

# WAPA NEWSLETTER



American Planning Association  
Wisconsin Chapter

*Making Great Communities Happen*

A Publication of the Wisconsin Chapter of the American Planning Association

## Creating Resilient & Healthy Communities

### WAPA Conference 2010, March 4-5

**Monona Terrace, Madison**

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&  
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WAPA and WASLA hold their annual joint conference this Thursday and Friday. You can catch some excellent presentations, rack up some CM credits, and network with their peers.

#### Conference Highlights

Tom Dunbar, Executive Director of the Center for Resilient Cities, will present the Thursday morning plenary on

“Why Resilient Cities?” The Center for Resilient Cities uses resilience design to weave green landscapes into the built environment, creating organic opportunities for social and economic development and helps cities deal with social, economic, environmental, and climate change. Mr. Dunbar will describe how



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#### Winter 2010

New Book by Randall Arendt.....4  
AICP CM at the Conference.....5  
**Law Update.....6**

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Publication Info and Board Members.....2  
Membership Form.....11

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The WAPA Newsletter is published electronically four times each year by the Wisconsin Chapter of the American Planning Association to facilitate discussion among its members of planning issues in Wisconsin. Correspondence should be sent to:

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Change of Address: WAPA Newsletter does not maintain the address lists for any APA publication. All lists are maintained at the national APA office and are updated and mailed to the chapters each month. If you have moved, please contact Member Services Coordinator, APA National Headquarters, 122 S. Michigan Street, Suite 1600, Chicago, IL 60603-6107 or call (312) 431-9100 or FAX (312) 431-9985.

Membership Information: To become a member of the Wisconsin Chapter of the American Planning Association, simply become a member of the APA. An application form is provided on the back of this publication. Or you may opt for Wisconsin Chapter only membership.

Professional Services Directory: Put your business in the newsletter.

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Submission of Articles: WAPA News welcomes articles, letters to the editor, articles from the WAPA districts, calendar listings, etc. Please send anything that may be of interest to other professional planners in Wisconsin. Articles may be submitted by mail, fax, or email. Articles may be edited for readability and space limitations prior to publication. Content of articles does not necessarily represent the position of APA, the WAPA Executive Committee, or the editor.

Submit articles by email attachment. Graphics are encouraged

Deadlines:

Winter issue: submit by January 15.  
 Spring issue: submit by March 15  
 Summer issue: submit by June 15  
 Fall issue: submit by September 15

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**Visit the WAPA webpage for up-to-date news and information between issues of the WAPA Newsletter.**

the Center practices resilience design through its projects in Madison and Milwaukee.

At lunch on Thursday, Dan Vimont, Assistant Professor of Atmospheric and Oceanic Sciences, presents the current data on climate change in Wisconsin. Dr. Vimont will review the changes in climate that Wisconsin has already experienced over the past 100 years and what climate scientists are predicting for the next 50-100 years. Climate change is not just warming. In fact, as Dr. Vimont will show, some areas of Wisconsin are expected to become cooler with climate change. Changes in rainfall, timing of rainfall, snowcover, and other changes can have effects on spring flooding, water quality, and a other issues directly related to planning. Planners need to be planning for the climate of the future rather than the climate of the past.

At lunch on Friday, Carolyn Esswein will present the Chapter's 2010 award winners. In addition, APA president Bruce Knight will discuss the State of the Nation.

### **Mobile Workshops**

The conference agenda also features three mobile workshop opportunities— two on Thursday and one on Friday. On Thursday, a bus tour of Middleton Hills and the Greenway Station

highlights one of the first New Urbanist developments in Wisconsin—now over 15 years old. The tour will also feature a visit to Greenway Station, a new mixed-use development that has been planned in anticipation of a future commuter rail stop.

Also Thursday, a walking tour of Madison's Block 89 adjacent to Capitol Square features office towers, retail uses facing the square, award winning restaurants, and a unique air handling system taking advantage of passive solar heating—all held together by unique joint financing.



Middleton Hills. Source: <http://www.middletonhills.com/ehi/mhills/>

On Friday, conference goers can take advantage of the tour of University Square Development. University Square development is the largest infill development ever completed in Madison, with 1.1 million square feet of public-private redevelopment of an entire city block adjoining the UW-Madison campus. This development will also be featured during a Thursday panel presentation at 10:30.

You can find directions to Monona Terrace at [www.mononaterrace.com](http://www.mononaterrace.com).

You can register at the door. Full registration is \$225. A single day registration is just \$135 for Thursday and \$125 for Friday. Students, plan commissioners, and unemployed members of WAPA can attend for \$95.

For full conference details, take this link to the preliminary program.

[http://www.wisconsinplanners.org/Preliminary\\_%20Program\\_WAPA\\_WASLA\\_2010\\_Conference.pdf](http://www.wisconsinplanners.org/Preliminary_%20Program_WAPA_WASLA_2010_Conference.pdf)

## Envisioning Better Communities: Seeing More Options, Making Wiser Choices

by Randall Arendt, FRTP  
Planners Press, March 2010  
(approximately 235 pages)

This new Planners Press book from the APA is about seeing familiar things in unfamiliar ways. The wide array of pictorial examples helps readers to envision how their community could evolve in ways that would positively reinforce its best aspects, and how local land-use regulations could stem the steady erosion of community character.

Nearly 600 color photographs and drawings illustrate positive and negative examples of residential, commercial, industrial, and mixed-use development. Presented in a reader-friendly writing style, it translates technical aspects

into easily understandable language speaking to the concerns of volunteer members of local planning boards and commissions.

*Envisioning Better Communities*, Randall Arendt's sixth book, is intended as both a thought-provoking read and a handy reference for use at meetings with applicants, helping staff and officials suggest better ways for new development to be sited, designed, landscaped, and integrated into the community fabric. The appendices contain articles, model ordinances, links to recommended design guidelines, and a detailed list of suggested further reading.

*Envisioning Better Communities* provides readers with a ready-reference for addressing a wide spectrum of issues affecting how their communities look and function, whether their concerns involve protecting open space, providing attractive, livable neighborhoods, strengthening and rejuvenating downtown centers, and/or dealing with



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the decades-old legacy of unsightly and dysfunctional highway strips. The book treats this material from the viewpoint of local officials and interested community residents who often share similar goals but do not yet have the length or breadth of experience to know how to get there. It is an equally valuable resource for staff planners, helping them

explain better approaches to applicants, commission members, and citizens. Readers learn about impressive results that have been achieved in a variety of other communities, broadening their understanding of what could be accomplished locally with imagination and improved land-use standards.

## WAPA Conference and CM Credit

The WAPA Conference offers a tremendous value for CM credit. Attending the plenary and breakout sessions over the two days allows a planner to claim at least 9.5 hours of CM credit, over a quarter of the two-year requirement.

AICP planners who have not yet completed their credits for 2008-09 will be able to claim the CM credits from the conference because of the grace period that extends through April 30.

### AICP Exam Review

On Friday, March 5, from 3:20-5 pm at the conference, PDO Nancy Frank will provide an overview of the AICP exam along with study tools available to you for free or at low cost.



# Law Update

## Court Decisions

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JANUARY 31, 2010

## Wisconsin Supreme Court

No decisions to report for the month of January.

## Wisconsin Court of Appeals opinions

### A Dispute About the Definition of "Floor Area"

In *Propp v. Sauk County*, the Wisconsin Court of Appeals provided guidance for what is meant by "floor area"

as used in Section 59.692(1v) of the Wisconsin Statutes. Propp owns a house on Lake Wisconsin in Sauk County. She began construction of a deck that, when completed, would extend 400 square feet into the 75 foot shoreland setback. (Part of the deck would not extend into the setback.) Section 59.692(1v) of the Wisconsin Statutes requires that the county must grant special zoning permission for structures in the shoreland setback area if certain conditions apply. One of the conditions is that "[t]he total floor area of all of the structures in the shoreland setback area of the property will not exceed 200 square feet." Similar provisions are contained in the Sauk County Shoreland Zoning Ordinance. Sauk County notified Propp that the deck was in violation of the ordinance. Propp then sought a special land use permit in which she proposed to remove the outermost area of deck floorboard so the remaining part of the deck flooring would be 200 square feet. Propp's proposal left the deck support system for the larger-sized deck in place (exposed floor joists, an I-beam, and two posts). The County denied the permit based on an interpretation of the term "floor area" that included the total area within the perimeter of the deck's support system. Both the Circuit Court and the Court of Appeals disagreed with this interpretation. The Court of Appeals noted that neither chapter 59 of the

Wisconsin Statutes nor Sauk County's Shoreland Zoning Ordinance defined "floor area." As a result, the Court of Appeals turned to a dictionary definition of the term "floor" meaning ". . . the part

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The WAPA board established an endowment fund to support scholarships for students attending either of the accredited masters degree programs in planning in Wisconsin: UW - Madison and UW - Milwaukee.

WAPA invites members to contribute to the endowment fund as a way to support the next generation of planners in Wisconsin. Just return this pledge form to WAPA Treasurer Connie White with your contribution.

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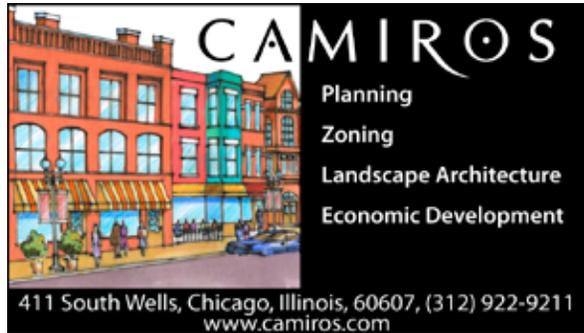
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of a room upon which one stands.” The Court of Appeals then concluded that “the term “floor area” unambiguously encompasses only the surface portion of Propp’s deck floorboards and, therefore, does not include portions of the deck’s support system that extend beyond the floorboards.” The Court of Appeals noted that there are other terms that could have been used if the intent was to describe the total square footage enclosed by a structure, “such as the „footprint” of the structure, the total area of the structure, or even just saying the total size of the structure itself.”

Since a portion of the deck was outside the setback, the County also argued that the total floor area of the deck exceeded the 200 square foot limit. The Court of Appeals found this interpretation to be inconsistent with the language of the statutes that referenced the “total floor area of all the structures in the shoreland setback area.” The decision is recommended for publication.

**One Town, One Vote Does Not Apply When Discontinuing a Highway**

*Dawson v. Town of Jackson* involved an application by the Dawsons to discontinue a town highway shared by the Town

of Cedarburg and the Town of Jackson in Washington County. Section 82.21(2) of the Wisconsin Statutes outlines the procedure to discontinue a highway located on the line between two municipalities. According to that Statute, the governing bodies “acting together, shall proceed” to approve or deny the discontinuance. The Towns held a joint hearing. All five town board members from Jackson attended but only three of the five town board members from Cedarburg attended. At the hearing, the five Jackson board members voted unanimously in favor of discontinuing the highway and the three Cedarburg members voted unanimously against discontinuing the road. The Dawsons asserted that their application to discontinue was approved five-to-three. Cedarburg asserted that the vote was a tie -- one town in favor and one town against -- so the discontinuance was not approved. The Court of Appeals agreed with the Dawsons, finding that if the legislature had intended to allow one municipality to block an attempt to discontinue a highway, the legislature could have required approval by both governing bodies, rather than requiring that governing bodies “acting together” could take action. This decision certainly puts local governments with smaller governing

boards at a disadvantage. The decision is recommended for publication.

### Replacement Public Access To River Found To Be Equivalent

*Citizens For U, Inc. v. D.N.R.* involved a challenge to a decision of the Wisconsin Department of Natural Resources (DNR) approving a petition by Wood County to abandon a portion of a County Highway that provides public access to the Wisconsin River. The public access is on land owned by the Consolidated Water Power Company. Consolidated was required to provide public access on its property as a condition of its license to operate a hydroelectric dam on the River. The subject land is now part of a proposal to construct a residential development. Consolidated proposed replacing the public access to a site about four miles upstream. DNR approved the replacement under Section 66.1006 of the Wisconsin Statutes.

A citizens group challenged the DNR's approval on the basis that the replacement did not provide comparable access. DNR found the proposed improvements to the replacement access actually made it superior to the existing access. The court of Appeals agreed. The decision is recommended for publication.

## Legislative Update

BY STEVE HINIKER  
FEBRUARY 1, 2010

WAPA is making some changes to the Legislative Update beginning with this issue. This will be the last report in this format. After discussing the lobby report with WAPA Board of Directors, we are going to experiment with a new, timelier notification system of legislative updates.

From now on you will receive immediate updates of legislative activity of interest to WAPA. When a new bill of interest is introduced, you will receive notification of that bill. Please notify me if you are interested in further updates on that legislation. If no one requests an update, the bill will no longer be tracked. If someone indicates an interest – all WAPA members on this mailing list will be updated as the legislation moves forward. To make notifications easier, all e-mails related to this tracking system will have the same subject line: WAPA Bill Tracking Update. This should make mailbox management easier.

I will continue to post updates on past matters. Please let me know if this service – which is intended to provide better, more timely information – is helpful.

### AICP Review CDs FREE!

WAPA is purchasing the AICP Exam Review CDs offered by the Chapter Presidents' Council. We will give away the CDs for **free**.

Contact Nancy Frank to reserve your copy: [frankn@uwm.edu](mailto:frankn@uwm.edu).



Photo by Strudelwagon at citydictionary.com

## 2009-2010 Wisconsin Legislative Session Bill Tracking

The legislature went back into session on January 19, 2010. The highlight of this session so far has been AB 649 Clean Energy Jobs Act (Global Warming). We gave you the details in the last issue. It has been getting a lot of attention and is moving ahead with hearings in both houses. We will keep you posted as this proposal moves through the process.

## New LEGISLATIVE PROPOSALS of interest

### **AB 670 - Requiring sellers of residential real property to disclose whether the property is subject to a shoreland zoning mitigation plan.**

01-22-10 - Introduced by Representative Black; cosponsored by Senator Holperin. Under current law, a county must enact a shoreland zoning ordinance for shorelands in its unincorporated area. Current law defines a shoreland as an area within a certain distance from the edge of navigable water. If a county does not enact a shoreland zoning ordinance or if the Department of Natural Resources (DNR) determines that the county has enacted an ordinance that fails to meet certain standards specified in rules promulgated by DNR, then DNR must adopt a shoreland zoning ordinance

for the county. Under rules promulgated by DNR, a county ordinance may authorize a structure that was lawfully placed when constructed, but that no longer complies with certain shoreland zoning standards, to be expanded, replaced, or relocated if certain requirements are met. Among those requirements is a requirement that the county issue a permit requiring that a mitigation plan be approved by the county and implemented by the property owner. The mitigation plan must require the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the building expansion on water quality, aquatic and wildlife habitat, and natural scenic beauty. The obligations of the property owner under the mitigation plan must be evidenced by an instrument recorded in the office of the register of deeds. Also under current law, with certain exceptions, owners selling residential real property must give prospective buyers a form, known as a real estate condition report, on which the owner discloses certain conditions of the real property of which the owner is aware. This bill requires an owner to disclose on the real estate condition report whether the real property is subject to a mitigation plan required by the county.

01-22-10. A. Read first time and referred to committee on Natural Resources 01-27-10. A. Public hear-

ing held. 01-27-10. A. Executive action taken. 01-27-10. A. Assembly amendment 1 offered by committee on Natural Resources

### **SB 442 - Requiring local units of government to use the qualifications-based selection process for certain public works consulting contracts.**

01-07-10. S. Introduced by Senators Plale, Decker, Kreitlow, Taylor, Lassa, Hansen, Wirch, Lehman, Schultz and Kedzie; cosponsored by Representatives Molepske Jr., Clark, Townsend, Gunderson, A. Ott, Kerkman, Honadel, Zipperer and Gottlieb.

This bill requires the use of a new method for the selection of a consultant by any city, village, town, or county (political subdivision), including a first class city, which is presently only Milwaukee, special purpose district, including a school district, or subunit (local governmental unit) if the consultant is required for a project that relates to certain public works contracts including the inspection of local bridges. Generally, under the bill, a local governmental unit is required to hire a consultant for a project based only on the consultant's qualifications. A consultant is defined under the bill as a person who provides architectural services, engineering services, land surveying services, landscape architecture

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I certify that I am enrolled as a full-time student at \_\_\_\_\_

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Expected graduation date \_\_\_\_\_ Student ID# \_\_\_\_\_

**PLANNING BOARD VERIFICATION**

I am a current member of the agency listed below. I do not earn my living in planning.

Name of board or commission \_\_\_\_\_ Date \_\_\_\_\_

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services, photogrammetric services, or professional geology services for a project. A project under the bill is a project of a local governmental unit that requires a consultant and relates to the planning, study, design, or construction inspection or administration of the public work or building, the total cost of which is estimated by a local governmental unit to be at least \$250,000 and that will be funded to some extent by the state government. A consultant's services on a project are separate, however, from the contract for the actual construction, repair, remodeling, or improvement of the public work or building. The value estimate and state funding requirements do not apply to local bridge inspections, however.

The bill requires a local governmental unit to create a procedure to solicit proposals from consultants for projects, but the proposals may not contain any information on proposed fees, level of efforts, or costs. The local governmental unit must rank the consultants based on the consultants' qualifications as described in proposals. The proposals must contain certain information about the consultants, including their specialized experience, capabilities, and technical competence; their quality of work and ability to meet schedules; and their proposed method of project management. After the local governmental unit ranks the consultants, it must enter into

negotiations with the highest ranked consultant to finalize the terms of the contract, including the fees, level of efforts, and costs. If the local governmental unit and consultant are unable to reach an agreement, the local governmental unit must enter into negotiations with the next highest ranked consultants, in order of their ranking, until a contract is finalized. If no agreement is reached with any of the consultants, the local governmental unit may retain a consultant for the project under any other allowable method. The provisions created in the bill do not apply to a project that is needed to protect public health or welfare due to an emergency situation. Also under the bill, a local governmental unit may enter into a contract with a consultant with whom it has an established relationship, and who has previously provided similar services, without evaluating proposals from other consultants.

01-07-10. S. Read first time and referred to committee on Ethics Reform and Government Operations



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**SB 447 - State contractual services and false claims submitted to state and local governments, requiring the exercise of rule-making authority, and providing penalties.**

01-07-10. S. Introduced by Senators Lassa, Carpenter, Coggs, Darling, Hansen, Holperin, Kreitlow, Lehman, Risser, Taylor, Vinehout and Wirch; cosponsored by Representatives Jorgensen, Barca, Mason, Roys, Vruwink, Berceau, Cullen, Hilgenberg, Hixson, Milroy, Molepske Jr., Pasch, Pohan, Pope-Roberts, Smith, Turner and Zepnick.

Currently, the Department of Administration (DOA) or any state agency to which DOA delegates purchasing authority may contract for services if the services can be performed more efficiently or economically by contract than by state employees. This bill allows contracting for services if at least two of the following three conditions are met: 1) The services may be performed more economically by contract than by state employees; 2) When considering expertise, the services can be performed more efficiently by contract than by use of current full-time state positions; or 3) When considering timeliness, the services can be performed more efficiently by contract than by state employees. Currently, under rules promulgated by DOA, certain persons aggrieved by a solicitation

for, or an award of, a contract have five days from the solicitation or award to file a notice of intent to protest with the agency soliciting the services or awarding the contract and ten days to serve that agency with the written protest. This bill extends the time to file a notice of intent to protest to seven working days and the time to file a protest to 12 working days. Under current law, if a state agency enters into or renews a contract for services that involves an estimated expenditure of more than \$25,000, the agency must conduct either a uniform cost-benefit analysis, for a new contract, or a continued appropriateness review, for a contract renewal. This bill requires a cost-benefit analysis or continued appropriateness review to consider all relevant costs including salaries and benefits, training requirements, liability insurance, overhead, facility costs, and taxes. Under this bill, no cost-benefit analysis may be shown to any bidder until a letter of intent to contract has been issued. This bill generally requires that, if a contract is for more than \$25,000, any expenditures of the contractor that exceed the bid by more than 10 percent may be paid only if the secretary of administration approves payment of the increased amount and submits to the Joint Committee on Finance (JCF) his or her rationale for approval. In addition, this bill requires DOA to review each cost-benefit analysis

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or continued appropriateness review and certify them as accurate, and requires each contracting agency to perform periodic audits on its cost-benefit analyses and continued appropriateness reviews and on its subsequent contracts. The bill requires the Division of Legal Services in DOA to develop standard performance measures, as well as benchmark indicators, to evaluate services performed by contract for a state agency and to determine what actions taken by the con-

tractor would result in the state agency recovering the expenditures it paid to the contractor. Under current law, if a state agency for which services are performed concludes that the services were unsatisfactory, the agency must file an evaluation with DOA, and DOA must ensure that future contracts are not awarded to contractors whose past performance was unsatisfactory.

This bill adds that a state agency must file an evaluation with DOA if the contractual services are unsatisfactory according to the standard performance measures or benchmark indicators developed by the Division of Legal Services or if the state agency recovers expenditures from the contractor under the guidelines developed by the Division of Legal Services.

Currently, if a contractor or vendor does business with this state or a local government, the terms of the contract or order govern the performance of, and the price to be paid to, the contractor or vendor. If the contractor or vendor claims payment for materials, supplies, equipment, or services that are not provided in accordance with the contract or order or at a price that is different from the price specified in the contract or order, the state or a local government has a remedy against the contractor or vendor for breach of contract. If the contractor or vendor is asked to swear to the truth

of a claim for payment and the claim is false, the contractor or vendor may be prosecuted for false swearing. Currently, except with regard to medical assistance, a private person has no means to recover, on behalf of the state, damages sustained by the state as a result of a fraud committed against the state.

This bill provides that whoever knowingly presents or causes to be presented a false claim under any contract or order for materials, supplies, equipment, or services to be provided to a state agency is subject to a forfeiture (civil penalty) of not less than \$5,000 nor more than \$10,000, plus three times the amount of the damages that were sustained by the state or would have been sustained by the state, whichever is greater, as a result of the false claim.

The bill permits the attorney general to bring an action to recover any forfeiture for which a contractor or vendor is liable as a result of a false claim submitted to a state agency. This bill contains similar provisions that apply to local governmental units. The bill creates separate prohibitions against state contractors, grantees, vendors, and other recipients of state resources who knowingly commit certain fraudulent acts against the state. The bill makes these persons liable for treble the amount of damages sustained by the state resulting from such acts and imposes additional forfei-

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tures of not less than \$5,000 nor more than \$10,000 for each violation. The bill permits the attorney general to pursue an alternate remedy, such as an administrative remedy, against an alleged offender in lieu of an action in court. With

certain exceptions, the bill provides that a person who brings an action on behalf of the state is entitled to receive his or her reasonable expenses of bringing the action, including his or her costs and reasonable, actual attorney fees, which are assessed against the defendant.

The bill entitles an employee to all relief to make the employee whole if the employee is discriminated against by an employer as a result of lawful actions the employee took to further the investigation of any act of fraud, as defined in the bill, the employer committed against the state. Under the bill, the relief may include reinstatement and double back pay with interest from the time of any discharge to the time of reinstatement. The bill also permits the employee to recover any costs, including reasonable, actual attorney fees, from his or her employer.

This bill also does all of the following relating to state contracts: 1. Requires executive branch state agencies to submit to DOA and the Legislative Fiscal Bureau, by September 15 of the even-numbered year, information on the number of contracted positions, including the number of service hours and recurring service rate payments, providing services for the agency that are paid from the agency's base level funding and an identification of the appropriation or appropriations used to fund the contracted positions; the total amount

of agency base level funding used to pay for the contracted positions; and the amount of funding requested for contracted positions and an identification of the appropriation or appropriations that will be used to fund the contracted positions. 2. Requires the secretary of administration to include in the biennial budget report all of the information specified in Item 1. 3. Provides that if in any fiscal year an executive branch agency is prohibited from hiring employees to fill vacant positions or its employees are required to serve an unpaid leave of absence, the agency may not enter into, renew, or extend any contractual services contracts with private contractors or consultants for the remainder of that fiscal year for the performance of services of agency employees who would have performed the services had they been hired or had they not have been required to take an unpaid leave of absence. This provision, however, does not apply to certain contracts of the Office of the State Public Defender, as well as certain contractual services contracts funded with federal economic stimulus funds.

The bill further provides that an agency may submit a written request to the JCF to exempt an agency with respect to a specific contractual services contract. If the co chairpersons of JCF do not notify the agency within 14 work-

ing days after the date of the agency's submittal that JCF intends to schedule a meeting to review the request, approval of the request is granted. If, within 14 working days after the date of the agency's request submittal, the co chairpersons notify the agency that JCF intends to schedule a meeting to review the request, the request may be granted only as approved by JCF. The bill also requires the Department of Transportation (DOT), not a contractor, to conduct all tests of concrete thickness on its highway improvement projects. Under the bill, DOT must also submit a report to JCF containing recommendations on actions that DOT and local governments can take to improve the efficiency, cost-effectiveness, and timeliness of local road construction projects and proposed legislative changes to implement these recommendations.

01-07-10. S. Read first time and referred to committee on Ethics Reform and Government Operations 01-20-10. S. Public hearing held. 01-21-10. S. Senator Ellis added as a coauthor 01-25-10. S. Fiscal estimate received.

SB 474 - Income and franchise tax credits for insulating concrete forms used to construct a building.

01-22-10. S. Introduced by Senators Leibham, Kanavas and Schultz; cosponsored by Representatives Van Akkeren, Brooks, Gunderson, Kestell, Ripp,

Townsend and Zigmunt.

This bill creates an income and franchise tax credit equal to the amount that the taxpayer pays in the taxable year to purchase insulating concrete forms used to construct a building. If the amount of the credit exceeds the taxpayer's tax liability, the taxpayer does not receive a refund, but may claim the amount of any unused credit in subsequent taxable years.

01-22-10. S. Read first time and referred to committee on Health, Health Insurance, Privacy, Property Tax Relief, and Revenue

**Updates on previously reported LEGISLATIVE PROPOSALS that have experienced some action. To view all current legislation previously reported – refer back to previous updates.**

### Assembly Bills

**AB 165** - Expanding the types of property that may be specially assessed by a neighborhood improvement district.

5/13/09 – Passed in the Assembly and sent to the Senate

1/28/2010 – Passed both houses.

**AB 213** - Establishing and changing compensation for city and village elective offices; signing village contracts; bidding

procedure for village public construction contracts; officer-of-the-peace status of village officers; publication by the city clerk of fund receipts and disbursements; village and 4th class city regulation of political signs; liability of counties and cities for mob damage; means of providing police and fire protection by cities and villages; holdover status of appointed city and village officers; use of the s. 32.05 procedure in villages for certain housing and urban renewal condemnation; and application of public contract bidder prequalification to 1st class cities.

Referred to Urban and Local Affairs Committee

10/20/09 – Passed in the Assembly and sent to the Senate.

10/21/09 - referred to committee on Ethics Reform and Government

1/20/2010 – Public Hearing held.

**AB 426** - Authorizing the designation of a tax incremental district as distressed and expanding the use of donor tax incremental districts.

9/22/2009 - Read first time and referred to committee on Ways and Means

10/20/09 – Passed in Assembly (84-14) and sent to Senate.

10/21/09 – Referred to Senate Committee on Economic Development

1/8/2010 – Passed out of committee

**Assembly Bill 611** - Changing certain administrative procedures under the tax incremental financing program.

12/08/09 - referred to committee on Urban and Local Affairs

1/28/2010 – Public hearing.

**Assembly Bill 641** - A postsecondary education tax credit for businesses; increasing annual limits on angel investment tax credits; awarding grants to the WiSys Technology Foundation, Inc.; business plan competitions and an emerging technology center in the University of Wisconsin System; rural outsourcing grants; requiring the Department of Commerce to award grants to a high-technology business development corporation and grants for converting manufacturing facilities; increasing funding for certain economic development programs; a pilot program providing microloans for the creation of new businesses; increasing funding for certain technical college training program grants; providing an exemption from emergency rule procedures; granting rule-making authority; and making appropriations

12/28/09 - referred to committee on Jobs, the Economy and Small Business

**Assembly Bill 642** - An income and franchise tax credit for a qualified equity investment in a qualified community development entity, providing an exemption from emergency rule procedures, and requiring the exercise of rule-making authority.

1/04/10 - referred to committee on Jobs, the Economy and Small Business  
1/05/10 - Public hearing held.

**Assembly Bill 649** - Global Warming Bill - goals for reductions in green house gas emissions, for construction of zero net energy buildings and for energy conservation; information, analyses, reports, education, and training concerning greenhouse gas emissions and climate change; energy efficiency and renewable resource programs; renewable energy requirements of electric utilities and retail cooperatives; requiring electric utilities to purchase renewable energy from certain renewable facilities in their service territories; authority of the Public Service Commission over nuclear power plants; motor vehicle emission limitations; a low carbon standard for transportation fuels; the brownfield site assessment grant program, the main street program, the brownfields grant program, the forward innovation fund, grants to local governments for planning activities, the transportation facilities economic assistance and development program, a model parking ordinance; surface transportation planning by the Department of Transportation and metropolitan planning organizations to reduce greenhouse gas emissions; environmental evaluations for transportation projects; idling limits for certain vehicles; energy conservation codes for public build-

ings, places of employment, one- and two-family dwellings, and agricultural facilities; design standards for state buildings; energy efficiency standards for certain consumer audio and video devices, boiler inspection requirements; greenhouse gas emissions and energy use by certain state agencies and state assistance to school districts in achieving energy efficiencies; creating an exception to local levy limits for amounts spent on energy efficiency measures; creating an energy crop reserve program; identification of private forest land, promoting sequestration of carbon in forests, qualifying practices and cost-share requirements under the forest grant program established by the Department of Natural Resources; air pollution permits for certain stationary sources reducing greenhouse gas emissions; allocating a portion of existing tax-exempt industrial development revenue bonding to clean energy manufacturing facilities and renewable power generating facilities; requiring a report on certain programs to limit greenhouse gas emissions; granting rule-making authority; requiring the exercise of rule-making authority; and providing a penalty.

1/06/10 - referred to special committee on Clean Energy Jobs

\*\* Public Hearings are scheduled for February 2nd, 10th and 11th.

## Senate Bills

**SB 55** - The regulation, preservation, and restoration of historic buildings; the supplement to the federal historic rehabilitation tax credit and the state historic rehabilitation tax credit; requiring the certification of downtowns; promoting certain downtown areas in this state; highway projects involving business and downtown areas; granting rule-making authority; and making appropriations.

Referred to Committee on Economic Development.

3/31/09 – Public hearing held.

10/22/09 – Passed out of Committee

1/14/2010 – Referred to Joint Committee on Finance

**SB 301** - Relating to the application of shoreland zoning ordinances to certain unincorporated areas.

09-23-2009 - Read first time and referred to committee on Transportation, Tourism, Forestry, and Natural Resources

1/14/2010 – Public Hearing.

**SB 348** - Relating to declarations creating marina condominiums and technical corrections to the laws governing marina condominiums.

10-14-09 - Referred to committee on Transportation, Tourism, Forestry, and Natural Resources

1/20/2010 – Public Hearing.

**SB 399** – Relating to authorizing two or more cities, villages, towns, or counties, or a combination of such political subdivisions, to create a commission to issue conduit revenue bonds and exercise eminent domain authority and exempting from taxation interest on such bonds.

Referred to the Joint Survey Committee on Tax Exemptions

Sent to Economic Development Committee.

**Senate Bill 440** - Waiving certain federal bond limitations allocated to cities and counties and requiring the Department of Commerce to develop a system for reallocating the bond limitations to other state and local units of government.

1/28/2010 - Passed both houses.

### **Upcoming Conferences**

WAPA/WI-ASLA 2010  
March 4 – 5, 2010  
Monona Terrace - Madison, WI

APA National Conference  
April 10 - April 13  
New Orleans

