



Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapter Comm 130

RELATING TO: Manufacturing Investment Credit

AGENCY UNIT RESPONSIBLE: Business Development Division

PUBLIC HEARING REQUIRED: YES NO

CONTACT PERSON: Sam Rockweiler TITLE: Code Development Consultant

TELEPHONE: (608) 266-0797 EMAIL: srockweiler@commerce.state.wi.us

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Revisor of Statutes, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Mary P. Burke
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that pursuant to section 560.28 (2) of the *Wisconsin Statutes*, the Department of Commerce will hold a public hearing on proposed rules in chapter Comm 130 of the *Wisconsin Administrative Code*, relating to certifying businesses as being eligible to claim tax credits for fuel and electricity used in manufacturing, under sections 71.07 (3t), 71.28 (3t), and 71.47 (3t) of the Statutes, and affecting small business.

The public hearing will be held as follows:

Date and Time:

Wednesday
November 28, 2007
Commencing at 9:30 a.m.

Location:

Thompson Commerce Center, Third Floor, Room 3B
201 West Washington Avenue
Madison, Wisconsin

Interested persons are invited to appear at the hearing and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing, via e-mail. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until December 5, 2007, to permit submittal of written comments from persons who are unable to attend the hearing or who wish to supplement testimony offered at the hearing. All written comments should be submitted by e-mail to srockweiler@commerce.state.wi.us. If e-mail submittal is not possible, written comments may be mailed to Sam Rockweiler, Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53708-0427.

This hearing will be held in an accessible facility. If you have special needs or circumstances that may make communication or accessibility difficult at the hearing, please call Sam Rockweiler at (608) 266-0797 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the rules are available on the Internet, by entering "Comm 130" in the search engine at the following Web site: <http://adminrules.wisconsin.gov>. Paper copies may be obtained without cost from Amy Cumblad at the Department of Commerce, Bureau of Business Development, P.O. Box 7970, Madison, WI, 53707-7970; or at telephone (608) 266-2688 or (608) 264-8777 (TTY); or at Amy.Cumblad@wi.gov. Copies will also be available at the public hearing.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or by e-mail at cdunn@commerce.state.wi.us.



State of Wisconsin \ Department of Commerce

HEARING DRAFT OF PROPOSED RULES

Rule No.: Chapter Comm 133

Relating to: Manufacturing Investment Credit

COM-10544 (N.03/97)

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapter Comm 130

RELATING TO: Manufacturing Investment Credit

1. Types of small businesses that will be affected by the rules.

Any business which chooses to apply for the tax credits under sections 71.07 (3t), 71.28 (3t), and 71.47 (3t) of the Statutes – and which meets at least one of the following conditions:

(1) The business has retained 100 percent of its full-time jobs in Wisconsin from December 23, 2003, through either December 31, 2006, or December 31, 2007.

(2) The business's average annual investment in Wisconsin from January 1, 2003, through either December 31, 2006, or December 31, 2007, is equal to no less than 2 percent of the total book value of the business's depreciable assets in facilities that are based in Wisconsin.

(3) The business's average annual investment in Wisconsin from January 1, 2003, through either December 31, 2006, or December 31, 2007, is no less than \$5,000,000.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

Applicants for becoming certified as being eligible for the tax credits must submit an application that demonstrates compliance with at least one of the above conditions.

3. Types of professional skills necessary for compliance with the rules.

No new professional skills would be needed for compliance with these rules.

4. Rules have a significant economic impact on small businesses.

No Yes, rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Chapter Comm 130

Relating to: Manufacturing Investment Credit

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. At this time, the Department has issued this notice to serve as a finding of no significant impact.