

THE WISCONSIN DEVELOPMENT ZONE PROGRAM

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## FORWARD

In recent years the State of Wisconsin, like other states, has made a major commitment to economic development. One strategy used by the state has been creation of various types of "special districts" to promote or finance economic development. For example, both tax incremental financing (TIF) and business improvement district (BID) programs currently used by the state make use of specially created districts to promote development and redevelopment.

In 1988 the state passed new legislation enabling the creation of a new type of special district, the "development zone." This program, which will be available only in places designated by the Wisconsin Department of Development, will promote economic development planning for areas with special needs and will provide economic incentives for firms locating in these zones.

This Occasional Paper is the first in a series on the various special districts currently in use in Wisconsin. This paper describes the general purposes and requirements of the new program, including the incentives involved and the various planning and designation requirements. It also illustrates the possible incentives that a hypothetical firm might receive when locating in a development zone.

Future papers in this series will analyze the economic incentives associated with the development zone program in more detail, and will further explain the planning process involved. Papers are also forthcoming on the current issues surrounding the use of tax incremental financing and business improvement districts in the state.

Copies of all Occasional Papers in this series are available (\$2.50) from the Department of Urban and Regional Planning, University of Wisconsin-Madison, 925 Bascom Mall-Music Hall, Madison, Wisconsin 53706 (608 263-2627).

## TABLE OF CONTENTS

Introduction . . . . .	1
Overview . . . . .	2
The Tax Benefits . . . . .	3
Certification for Tax Benefits . . . . .	7
An Illustration of Development Zone Tax Credits . . . . .	9
Development Zone Nomination . . . . .	16
Development Zone Application Evaluation . . . . .	18
Development Zone Plan . . . . .	19
Development Zone Plan Evaluation . . . . .	20
Allocation of Tax Benefits . . . . .	23
Development Zone Administration . . . . .	23
Conclusion . . . . .	25
Bibliography and Interviews . . . . .	26
TABLE: DZ Tax Credit Forecasting Model . . . . .	11
FIGURE 1: Development Zone Designation Process . . . . .	22
FIGURE 2: Development Zone Responsibilities . . . . .	24

## THE WISCONSIN DEVELOPMENT ZONE PROGRAM

### INTRODUCTION

The Wisconsin Development Zone law requires the State Department of Development to designate certain distressed areas as Development Zones. The legislation was based on other states' Enterprise Zone programs that provide tax incentives to promote economic development and create jobs in areas suffering from economic hardships.

The local governing bodies of cities, towns, villages and Indian reservations are responsible for nominating area(s) that meet the criteria for Development Zone designation. If an area is considered eligible by the Department of Development, the LGB will be invited to submit a Development Zone Plan. Based on a 200 point scoring system, the Department of Development will determine which areas to designate as Development Zones.

The Department of Development may designate up to eight zones, with one zone in Milwaukee, and one zone entirely within an Indian Reservation. The remaining six zones are to be divided as evenly as possible between Metropolitan Statistical Areas (MSA's) and Non-MSA's, and distributed evenly throughout the state. Zone designation lasts for seven years.

The state incentives for firms to locate, remain, or expand in a Development Zone are: (1) an **income tax credit** for all state and county sales tax paid on materials and supplies used to improve real property in the zone, and tangible personal property that qualifies for the investment credit; (2) a **location tax credit** based on the amount of dollars spent to acquire or improve real property in a zone; (3) an **investment credit** based on dollars spent on tangible personal property used for business purposes in a zone; (4) a **jobs credit** for employing persons from a targeted population, based on the Federal Targeted Jobs Credit; (5) an increased **research credit** for conducting research entirely within a zone. To receive any of the tax benefits, the person or business defined below must be certified by the Wisconsin Department of Development.

Persons eligible for the tax credits are individuals, estates, trusts, partnerships, corporations, tax-option corporations, insurance companies, business incubators, non-profit organizations, and trade and business entities of Native Americans or tribes on reservation property or on property held in tribal trust. This provision allows tax-exempt nonprofit organizations and Native American business entities to claim the refundable jobs credit.

#### OVERVIEW

The purpose of this paper is to explain the mechanics of the Development Zone (DZ) program. The first part of the paper

will examine the incentives, the requirements for tax benefit certification, and an illustration of the DZ credits applied to a hypothetical business. The second part of this paper explains the eligibility requirements for DZ designation, and the state and local responsibilities in the administration of the zones.

## THE TAX BENEFITS

### Location Credit

The location credit is an income tax credit equal to 2.5% of the amount spent to acquire, construct, rehabilitate, remodel, or repair real property for commercial or industrial purposes in a Development Zone. The credit applies only to projects that are within the boundary of a zone and that were started after DZ designation.

The location credit is a "non-refundable" tax credit, which means it can be used only to offset the taxes due on income from business operations in a zone. If the earned amount of location credit exceeds the actual amount of taxes due (or if no taxes are due), the excess amount of credit will be carried over to the following year. For example, if the person spends \$10,000 to rehabilitate a building in a zone, (s)he is eligible for \$250 of location credit. If the person has only \$100 of business-related income tax due, \$100 of the location credit will be used, no state taxes will be due, and the remaining \$150 of credit will be carried over to the following

year. A person may accumulate the location credit throughout the seven year life of the zone, and continue to use it until the entire credit has been utilized.

#### Investment Credit

The investment credit is similar to the location credit, except that it is based on the amount spent on purchasing tangible personal property, rather than real property. The investment credit is an income tax credit equal to 2.5% of the amount spent on tangible personal property purchased for business use in a zone. However, a lower rate of 1.75% applies to tangible personal property that is expensed under Section 179 of the Internal Revenue Code. In cases where taxpayers utilize Section 179 expensing, the DZ investment credit will be equal to 1.75% of the first \$10,000 spent, and 2.5% of the amount of expenditures over \$10,000.

Like the location credit, the investment credit may be used only as a credit against the gross tax liability (i.e. to offset taxes due) on income from business operation in a zone. If the amount of investment credit exceeds the amount of taxes due, the excess amount of credit can be carried over to the following year. The investment credit may be accumulated throughout the life of the DZ and used until the entire amount is gone.

### Jobs Credit

The jobs credit is the most prominent of the DZ incentives. It is based on the Federal Targeted Jobs Credit which is intended to encourage employers to hire persons who are economically disadvantaged. According to law, at least 50% of all Development Zone credits in each zone must be used for the jobs credit; (except for Milwaukee, where at least 65% of all credits must be used for the jobs credit).

Persons considered economically disadvantaged under the Federal program are: persons receiving Aid to Families with Dependent Children (AFDC); or Supplemental Security Income (SSI); Vietnam veterans; vocational rehabilitation referrals; ex-convicts; economically disadvantaged youths, youths participating in a cooperative education program, qualified summer youth employees; and involuntarily terminated Jobs Training Partnership Act (JTPA) employees.

The DZ jobs credit applies to all of the persons listed above, plus persons whose Unemployment Compensation benefits have run out, persons who are unemployed as a result of a plant closing, and dislocated farmers.

Like the Federal Targeted Jobs Credit, the DZ's jobs credit is equal to 40% of the amount of qualified wages paid to employees belonging to the targeted population. The amount of qualified wages considered eligible for both the Wisconsin and



Federal jobs credit is limited to the first \$6000. The maximum amount of Federal credit for employing one eligible person is \$2400 and is limited to one year. In addition, the employer could receive the Wisconsin credit of \$2400 for two years. Therefore, the total amount of credit (Federal and Wisconsin) an employer could receive for hiring one eligible person is \$7200 over a two year period.

The jobs credit applies only to wages paid for work performed in the zone, or to employees whose base of operations is located within a zone. If the employer receives any amount of federal assistance for job training programs, the jobs credit applies only to wages paid after the assistance ends. In addition, jobs credits based on wages paid to leased and rented employees can only be claimed by the leasing or renting agency, provided that the employee works in the zone.

#### Sales Tax Credit

An income tax credit is allowed for all Wisconsin sales tax paid to purchase materials and supplies used to construct, rehabilitate, repair, or remodel real property located in a DZ. The credit also applies to sales tax paid to purchase, lease or rent tangible personal property that qualifies for the investment credit.

Like the jobs credit, the sales tax credit is a refundable tax credit; it will be returned to the claimant regardless of

their tax liability. If the amount of sales tax credit exceeds the amount of income taxes due, the excess amount will be paid to the claimant in the form of a check. Copies of original invoices or receipts must be submitted with the claimant's tax return.

#### Research Credit

Under the basic Wisconsin corporate income tax law, a 5% research credit is allowed for the annual increase in qualified research expenditures by any corporation that conducts research in the State of Wisconsin. The Development Zone law provides an additional 5% credit for research conducted within the boundaries of a zone. The research credit is a non-refundable credit, like the location and investment credits.

#### CERTIFICATION FOR TAX BENEFITS

To receive any of the DZ credits, a person must first apply to the Department of Development for certification. The Department of Development will determine whether or not to certify the applicant based on the following:

- the likelihood that the person will continue economic investment in the zone after the DZ expires;
- the number of jobs that will be created, retained, or upgraded in relation to the amount of tax benefits that will be received;

- the person's plans to hire employees from the targeted population;
- the amount of business investment or the amount of spending on the construction, rehabilitation, repair or remodeling of real property in a zone;
- the likelihood that the person's investment will attract other forms of investment to the zone; and
- whether or not the person's investment is consistent with the DZ Plan submitted by the local governing body.

The Department of Development will not certify persons whose proposed business investment will result in the direct loss of jobs, or a transfer of employees from a business located within the state, but outside of the zone.

When a person is certified, the Department of Development will set a limit for the maximum amount of tax benefits the person may claim throughout the life of the DZ.

If a person who is certified for DZ tax benefits ceases business operations in the DZ for more than 12 months, or does not comply with the DZ Plan, the certification will be revoked by the Department of Development. No DZ credit can be carried over to the year that the certification is revoked.

## AN ILLUSTRATION OF DZ TAX CREDITS

The following model illustrates how Development Zone credits are calculated and used or accumulated by a hypothetical business. The purpose of this model is to forecast the amount of DZ credits a business is likely to receive, based on their proposed amounts of spending. The credits are calculated throughout the seven year life of the DZ. The model is based on the following assumptions.

1. The Development Zone is designated by the Wisconsin Department of Development.
2. The claimant is a corporation certified with the Department of Development for DZ tax benefits.
3. The claimant continues to invest or conduct business in the zone throughout the seven year life of DZ designation. In particular, it is assumed that the firm purchases real property in year one and purchases tangible personal property in years one, two and four. The firm is assumed to make no research expenditures over the life of the DZ. The hypothetical firm employs two target population workers, with annual wages in excess of \$6,000 per year.
4. All spending is for business purposes in the zone.
5. Federal deductability of state income taxes is not considered. Claiming DZ credits will decrease the person's amount of Wisconsin income tax due, but the

lower state tax deduction will result in an increased amount of federal income tax due. Therefore, the model may exaggerate the overall amount of tax savings incurred by the claimant.

The independent variables are the amounts of spending and income, as proposed by the business owner. These amounts are designated with an asterisk. The dependent variables are the calculated amounts, based on spending and income.

Listed below is a description of each of the variables included in the model, on page 11.

- (a) The amount spent to acquire, construct rehabilitate, remodel, or repair real property in a DZ, (after DZ designation). Real property includes land and improvements.
- (b) The amount spent to purchase tangible personal property that will be used for business purposes in the DZ. Tangible personal property includes equipment, furnishings, and supplies.
- (c) The amount spent by a corporation for research conducted within the DZ.
- (d) Sub-total. The total amount of spending on real property, personal property, and research.
- (e) The amount of Wisconsin sales tax (5%) paid on the purchases of tangible personal property listed above. Sales tax paid on materials and supplies used to

DEVELOPMENT ZONE TAX CREDIT  
 FORCASTING MODEL  
 Spending and Credits

		YEAR ONE		YEAR TWO		YEAR THREE	
Business #1		Spending	Credit	Spending	Credit	Spending	Credit
Real Property	*a	\$100,000	i \$2,500	\$0	\$0	\$0	\$0
Tangible Personal Prop.	*b	\$50,000	j \$1,250	\$10,000	\$250	\$0	\$0
Research	*c	\$0	k \$0	\$0	\$0	\$0	\$0
SUB-TOTAL A	d	\$150,000	l \$3,750	\$10,000	\$4,000	\$0	\$1,867
Sales Tax	*e	\$2,500	m \$2,500	\$500	\$500	\$0	\$0
Wages-target population	*f	\$10,000	XXXX	\$10,000	XXXX	\$20,000	XXXX
Jobs-target population	*g	1	n \$2,400	0	\$2,400	1	\$2,400
SUB-TOTAL B	h	\$12,500	o \$4,900	\$10,500	\$2,900	\$20,000	\$2,400

Taxes and Credits

		YEAR ONE	YEAR TWO	YEAR THREE
NET INCOME	*p	\$100,000	\$110,000	\$121,000
TOTAL EXPENSES	q	\$162,500	\$20,500	\$20,000
Cum. Profit/(loss)	r	(\$62,500)	\$27,000	\$101,000
Gross Tax Liability	s	\$0	\$2,133	\$7,979
Tax Liability Less Credit	t	\$0	\$0	\$6,112

Tax Rate	*u	7.90%	7.90%	7.90%
Credit 'A' Used	v	\$0	\$2,133	\$1,867
Credit 'A' Carry-over	w	\$3,750	\$1,867	\$0
Net Tax Liability	x	\$0	\$0	\$6,112
Credit 'B' Used	y	\$0	\$0	\$2,400
Credit 'B' Refund	z	\$4,900	\$2,900	\$0

YEAR FOUR		YEAR FIVE		YEAR SIX		YEAR SEVEN	
Spending	Credit	Spending	Credit	Spending	Credit	Spending	Credit
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$10,000	\$250	\$0	\$0	\$0	\$0	\$0	\$0
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
\$10,000	\$250	\$0	\$0	\$0	\$0	\$0	\$0
\$500	\$500	\$0	\$0	\$0	\$0	\$0	\$0
\$20,000	XXXX	\$20,000	XXXX	\$20,000	XXXX	\$20,000	XXXX
0	\$2,400	0	\$0	0	\$0	0	\$0
\$20,500	\$2,900	\$20,000	\$0	\$20,000	\$0	\$20,000	\$0

YEAR FOUR	YEAR FIVE	YEAR SIX	YEAR SEVEN
\$133,100	\$146,410	\$161,051	\$177,156
\$30,500	\$20,000	\$20,000	\$20,000
\$102,600	\$126,410	\$141,051	\$157,156
\$8,105	\$9,986	\$11,143	\$12,415
\$7,855	\$9,986	\$11,143	\$12,415

7.90%	7.90%	7.90%	7.90%
\$250	\$0	\$0	\$0
\$0	\$0	\$0	\$0
\$7,855	\$9,986	\$11,143	\$12,415
\$2,900	\$0	\$0	\$0
\$0	\$0	\$0	\$0

## SUMMARY

CREDITS EARNED	
Location Credit	\$2,500
Investment Credit	\$1,750
Research Credit	\$0
Sales Tax Credit	\$3,500
SUBTOTAL	\$7,750
JOBS CREDIT	\$9,600
TOTAL CREDITS	\$17,350
Jobs Credit Percentage	55%
TAXES	
Taxes Otherwise Due	\$51,762
Taxes Paid	\$34,412
TAX SAVINGS	\$17,350
Savings Percentage	34%

NOTE: In this example the claimant would save 34% in income tax due over the seven year life of the Development Zone. The jobs credit accounts for 55% of the total amount of tax credits received.



construct, rehabilitate, repair, or remodel real property in a DZ, is also creditable, but it is not shown in this example for simplification purposes.

- (f) The proposed amount of wages to be paid to persons from the targeted population. This amount is included to show that each of the persons will be paid at least \$6000 each year.
- (g) The proposed number of jobs to be filled by members of the target population.
- (h) Sub-total. The amount spent on sales tax and wages to targeted population.
- (i) Location Credit. The amount of location credit the claimant is eligible to receive, which is 2.5% of the amount spent on real property
- (j) Investment Credit. The amount of investment credit the person is eligible to receive, which is 2.5% of the amount spent on tangible personal property.
- (k) Research Credit. Five percent of the increase in spending for research done exclusively in a DZ. The claimant would actually receive a ten percent credit, but since this example is used to show tax savings in a DZ, compared to taxes that would be paid outside of the zone, only the additional 5% is counted.
- (l) Sub-total. The total of location, investment and research credits for that year, plus any amount carried over from the previous year. The amount of this credit

not used in the current year will be carried over to the following year.

- (m) Sales Tax Credit. One hundred percent of the amount of Wisconsin sales tax paid (f).
- (n) Jobs Credit. Forty percent of wages paid to persons from the targeted population. There is a \$2400 limit for each person employed.
- (o) Sub total of "refundable DZ credits." This amount is equal to the sales tax credit plus jobs credit.
- (p) The person's estimated net business income for the given year.
- (q) Total Expenses. The total dollars spent on the items listed above (real property, personal property, research, sales tax and wages).
- (r) Cumulative Profit/(Loss). Income (p) minus expenses (q), minus any loss from the prior year. In year two, the \$20,500 of total expenses, and the \$62,500 loss from year one are both subtracted from the net income.
- (s) Gross Tax Liability. The amount of Wisconsin (business) income tax due. Profit (r) multiplied by the appropriate tax rate. (Presently, the Wisconsin corporate income tax rate is 7.9% and the personal income tax rate ranges from 4.9% to 6.93%).
- (t) New Tax Liability. The amount of income tax due (s) minus the total amount of DZ credits.

- (u) Tax Rate. The appropriate Wisconsin tax rate for the amount of tax liability shown above. The tax rate used will be from the most recent year's tax form.
- (v) The amount of non-refundable credit used to offset taxes due.
- (w) The amount of non-refundable credit carried over to the following year.
- (x) The tax liability after credit A is subtracted out.
- (y) The amount of refundable credit used to offset taxes.
- (z) The amount of refundable credit granted to the claimant in the form of a check.

#### DEVELOPMENT ZONE NOMINATION

The local governing body of cities, villages, towns and Indian Reservations may nominate areas that meet at least two of the following requirements:

- an unemployment rate of at least 150% of the statewide average for 18 months preceding the application;
- at least 40% of the residents live in households with income levels at or below 80% of the statewide median household income;
- the most recent assessed valuation of real property is less than the assessed value two years earlier.
- at least 5% of the workforce was permanently laid off within the 18 months preceding application;
- area qualifies for federal Urban Development Action Grant (UDAG); or

-the percentage of households receiving AFDC in the area is significantly higher than the statewide average.

An area within a Metropolitan Statistical Area must contain less than 5% of the valuation of the city, town, or village, and have a population of at least 4000. (In Milwaukee the zone may not contain more than 5% of the City's total population). Zones outside of MSA's (other than Indian Reservations) must have a population of 1000-5000. The zone on an Indian Reservation must have a population of less than 5000.

Before nominating an area as a Development Zone, the local governing body (LGB) must first adopt either a resolution or ordinance authorizing it to nominate the area, and hold a public hearing for discussion of the boundary of the proposed zone. The LGB may then apply by submitting an application form to the Department of Development, that includes the following:

- a copy of the resolution or ordinance;
- transcripts from the public hearing(s);
- evidence that the area meets at least two of the criteria;
- evidence that it meets the applicable boundary requirements;

- a description of current land use patterns and the effect of anticipated economic development on land use patterns;
- a description of past and present economic development activity in the area under federal, state, and local programs;
- the LGB's goals for the area; and
- an assessment of the employment impacts on the targeted population.

#### DEVELOPMENT ZONE APPLICATION EVALUATION

The Department of Development will review the applications. The applications that meet the requirements described above will be forwarded to the Wisconsin Legislature's Joint Committee on Finance for boundary review. Upon receiving these proposals, the Committee may schedule a Boundary Review hearing within 14 days, and hold the hearing within 30 days. If the Committee does not schedule a hearing within 14 days, the Department of Development may approve the proposed boundary.

The Department of Development will evaluate the applications based on the information provided by the applicant. The areas meeting the requirements described above will be considered for Development Zone designation. The LGB will be requested to submit a development zone plan.

## DEVELOPMENT ZONE PLAN

The development zone plan must be submitted within 90 days of DOD's notification. According to the Department of Development's Administrative Code, the plan should include all of the following items.

1. Information that identifies the economic conditions of the area within the proposed zone and for the municipality or reservation as a whole.
2. The economic development strategy within the development zone, including descriptions of the economic strengths and weakness of the area and a description of the applicants plans to:
  - (a) improve public services in the area;
  - (b) eliminate obstacles to economic development;
  - (c) provide technical assistance to businesses;
  - (d) improve the level of cooperation between the private sector and local government; and
  - (e) expedite regulatory proceedings and procedure for issuing licenses and permits.
3. A description of specific and realistic goals for the area.
4. A description of the activities which the applicant has or will undertake to support economic development in the area.
5. A description of the resources which will be committed to support economic development in the area.

6. A plan for the use of existing economic development programs.
7. The applicant's marketing and business recruitment plan.
8. The extent to which the development zone plan has been incorporated into the applicant's strategic economic development plan for the municipality or Indian reservation as a whole.
9. A description of current land use patterns and the effect of anticipated economic development on land use patterns in the area.
10. A description of how the local governing body intends to assess the effectiveness of its development zone plan.

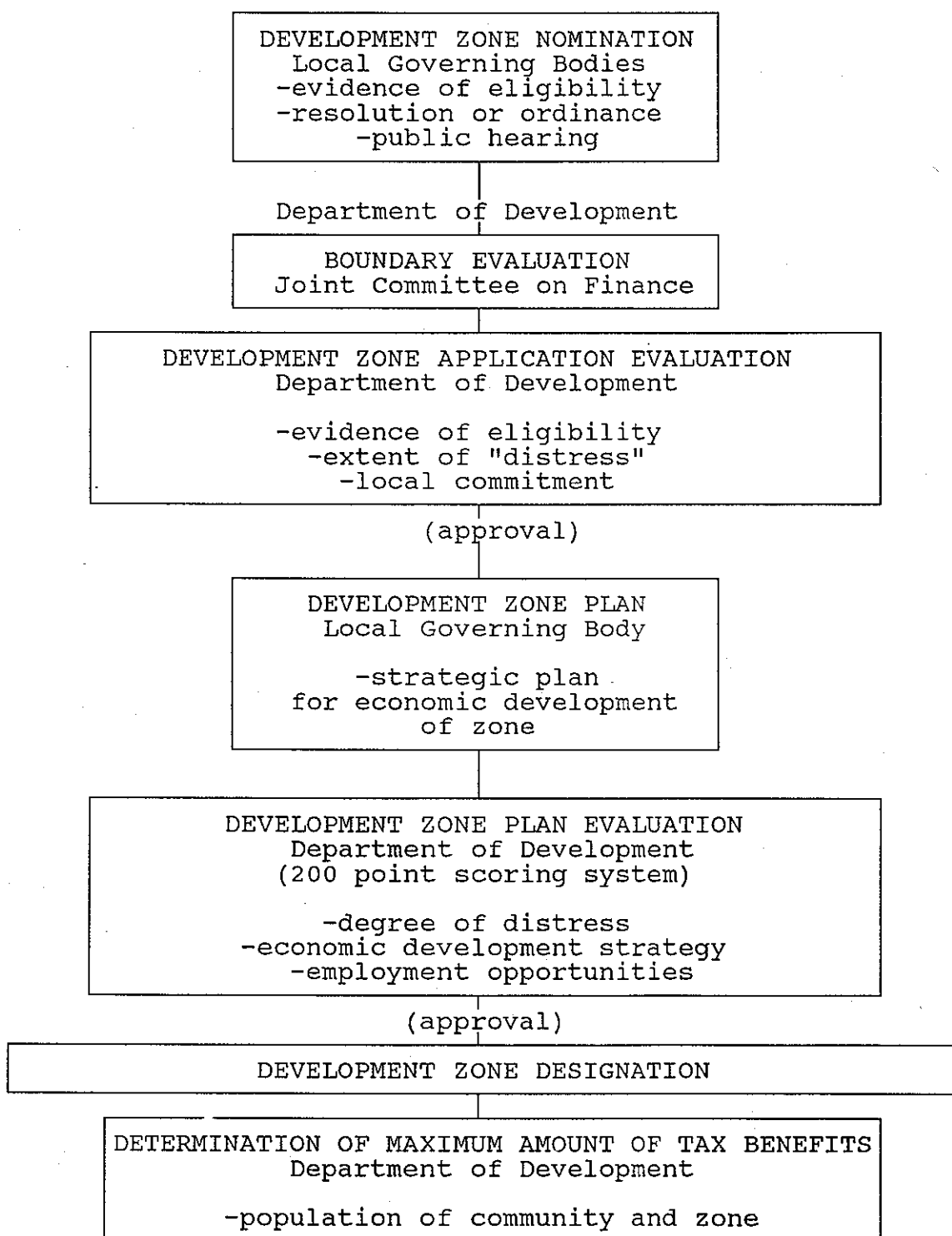
#### DEVELOPMENT ZONE PLAN EVALUATION

The Department of Development will evaluate the development zone plan on a 200 point scoring system. The points will be awarded as follows: up to 60 points based on the degree of distress in the proposed zone and in the municipality as a whole; up to 60 points based on the economic development strategy; up to 35 points based on the expanded employment opportunities for the target population; up to 15 points based on the plans for coordinating with other public programs; up to 15 points for the organizational capacity of the applicant; and up to 15 points for other economic impacts that the Department of Development considers significant.

The Department of Development will designate development zones in communities with the best development plans, according to the plans that score the highest on the 200 point scale. It will then determine the maximum dollar amount of tax benefits that each zone will be authorized to provide to qualified business.



FIGURE 1. DEVELOPMENT ZONE DESIGNATION PROCESS



#### ALLOCATION OF TAX BENEFITS

The Wisconsin Legislature allowed \$14 million for Development Zone tax benefits over a seven year period, beginning in 1989. Ten percent of the \$14 million will be held in a reserve account, and later allocated among the zones based on their performance. The remaining \$12.6 million in tax benefits will be distributed among zones based on the population of the municipality or Indian reservation.

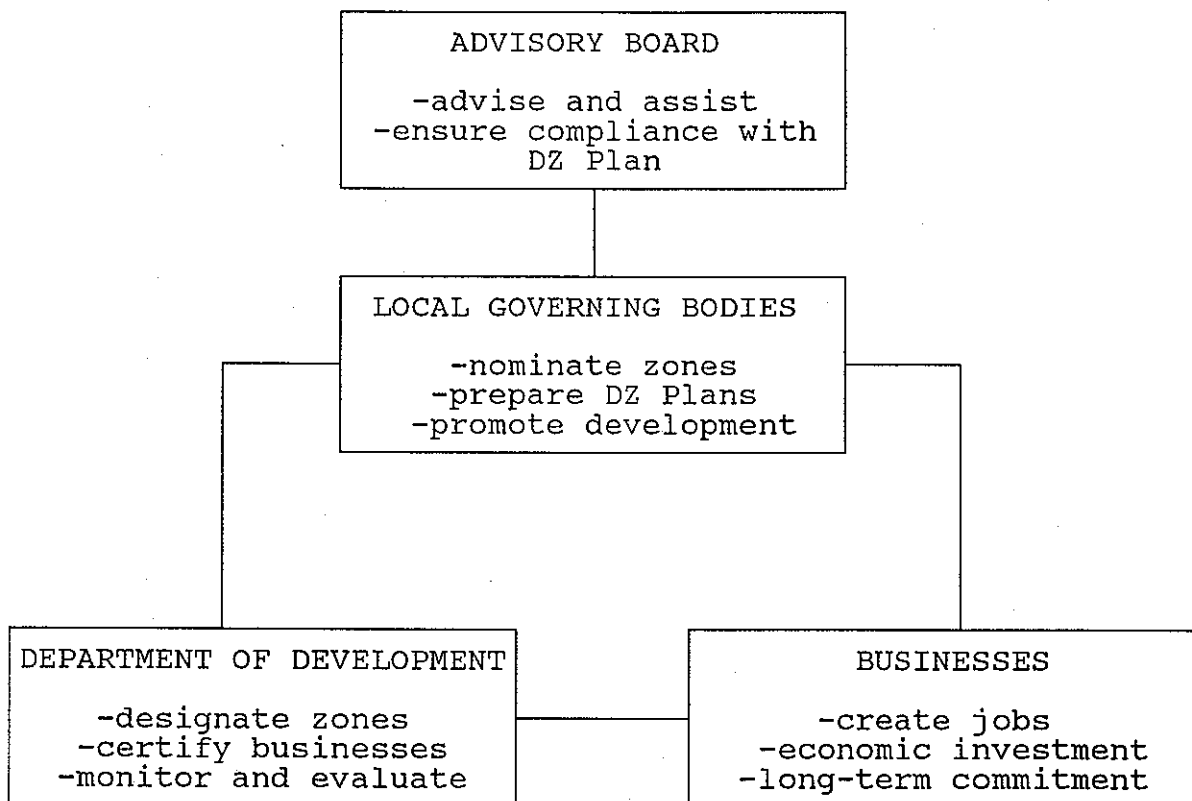
According to the Administrative Code (Chapter DOD 12), the minimum allocation to each development zone will be as follows. If the zone is located in a municipality or Indian reservation with a population of less than 25,000 the minimum allocation will be \$750,000. If the zone is located in a municipality with a population of 25,000-45,000 the minimum allocation will be \$1.25 million. If the zone is located in a municipality with a population greater than 45,000 the minimum allocation will be \$1.5 million, and the zone located within a first class city (Milwaukee) will receive a minimum of \$4 million.

#### DEVELOPMENT ZONE ADMINISTRATION

Upon receiving notification from the Department of Development that an area is designated as a Development Zone, the LGB must appoint a five member advisory board, actively promote economic development in the area and make sure that at least 50% of all DZ credits are used as jobs credits (except in the

case of Milwaukee, where 65% of the credit must be used for the jobs credit). At least one member of the Advisory Board must be a resident of the zone. Local Governing Bodies must provide staff to advisory board. The responsibility of the advisory board is to advise and assist the local governing body in local DZ administration and business recruitment and to ensure compliance with the development zone plan.

FIGURE 2. DEVELOPMENT ZONE RESPONSIBILITIES



## CONCLUSION

The Department of Development is responsible for the administration of the Development Zone Program. Administering the program requires designating the zones, monitoring and evaluating the zones, certifying persons (claimants) who are eligible for tax benefits, and preparing an annual report on the effectiveness of the program.

The local governing bodies of communities interested in the Development Zone Program are encouraged to nominate areas that meet the eligibility criteria. The LGB must demonstrate that they are committed to promoting economic development and jobs creation in the area.

The Department of Development will begin accepting nomination applications in January of 1989. For more information on the nomination procedure, and details on the program, contact the Wisconsin Department of Development, Division of Economic Development.

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