



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0170/1  
MCP:skw

## 2023 ASSEMBLY BILL 819

December 8, 2023 - Introduced by Representatives DRAKE, SUBECK, STUBBS, CONSIDINE, MOORE OMOKUNDE, EMERSON, ANDRACA, JACOBSON, PALMERI, JOERS, NEUBAUER, RATCLIFF, BALDEH, J. ANDERSON, OHNSTAD, CLANCY, SHELTON, SINICKI, VINING, C. ANDERSON, MADISON and SHANKLAND, cosponsored by Senators TAYLOR, L. JOHNSON, ROYS, AGARD, SPREITZER, HESSELBEIN, SMITH, CARPENTER and LARSON. Referred to Committee on Environment.

\*\*\*AUTHORS SUBJECT TO CHANGE\*\*\*

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.

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### ***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, federally recognized American Indian tribes or bands located in this state, 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 2023–24 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 federally recognized American Indian tribes or bands located in this state are also eligible for the other types of grants under the existing program.

**ASSEMBLY BILL 819**

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

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*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 American Indian tribes  
13 or bands located in this state for up to 50 percent of the cost of tree management  
14 plans, tree inventories, brush residue projects, the development of tree management  
15 ordinances, tree disease evaluations, public education concerning trees in urban  
16 areas and other tree 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 American Indian tribes or  
20 bands located in this state to cover the costs of planting, maintaining, and removing  
21 and replacing trees in urban and metropolitan areas to reduce the negative effects

**ASSEMBLY BILL 819**

1 of urban heat islands. Grants under this subsection may not exceed \$100,000 and  
2 may be made for the full amount 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 American Indian tribes or bands located in  
7 this state that apply for the grants for the costs of removing, saving, and replacing  
8 trees that have been damaged by catastrophic storm events in urban areas. To be  
9 eligible for a grant under this subsection, the damage must have occurred in an area  
10 for which the governor has designated a state of emergency due to a catastrophic  
11 storm event. The department shall notify each applicant for a grant under this  
12 subsection as to whether the application for the grant will be approved or denied  
13 within 60 days after the date the application is submitted to the department. A  
14 recipient of a grant awarded under this subsection is exempt from having to pay any  
15 percentage of the costs in order to 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.,

**ASSEMBLY BILL 819****SECTION 6**

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 2023-24 is increased by \$500,000 to provide grants under s. 23.097 (1m) relating to  
9 urban heat islands.

10 **SECTION 8. Effective date.**

11 (1) This act takes effect on the day after publication, or on the 2nd day after  
12 publication of the 2023 biennial budget act, whichever is later.

13 (END)