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(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2009-10

(session year)

### Joint

(Assembly, Senate or Joint)

### Committee for Review of Administrative Rules ...

#### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

#### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

## NOTICE TO PRESIDING OFFICERS OF PROPOSED RULEMAKING

Pursuant to s. 227.19, Stats., notice is hereby given that final draft rules are being submitted to the presiding officer of each house of the legislature. The rules being submitted are:

Board Order Number: FR-11-08

Clearinghouse Number: CHR 08-062

Subject of Rules: The Wisconsin Natural Resources Board proposes an order to amend NR 47.005(1), 47.007(1) and 47.008(1) and to create NR 47, subch. XII, relating to the administration of the urban forestry catastrophic storm grant program

Date of Transmittal: January 27, 2009

Send a copy of any correspondence or notices pertaining to the rule to:

Quinn Williams, Attorney  
DNR Bureau of Legal Services  
LS/8, 101 South Webster

Telephone: 266-1318  
e-mail: [quinn.williams@wisconsin.gov](mailto:quinn.williams@wisconsin.gov)

An electronic copy of the proposed rule submittal may be obtained by contacting  
Candice Sovinski [candice.sovinski@wisconsin.gov](mailto:candice.sovinski@wisconsin.gov)

## REPORT TO LEGISLATURE

NR 47, Wis. Adm. Code  
Administration of the urban forestry catastrophic storm grant program

Board Order No. FR-11-08  
Clearinghouse Rule No. 08-062

### Basis and Purpose of the Proposed Rule

Currently the Department's urban forestry grant program distributes 50% match grants to local units of government, tribes and 501(c)(3) non-profit conservation organizations for the management of trees and related projects in populated areas.

The passage of 2007 Wisconsin Act 13 gives the Department the authority to provide urban forestry grants to meet communities' needs for repair, removal and replacement of trees following a catastrophic storm event for which the Governor has designated a state of emergency. Act 13 allows for a portion of the current urban forestry grant appropriation to be used to fund no-match catastrophic storm grants in an expedited manner for Governor-declared disasters in urban or developed areas of the state.

To accomplish this, the proposed rule will update the existing general provisions section on grantee accountability, grant termination and enforcement contained within subch. I of ch. NR 47. Additionally, subch. XII of ch. NR 47 will be created to administer the urban forestry catastrophic storm grants. Subchapter XII of ch. NR 47 establishes eligibility, application procedures, eligible costs for payment, the grant selection process and the required supporting documentation for the urban forestry catastrophic grant program.

### Summary of Public Comments

No comments were received from the public.

### Modifications Made

No modifications were required as a result of public comment. Minor changes were made for clarification. Subch. XII of ch. NR 47 was added in s. NR 47.005 on grantee accountability. Further review of s. NR 47.958(2) identified a duplication of terms. NR 47.958(2) was written as "Reimbursement". The wording was changed to "Disbursement". The Department shall disburse payments under this subchapter following review of final reimbursement claims submitted by applicants.

### Appearances at the Public Hearing

No one appeared at the public hearing.

### Changes to Rule Analysis and Fiscal Estimate

None were required.

### Response to Legislative Council Rules Clearinghouse Report

The comments were accepted, except for:

Comment 5.c.2. The department determined that rain in and of itself would not cause sufficient damage to the urban forest. It is the accompanying wind that damages a forest.

Comment 5.c.6. The use of marshalling yard was retained. For the purpose of this rule, marshalling yard is more commonly used to describe the place where wood debris is stored.

Comment 5.b. Not-for-profit is used in other subchapters within ch. NR 47. The non-for-profit terminology was retained for rule consistency.

Comment 7.f.7. The wording was retained for rule consistency to coincide with the regular urban forestry grant program s. NR 47.956.

Final Regulatory Flexibility Analysis

Small business may benefit as a result of the proposed new grant program. Grant recipients may contract with small businesses in Wisconsin for equipment sales, consulting services, providing diverse nursery stock, along with removal, remediation and tree utilization efforts.