

2007 Assembly Bill 789

Date of enactment: **March 26, 2008**

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2007 WISCONSIN ACT 183

AN ACT *to amend* 560.798 (2) (b), 560.7995 (3) (b), 560.7995 (4) (b) and 560.96 (2) (b); and *to create* 560.7995 (2) (d) and 560.7995 (4) (am) of the statutes; **relating to:** the total amount of airport development zone, agricultural development zone, and technology zone tax credits.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 560.798 (2) (b) of the statutes is amended to read:

560.798 (2) (b) The designation of an area as an agricultural development zone shall be in effect for 10 years from the time that the department first designates the area. ~~However, not~~ Not more than \$5,000,000 in tax benefits may be claimed in an agricultural development zone, except that the department may allocate the amount of unallocated airport development zone tax credits, as provided under s. 560.7995 (3) (b), to agricultural development zones for which the \$5,000,000 maximum allocation is insufficient. The department may change the boundaries of an agricultural development zone during the time that its designation is in effect. A change in the boundaries of an agricultural development zone does not affect the duration of the designation of the area or the maximum tax benefit amount that may be claimed in the agricultural development zone.

SECTION 2. 560.7995 (2) (d) of the statutes is created to read:

560.7995 (2) (d) Notwithstanding pars. (a) to (c), the department shall designate as an airport development zone the area within the boundaries of Adams, Fond du Lac, Green Lake, Juneau, Langlade, Lincoln, Marathon,

Marquette, Menominee, Oneida, Portage, Price, Shawano, Taylor, Waupaca, Waushara, Winnebago, Wood, and Vilas counties.

SECTION 3. 560.7995 (3) (b) of the statutes is amended to read:

560.7995 (3) (b) When the department designates an area as an airport development zone, the department shall establish a limit, not to exceed \$3,000,000, for tax benefits applicable to the airport development zone, except that the department shall limit the amount of tax benefits applicable to the airport development zone designated under sub. (2) (d) to \$750,000. The total tax benefits applicable to all airport development zones may not exceed \$9,000,000, less any amount allocated to technology zones under s. 560.96 (2) (b) and to agricultural development zones under s. 560.798 (2) (b), and except that the total amount allocated to all technology zones under s. 560.96 (2) (b) and to all agricultural development zones under s. 560.798 (2) (b), may not exceed \$6,000,000. The department may not reallocate amounts as provided under this paragraph on or after January 1, 2010, except that the department may, after 48 months from the month of any designation under this section, evaluate the area designated as an airport development zone and reallocate the amount of available tax benefits.

SECTION 4. 560.7995 (4) (am) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES 2005–06 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

560.7995 (4) (am) A person that intends to operate a business in the airport development zone designated under sub. (2) (d) may submit to the department an application and a business plan that includes all of the information required under par. (a). In approving business plans submitted under this paragraph, the department shall give higher priority to airport development projects located or proposed to be located in a distressed area, as defined in s. 560.605 (7) (b).

SECTION 5. 560.7995 (4) (b) of the statutes is amended to read:

560.7995 (4) (b) If the department approves a business plan under par. (a) or (am), the department shall certify the person as eligible for tax benefits. The department shall notify the department of revenue within 30 days of certifying a person under this paragraph.

SECTION 6. 560.96 (2) (b) of the statutes is amended to read:

560.96 (2) (b) The designation of an area as a technology zone shall be in effect for 10 years from the time that the department first designates the area. ~~However, not~~ Not more than \$5,000,000 in tax credits may be claimed in a technology zone, ~~except that the department may allocate the amount of unallocated airport development zone tax credits, as provided under s. 560.7995 (3) (b), to technology zones for which the \$5,000,000 maximum allocation is insufficient.~~ The department may change the boundaries of a technology zone during the time that its designation is in effect. A change in the boundaries of a technology zone does not affect the duration of the designation of the area or the maximum tax credit amount that may be claimed in the technology zone.