



2013 ASSEMBLY BILL 843

March 6, 2014 - Introduced by Representatives MILROY, SHANKLAND, BARCA, BARNES, BERCEAU, BERNARD SCHABER, BEWLEY, BILLINGS, CLARK, DANOU, DOYLE, GENRICH, HEBL, HESSELBEIN, HINTZ, JOHNSON, JORGENSEN, KAHL, KOLSTE, OHNSTAD, PASCH, RIEMER, RINGHAND, SARGENT, SINICKI, SMITH, VRUWINK, WACHS, WRIGHT and ZAMARRIPA, cosponsored by Senators WIRCH and HANSEN. Referred to Committee on Natural Resources and Sporting Heritage.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to amend* 20.370 (1) (ma); *to repeal and recreate* 20.370 (1) (ma) and
2 29.605 of the statutes; and *to affect* 2013 Wisconsin Act 20, section 9132 (4d);
3 **relating to:** establishing a sporting heritage grant program, providing an
4 exemption from emergency rule procedures, granting rule-making authority,
5 and making an appropriation.

Analysis by the Legislative Reference Bureau

The 2013-15 biennial budget bill (Act 20) requires the Department of Natural Resources (DNR) to provide one grant during each fiscal biennium to a nonprofit organization to provide education to persons who engage in hunting, fishing, and trapping and to establish and operate programs to recruit persons to engage in those activities. Act 20 requires DNR to provide a grant in the amount of \$500,000 in the 2013-15 fiscal biennium and a grant of \$450,000 in each fiscal biennium thereafter. Beginning with grants awarded during fiscal biennium 2015-17, the grant recipient must contribute \$150,000 in funds to be used with the grant awarded by DNR.

In order to be eligible for a grant under Act 20, a nonprofit organization is required to meet certain requirements. Among those requirements are that it has a relationship with a nationally recognized organization that provides firearm safety education, that it teaches courses on firearm safety and training, that it has a relationship with a nationally recognized shooting expert, and that it is not an affiliate of a national federation or organization. Act 20 provides that the recipient of the grant must use it to provide programs and education designed to preserve and protect this state's hunting, fishing, trapping, and shooting traditions.

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Act 20 also creates a committee to review grant applications submitted to DNR and to submit recommendations to the secretary of DNR as to which applicant should receive a grant in fiscal year 2013–15.

This bill eliminates the grant program created in Act 20, and the committee established to review grant applications, and creates a different grant program. Under this bill, DNR is required to promulgate rules to establish a program to award grants to nonprofit organizations to educate and train persons who engage in hunting, fishing, or trapping, to conduct programs to recruit persons to engage in those activities, or to conduct programs to encourage continued engagement in those activities. The bill provides that a nonprofit organization is eligible to receive a grant if it demonstrates to DNR's satisfaction that it is able to perform the activity for which the grant application is made. Beginning with grants awarded in the 2015–17 biennium, a nonprofit organization that receives a grant must contribute funds equal to at least 25 percent of the cost of the activity for which the grant is awarded.

The bill also specifies that DNR must consult with the sporting heritage council in awarding grants under the grant program. Under the bill, DNR may not award grants totalling more than \$450,000 in any biennium and no nonprofit organization may receive more than \$100,000 in any biennium.

For further information see the *state* 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.** 20.370 (1) (ma) of the statutes, as affected by 2013 Wisconsin Act
2 20, section 280b, is amended to read:

3 20.370 (1) (ma) *General program operations — state funds.* From the general
4 fund, the amounts in the schedule for general program operations under ch. 23 and
5 ss. 30.40 to 30.49, for the trapper education program under s. 29.597, and for the
6 ~~grant amount grants awarded~~ under s. 29.605 (1) (b) that is provided in fiscal year
7 2013–14 ~~(4)~~.

8 **SECTION 2.** 20.370 (1) (ma) of the statutes, as affected by 2013 Wisconsin Act
9 20, section 280c, and (this act), is repealed and recreated to read:

10 20.370 (1) (ma) *General program operations — state funds.* From the general
11 fund, the amounts in the schedule for general program operations under ch. 23 and

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1 ss. 30.40 to 30.49, for the trapper education program under s. 29.597, and for the
2 grants awarded under s. 29.605 (4).

3 **SECTION 3.** 29.605 of the statutes, as created by 2013 Wisconsin Act 20, is
4 repealed and recreated to read:

5 **29.605 Sporting heritage grant program. (1)** In this section, “nonprofit
6 organization” means an organization that is organized in this state, that is described
7 in section 501 (c) (3) of the Internal Revenue Code, and that is exempt from federal
8 income tax under section 501 (a) of the Internal Revenue Code.

9 **(2)** The department shall promulgate rules to establish a sporting heritage
10 grant program to award grants to nonprofit organizations to do any of the following:

11 (a) Educate and train persons who engage in hunting, fishing, or trapping.

12 (b) Conduct programs to recruit persons to engage in hunting, fishing, or
13 trapping.

14 (c) Conduct programs to encourage continued engagement in hunting, fishing,
15 or trapping.

16 **(3)** A nonprofit organization is eligible to receive a grant under this section if
17 it submits an application to the department, in the form required by the department,
18 that demonstrates to the satisfaction of the department that it is able to perform the
19 activity for which the grant application is made.

20 **(4)** (a) During each fiscal biennium, the department shall award grants under
21 this section from the appropriation under s. 20.370 (1) (ma). The department shall
22 award grants upon consultation with the sporting heritage council. The total
23 amount that the department may award in grants in each biennium may not exceed
24 \$450,000.

ASSEMBLY BILL 843**SECTION 3**

1 (b) A nonprofit organization may not receive an amount under this section that
2 totals more than \$100,000 in any biennium.

3 (c) Beginning with grants awarded in the 2015-17 biennium, a nonprofit
4 organization may not receive a grant under this section unless the nonprofit
5 organization contributes funds equal to at least 25 percent of the cost of the activity
6 for which the grant is awarded.

7 (5) The department shall establish a process under this section under which
8 it accepts applications from eligible organizations each biennium.

9 (6) A nonprofit organization that receives a grant under this section shall
10 prepare a report midway through the grant period, as determined by the
11 department, and shall prepare a final report at the end of the grant period, as
12 determined by the department, detailing the activities for which the grant is
13 expended during the reporting period. The nonprofit organization shall submit
14 copies of the reports to the department and the sporting heritage council.

15 (7) As part of its biennial budget request under s. 16.42, the department shall
16 request funding, and make recommendations concerning sources of funding, for the
17 grant program under this section.

18 **SECTION 4.** 2013 Wisconsin Act 20, section 9132 (4d) is repealed.

19 **SECTION 5. Nonstatutory provisions.**

20 (1) Notwithstanding section 16.42 (1) (e) of the statutes, in submitting
21 information under section 16.42 of the statutes for purposes of the 2015-17 biennial
22 budget bill, the department of natural resources shall submit information
23 concerning the appropriation under section 20.370 (1) (ma) of the statutes, as
24 affected by this act, as though the increase in the dollar amount of that appropriation
25 under SECTION 6 (1) (b) of this act had not been made.

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1 (2) (a) The department of natural resources shall submit in proposed form the
2 rules required under section 29.605 (2) of the statutes, as created by this act, to the
3 legislative council staff under section 227.15 (1) of the statutes no later than the first
4 day of the 10th month beginning after the effective date of this paragraph.

5 (b) Using the procedure under section 227.24 of the statutes, the department
6 of natural resources may promulgate rules required under section 29.605 (2) of the
7 statutes, as created by this act, for the period before the effective date of the rules
8 submitted under paragraph (a), but not to exceed the period authorized under section
9 227.24 (1) (c) of the statutes, subject to extension under section 227.24 (2) of the
10 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
11 department of natural resources is not required to provide evidence that
12 promulgating a rule under this paragraph as an emergency rule is necessary for the
13 preservation of the public peace, health, safety, or welfare and is not required to
14 provide a finding of emergency for a rule promulgated under this paragraph.

SECTION 6. Fiscal changes.

15 (1) (a) In the schedule under section 20.005 (3) of the statutes for the
16 appropriation to the department of natural resources under section 20.370 (1) (ma)
17 of the statutes, as affected by the acts of 2013, the dollar amount is decreased by
18 \$200,000 for the first fiscal year of the fiscal biennium in which this subsection takes
19 effect for the purpose for which the appropriation is made.

20 (b) In the schedule under section 20.005 (3) of the statutes for the appropriation
21 to the department of natural resources under section 20.370 (1) (ma) of the statutes,
22 as affected by the acts of 2013, the dollar amount is increased by \$200,000 for the
23 second fiscal year of the fiscal biennium in which this subsection takes effect for the
24 purpose of increasing funding for sporting heritage grants.
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