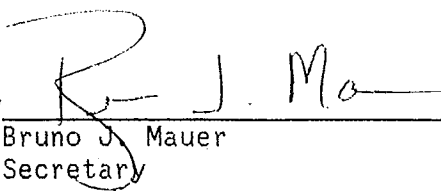
(5) A person may only claim tax benefits for eligible expenses incurred after the person is certified under s. DOD 12.11 except as provided in s. 71.07(2dL)(ag), 71.28(1dL)(ag) and 71.47(1dL)(ag), Stats.

EFFECTIVE DATE. The regulations set forth in this order shall be effective on the first day of the month following publication in the Wisconsin administrative register, as provided in s. 227.22(2)(intro.), Stats.

Dated

4-5-90

Agency


Bruno J. Mauer
Secretary

18-006