2021 SENATE BILL 769

December 17, 2021 – Introduced by Senators L. TAYLOR, JOHNSON, ROYS, ERPENBACH, AGARD, SMITH, LARSON and CARPENTER, cosponsored by Representatives DRAKE, SUBECK, STUBBS, ANDERSON, BALDEH, BROSTOFF, CABRERA, CONLEY, CONSIDINE, EMERSON, HEBL, HONG, B. MEYERS, MILROY, NEUBAUER, OHNSTAD, POPE, S. RODRIGUEZ, SHELTON, SINICKI, SNODGRASS, SPREITZER and VINING. Referred to Committee on Insurance, Licensing and Forestry.

1   AN ACT *to renumber and amend* 23.097 (1); *to amend* 23.097 (1g) and 23.097

2   (1r); and *to create* 23.097 (1) (b) and 23.097 (1m) of the statutes; **relating to:**

3   grants for planting trees to address urban heat islands, eligible recipients for

4   urban forestry grants, providing an exemption from emergency rule

5   procedures, and making an appropriation.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources administers an urban forestry grants program to provide grants to municipalities and nonprofit organizations to undertake various tree projects in urban areas.

This bill requires DNR, under the urban forestry grants program, to also award grants of up to $100,000 to municipalities, Indian tribes, and nonprofit organizations to plant trees to reduce the effects of urban heat islands. The bill defines an "urban heat island" as an urban or metropolitan area that is significantly warmer than the surrounding natural land cover. The bill increases funding for the urban forestry grant program by $500,000 in the 2022-23 fiscal year from the conservation fund to provide these new grants and allows DNR to promulgate emergency rules to administer the grant program. The bill also clarifies that Indian tribes are also eligible for the other types of grants under the existing program.

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For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1   SECTION 1. 23.097 (1) of the statutes is renumbered 23.097 (1) (intro.) and

2   amended to read:

3   23.097 **(1)** (intro.) In this section, a "nonprofit:

4   (a) "Nonprofit organization" means an organization that is described in section

5   501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax

6   under section 501 (a) of the Internal Revenue Code.

7   SECTION 2. 23.097 (1) (b) of the statutes is created to read:

8   23.097 **(1)** (b) "Urban heat island" means an urban or metropolitan area that

9   is significantly warmer than the surrounding natural land cover.

10   SECTION 3. 23.097 (1g) of the statutes is amended to read:

11   23.097 **(1g)** The department shall award grants to counties, cities, villages,

12   towns, and nonprofit organizations, and federally recognized Indian tribes or bands

13   for up to 50 percent of the cost of tree management plans, tree inventories, brush

14   residue projects, the development of tree management ordinances, tree disease

15   evaluations, public education concerning trees in urban areas and other tree

16   projects.

17   SECTION 4. 23.097 (1m) of the statutes is created to read:

18   23.097 **(1m)** The department shall award grants to counties, cities, villages,

19   towns, nonprofit organizations, and federally recognized Indian tribes or bands to

20   cover the costs of planting, maintaining, and removing and replacing trees in urban

21   and metropolitan areas to reduce the negative effects of urban heat islands. Grants

1   under this subsection may not exceed $100,000 and may be made for the full amount

2   of the costs of an eligible project.

3   **SECTION 5.** 23.097 (1r) of the statutes is amended to read:

4   23.097 **(1r)** In addition to the grants awarded under ~~sub.~~ subs. (1g) and (1m),

5   the department may award grants to counties, cities, village, towns, nonprofit

6   organizations, and federally recognized Indian tribes or bands that apply for the

7   grants for the costs of removing, saving, and replacing trees that have been damaged

8   by catastrophic storm events in urban areas. To be eligible for a grant under this

9   subsection, the damage must have occurred in an area for which the governor has

10   designated a state of emergency due to a catastrophic storm event. The department

11   shall notify each applicant for a grant under this subsection as to whether the

12   application for the grant will be approved or denied within 60 days after the date the

13   application is submitted to the department. A recipient of a grant awarded under

14   this subsection is exempt from having to pay any percentage of the costs in order to

15   receive the grant.

16   **SECTION 6. Nonstatutory provisions.**

17   (1) EMERGENCY RULES. Using the procedure under s. 227.24, the department of

18   natural resources may promulgate emergency rules to implement s. 23.097 (1m) for

19   the period before the effective date of any permanent rules promulgated under s.

20   23.097 (1m) but not to exceed the period authorized under s. 227.24 (1) (c), subject

21   to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and (3),

22   the department is not required to provide evidence that promulgating a rule under

23   this subsection as an emergency rule is necessary for the preservation of the public

24   peace, health, safety, or welfare and is not required to provide a finding of emergency

25   for a rule promulgated under this subsection. Notwithstanding s. 227.24 (1) (e) 1d.,

1   the department is not required to prepare a statement of scope of the rules

2   promulgated under this subsection.   Notwithstanding s. 227.24 (1) (e) 1g., the

3   department is not required to present the rules promulgated under this subsection

4   to the governor for approval.

5   **SECTION 7. Fiscal changes.**

6   (1) In the schedule under s. 20.005 (3) for the appropriation to the department

7   of natural resources under s. 20.370 (5) (az), the dollar amount for fiscal year

8   2022–23 is increased by $500,000 to provide grants under s. 23.097 (1m) relating to

9   urban heat islands.

10   **(END)**