

DATE: August 29, 2013

TO: Cathy Stepp, Secretary

FROM: Tim Andryk, Chief Legal Counsel

SUBJECT: Eligibility Criteria For Sporting Heritage Grant

You asked me to address whether the grant applicant, United Sportmen of Wisconsin Foundation, Inc., (USWF) meets the eligibility criteria for the Sporting Heritage Grant, specified in s. 29.605, Stats., They are required to meet all of the criteria specified s. 29.605, Stats., as follows:

Non-profit Designation

Sub. 2, Non-profit organization. USWF is incorporated as a non-stock corporation in Wisconsin, and its articles of incorporation state: "The Corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from Federal income tax under Section 501(c)(3) of the Internal Revenue Code. Further their articles state: "The corporation shall have all the powers conferred upon nonstock, nonprofit corporations organized under Chapter 181 of the Wisconsin Statutes." Consequently, **they qualify as a non-profit corporation.** They are not required by the statute to be tax exempt or be a sec. 501(c)(3) organization as inquired about at today's hearing, and thus a letter from IRS is not needed.

Relationship with Nationally Recognized Organization

Par. (am). "It has a relationship with a nationally recognized organization that provides proven and successful firearms safety education and is able to use that relationship to host shooting events." The letter of support in the application packet from Brent Gardner of the National Rifle Association (NRA) states that "the National Rifle Association has a **strong working relationship** with United Sportmen of Wisconsin".

Teaches Firearm Safety, Shooting Skills and Outdoor Education

Par. (b). "It teaches courses on firearms safety and training, shooting skills, and outdoor education and uses a nationally recognized curriculum to teach those courses." This requirement could mean that they are planning to teach these courses with the grant, or the organization is currently teaching these courses, or the President and its members are currently teaching these courses. Consequently, we need to look at the motion that JFC passed to evaluate the legislaure's intent. The motion says as a requirement for the grant that the grantee "can teach courses including firearm safety and training, shooting skills, and outdoor education. ...". Consequently, this requirement pertains to the capability of the organization to teach these courses, an interpretation verified by the Legislative Fiscal Bureau. Since USWF members and associates **are already teaching these courses, they meet this requirement.**

Relationship With a Nationally Recognized Shooting Expert

Par. (c). "It has a relationship with a nationally recognized shooting expert." **Mr. Darren LaSorte** is the nationally recognized shooting expert who is identified as one of their educators in their application on page 5, along with his credentials.

Mentor Database

Par. (d). “It is able to provide mentors for new hunters by recruiting and maintaining a database of volunteers”. USWF President Pantzlaff has stated at today’s hearing that they have already **started developing this database.**

Not a State Affiliate of a National Federation or Organization

Par. (e). “Is not a state affiliate of a national federation or organization”. Based on the information provided, they are **not a state affiliate** of a national federation or organization.

Maintain or Improve Sporting Heritage

Par. (f). “It is able to ensure the maintenance or improvement of this state’s position among all of the states in the areas of outdoor sporting heritage and recruitment by providing sporting education and programming to persons throughout this state.” Pages 4 and 5 of their application address this, and based on the information provided they **satisfy the minimum eligibility requirements.**

Match Requirement

Par. (g). Beginning with grants awarded during fiscal biennium 2015-17, it contributes \$150,000 in funds to be used with the grant awarded under this section. This is **not a requirement for the 2013-15 biennium**, but will be in the future.

Conclusion

In summary, based on the materials and information provided by USWF, they seem to **meet all the minimum eligibility requirements** for this grant in s. 29.605, Stats., and are eligible for the next step, ie., the letter of grant award conditioned on documentation of the above and entering into an acceptable grant contract.

The legislation passed in the recent state budget bill, 2013 Act 20, states the Department shall award the grant within 60 days of the effective date of the bill if the applicant meets the requirements designated in the bill, which they do based on the information provided. Consequently, the Department has no discretion but to go forward with the grant and issue a grant award letter by the close of business on Tuesday, Sept. 3, 2013, giving consideration for the Labor Day holiday weekend.