

SECTION 1. Comm 132.10 (intro.) and (2) are amended to read:

**Comm 132.10 Authority and purpose.** Pursuant to s. 560.207 (4), Stats., this chapter sets forth the requirements for obtaining all of the following ~~from the department~~:

(2) A determination of the maximum amount of tax credit that a taxpayer may claim under this chapter for ~~investing~~ investments in dairy manufacturing facilities.

SECTION 2. Comm 132.30 (1) (a), (2) and Note and (4) are amended to read:

**Comm 132.30 (1) (a)** A person who intends to claim a dairy manufacturing facility investment credit, or a dairy cooperative, may apply for certification and allocation of the credit.

(2) Application to the department for certification and allocation of the credit shall be made on a valid, department-prescribed form; ~~and shall include a department of revenue tax schedule DM~~, listing the applicant's eligible expenses for the project.

**Note:** The application form that is currently valid can be obtained from the Department at P.O. Box 7970, Madison, WI, 53707. ~~Schedule DM can be obtained from the Department of Revenue at P.O. Box 8949, Madison, WI, 53708-8949; and may be available by accessing that Department's Web site at [www.revenue.wi.gov](http://www.revenue.wi.gov).~~

(4) Each application shall be completed and either postmarked or delivered to the department, no sooner than upon completion of the ~~claimant's~~ taxable year in which the costs listed ~~on tax schedule DM in the application~~ were incurred, and no later than ~~March 31st~~ February 15 of the subsequent taxable year, unless this deadline is extended by the department.

SECTION 3. Comm 132.40 (2) is amended to read:

**Comm 132.40 (2)** In conjunction with certifying an applicant, the department shall determine the maximum amount of tax credit ~~that~~ which either the applicant may claim that or which can be distributed for claiming by members of a dairy cooperative.

**Note:** Under chapter 71 of the Statutes, the aggregate amount of credits that a taxpayer may claim under this chapter is \$200,000; except that partnerships, limited liability companies, tax-option corporations and dairy cooperatives are limited to \$200,000 for each of their dairy manufacturing facilities.

SECTION 4. Comm 132.50 is amended to read:

**Comm 132.50 Notifications.** Following completion of the certifications and allocations in s. Comm 132.40, the department shall notify each applicant of the outcome of their application – and shall notify the department of revenue of every taxpayer or dairy cooperative certified under this chapter, and the amount of the tax credit allocated to the taxpayer or dairy cooperative.

SECTION 5. Comm 132.60 (1) is amended to read:

**Comm 132.60 (1)** A certified applicant or a member of a certified dairy cooperative may file for a tax credit under this chapter using forms acceptable to the department of revenue.

SECTION 6. Comm 132.60 (2) is repealed and recreated to read:

**Comm 132.60 (2)** A dairy manufacturing facility investment credit claim from a member of a certified dairy cooperative shall include a determination from the cooperative, specifying the amount of the credit the member may claim, based on the amount of milk the member delivered to the cooperative.

**(END)**

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EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall become effective on the first day of the month commencing after publication in the Wisconsin administrative register.

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*File reference: Comm 132/rules 2009 PH*