

SECTION 1. Chapter Comm 102 is created to read:

**Chapter Comm 102**

**WISCONSIN ENTERPRISE ZONE PROGRAM**

**Comm 102.10 Purpose, scope and authority.** (1) The purpose and scope of this chapter is to establish definitions for the enterprise zones that are designated by the department under s. 560.799, Stats.

(2) This chapter is promulgated under the authority of ss. 560.799 (1) (am) 2. and 560.799 (6) (g), Stats.

**Comm 102.20 Definitions.** In this chapter and for designating enterprise zones under s. 560.799, Stats.:

(1) “Department” means the department of commerce.

(2) (a) “Full-time employee” has the meaning given in s. 560.799 (1) (am) 1., Stats, except as provided in par. (b).

**Note:** Under section 560.799 (1) (am) 1. of the Statutes “full-time employee” means “an individual who is employed in a regular, nonseasonal job and who, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays.”

(b) “Full-time employee” also means an individual who, as a condition of employment, is required to work at least 1,950 hours per year, including paid leave and holidays, and who receives benefits which are not required by federal or state law and which are at least as favorable as the benefits received by all of the employer’s other full-time employees.

(3) “Original equipment manufacturer with a significant supply chain in the state” means a company in the state whose products or production processes include materials or components purchased from other, unrelated companies in the state, and that has a supply chain in the state which is designated by the department as significant. In determining whether the chain is significant, the department may consider any of the following factors:

(a) The number of employees throughout the chain.

(b) The number of suppliers in the chain.

(c) The total cost of the components purchased from the chain.

(d) The number of units purchased from the chain.

(4) “Significant capital expenditure” means a capital investment in a department-designated enterprise zone, beyond a certified business’s normal capital expenditures, that is needed to achieve a specific purpose acceptable to the department.

(5) “Tier I county or municipality” means a county or municipality so designated by the department. In designating a Tier I county or municipality, the department will consider the most current data available for the area and state using the following indicators:

(a) Unemployment rate.

(b) Percentage of families with incomes below the poverty line established under 42 USC 9902 (2).

(c) Median family income.

(d) Median per capita income.

(e) Other significant or irregular indicators of economic distress, such as a natural disaster, or plant closings and layoffs.

(f) Whether there exists a reasonable prospect of job loss of a magnitude that would measurably impact the criteria in pars. (a) to (e).

(6) “Tier II county or municipality” means a county or municipality that is not a Tier I county or municipality.

**(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 102/rules 2009pH*