

Clearinghouse No. 21-012

STATE OF WISCONSIN
Department of Veterans Affairs

In the matter of rulemaking proceedings before the Department of Veterans Affairs.

PROPOSED ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS
AMENDING AND ADOPTING PERMANENT RULES

The statement of scope for this rule, SS 044-20, was approved by the Governor on May 15, 2020, published in Register No. 773A3 on May 18, 2020, and approved for implementation by the Secretary of the Department of Veterans Affairs on June 1, 2020. The emergency rule (EmR 2030) was approved by the Governor on August 21, 2020.

PROPOSED ORDER

A proposed order of the Department of Veterans Affairs *to repeal* VA 2.01 (1) (a) and (h), (2) (a) (Notes) [1] and [2], (3) (a), 2.02 (1) (a) and (e), (2) (Note), (3) (a) (Note), 2.06, 2.07 (3) (b), (6) (a) 8. and (9), 2.08 (3) (c) and (p), and (5) (L) 1. to 4.; *to renumber* VA 2.01 (1) (b), (e), (j), (k), (m), (o), (p), (q), (v) and 2.02 (1) (b), (c), and (d); *to renumber and amend* VA 2.01 (1) (intro.), (c), (d), (f), (g), (i), (L), (n), (r), (s), (t), and (u), and (2) (a), and (b) 2. and 3., (3) (b) to (g), 2.02 (1) (intro.), 2.02 (2) and (3) (c), 2.03 (2) (b), (g), (3) (a) to (c) and (4), 2.04, 2.05 (3), 2.07 (5) (b) and (c), (6) (b), (10) (a), 2.08 (4) (b), (5) (c), (g), (j) 1. a., and (5) (L) (intro.); *to amend* VA 2 (title), 2.01 (title), (2) (title), (2) (a) (title), 2.02 (2) (title), (3) (a), 2.03 (1) (intro.), (d), and (g), and (2) (e) and (k), (5) (b) to (L), 2.04 (title), 2.05 (2), 2.07 (3) (intro.), (c) and (d), (4) (d), (8) (b), (13) (c), 2.08 (3) (intro.), (b), (g), (h), (i), (L) and (m), (4) (c), (d) 1., (5) (a) 3., (d) 1. and 5., (i), (j) 2., and (k), and (m) 3.; *to repeal and recreate* VA 2.01 (2) (b) 1.; *and to create* VA 2.01 (1g) and (1r) (kg), (2) (a) 1. (Note), (2) (b) (intro.), (2) (e) 3. and (f) 2. (Note), (3m), 2.02 (1g) and (2) (a) (Note), 2.07 (3) (cm), 2.08 (3) (gm), (5) (d) 9. and 10., and (j) 1. c. to f., relating to veterans assistance grants.

Analysis prepared by the Department of Veterans Affairs.

ANALYSIS

Statutes interpreted:

Sections 45.03 (2), 45.20, 45.21, 45.40, 45.437, and 45.46.

Statutory authority:

Sections 45.03 (2), 45.21 (3), 45.40 (3m), and 45.437 (4)

Explanation of agency authority:

Section 45.03 (2), Stats., provides that the Secretary may promulgate rules necessary to carry out the purposes of Chapter 45 of the Wisconsin Statutes and the powers and duties conferred upon it.

Section 45.21 (3), Stats., requires the Department to promulgate rules for the distribution of aid under the retraining assistance program.

Section 45.40 (3m), Stats., requires the Department to promulgate rules establishing eligibility criteria and household income limits for subsistence aid payments.

Section 45.437 (4), Stats., requires the Department to promulgate rules implementing the veterans employment and entrepreneurship grant program.

Related statute or rule:

None

Plain language analysis:

Chapter VA 2 establishes the general criteria, procedures, requirements, and conditions for the award of grants to eligible veterans and their dependents, non-profit organizations, and employers. The proposed rules will allow for the distribution of funds to more veterans, veterans organizations, employers of veterans, and non-profit organizations who provide outreach and services to veterans and underserved veteran populations. The proposed rules also amend the current grant process and evaluation criteria to improve grant efficiency, compliance, and accountability. This rule also makes general updates, revises outdated provisions, and amends certain provisions for clarity and conformity with current drafting standards for style and format.

Substantive amendments include the following:

- Chapter 2 is retitled to *Veterans Assistance Grants*.
- Section 2.01, formerly named the *Assistance to needy veterans program*, is retitled to *Subsistence and health care aid grant programs*.
- Section 2.01 (1), as renumbered, amends and repeals various definitions.
- Section 2.01 (1r) (kg) creates a definition for “entrepreneur”.
- Section 2.01 (1g) is created to summarize the purpose of the chapter.
- Section 2.01 (2) is reorganized and separates the subsistence and health care aid programs into separate subdivisions.
- Sections 2.01 (2) (a) and (b) expand the subsistence aid program by amending certain requirements as follows:
 - Revises the applicant eligibility requirements to improve clarity.
 - Permits an applicant to submit an application up to 12 months following a loss of income instead of the current 91 days.
 - Expands eligibility for subsistence aid by eliminating the restrictive conditions in which a veteran may submit an application following the loss of income.
 - Expands the number of days an applicant has to submit additional information upon the department’s request in order to prevent an application from being terminated due to an incomplete application.
 - Requires the application to list the applicant’s household living expenses for the six months immediately preceding the date of the application.
 - The household income limit is increased from 180 percent to 200 percent of the federal poverty guideline.
- Section 2.01 (3m) contains the reorganized provisions of the health care aid and makes the following substantive changes:
 - Establishes eligibility requirements for applicants.
 - The household income limit is increased from 180 percent to 200 percent of the federal poverty guideline.
 - The time to submit additional documentation upon the department’s request is increased from 30 days to 60 days.
 - Expands the amount of aid for dental procedures a veteran may receive from \$500 to \$800.00 in any consecutive 12-month period.

- Expands the amount of extended dental care aid, which includes dentures), from \$1,875 for one or \$3,750 for both in any consecutive 48-month person to \$4,000 in a 24-month period.
- Expands a veteran’s eligibility for hearing aid care by shortening the eligibility time frame from 48 months to 24 months.
- The time limit for a provider to submit a request for an extension to a description of benefits is increased from 7 days to 14 days prior to the expiration date on the description of benefits.
- Sections 2.02 to 2.05 include non-substantive technical changes.
- Section 2.06 is repealed as it is redundant. Tribal veterans are eligible for the veterans tuition reimbursement program under s. 2.02.
- Sections 2.07 (3) (c) and 2.08 (3) (g) amend the definition of “evaluation committee” to include at least one member of the board of veterans affairs and other individuals appointed by the department.
- Sections 2.07 (3) (cm) and 2.08 (3) (gm) create a definition for “financially viable”.
- Sections 2.07 (10) (a) and 2.08 (5) (j) are amended to clarify authorized use of grants funds.
- Sections 2.08 (5) (j) 1. c. to f. are created to specify limitations on the use of grant funds.
- Section 2.08 (5) (L) is amended to clarify reporting requirements as specified in the grant agreement.

Summary of, and comparison with, existing or proposed federal regulation:

None

Comparison with rules in adjacent states:

Illinois: The Illinois Veteran Grant (IVG) Program pays tuition and certain fees at all Illinois state-supported higher education institutions for eligible veterans. The Illinois Military Veterans Assistance Act provides for financial assistance to indigent veterans through the city or town military veterans organization within each county. General assistance funds are allocated to a county for assistance to veterans and their families in accordance with the provisions of the Illinois Public Aid Code. A review of Illinois statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations, employment, or entrepreneurship as to those contained in chapter VA 2.

Iowa: The Iowa Department of Veterans Affairs provides tuition assistance and tuition reimbursement programs. Iowa veterans are eligible for subsistence-type aid through the Iowa Veterans Trust Fund. A review of Iowa statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations, employment, or entrepreneurship as to those contained in chapter VA 2.

Michigan: The Michigan National Guard State Tuition Assistance Program (MINGSTAP) provides tuition assistance to members of the Michigan National Guard up to \$6,000 per year. The Department of Military and Veterans Affairs provides grants up to \$2,000 per year for qualified veterans and their families through a Military Family Relief Fund that provides subsistence-type aid. A review of Michigan statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations, employment, or entrepreneurship as to those contained in chapter VA 2.

Minnesota: The Minnesota Department of Veterans Affairs provides education assistance in the form of a one-time grant for tuition paid to the institution or reimbursed to the veteran. The Minnesota GI Bill also provides educational assistance up to \$3,000 per academic year or up to \$2,000 per year for apprenticeships and employers are eligible to receive up to \$2,000 for the

placement and hiring of veterans. Survivors are eligible up to \$750 per year from the Surviving Spouse & Dependent Education Benefit. A subsistence aid program provides temporary financial assistance for eligible veterans. A review of Minnesota statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations or entrepreneurship as to those contained in chapter VA 2.

Summary of factual data and analytical methodologies:

The current policies and administration of grants under this chapter were closely reviewed to develop the proposed rule revisions. Pursuant to ss. 45.03 (2m) and 227.14 (2) (a) 6m., Stats., administrative rules prepared by the Department of Veterans Affairs must be provided to the Board of Veterans Affairs. The Board may prepare a report containing written comments and its opinion regarding the proposed rules.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The permanent rule was posted for 14 days to solicit economic impact comments from stakeholders. No comments were received.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

The proposed rules do not have an anticipated economic impact on small businesses, as defined in s. 227.114 (1), Stats.

Agency Contact:

Mindy Allen, Administrative Rules Coordinator
Email: DVAAAdminRules@DVA.Wisconsin.gov

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the contact information listed above no later than the date of the public hearing. The date, time, and place of the public hearing will be published in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. VA 2 (title) is amended to read:

~~GRANTS; NEEDY VETERANS, VETERANS TUITION REIMBURSEMENT AND RETRAINING; NONPROFIT ORGANIZATIONS ASSISTANCE GRANTS~~

SECTION 2. VA 2.01 (title) is amended to read:

VA 2.01 (title) ~~Assistance to needy veterans program~~ Subsistence and health care aid grant programs.

SECTION 3. VA 2.01 (1) (intro.) is renumbered VA 2.01 (1r) (intro.) and amended to read:

VA 2.01 (1r) (intro.) DEFINITIONS. In this section the following terms shall have the designated meanings:

SECTION 4. VA 2.01 (1) (a) is repealed.

SECTION 5. VA 2.01 (1) (b) to (f) are renumbered VA 2.01 (1r) (b) to (f), and VA 2.01 (1r) (c), (d), and (f), as renumbered, are amended to read:

VA 2.01 (1r) (c) “Approved treatment programs” means treatment programs approved by the ~~United States Department of Veterans Affairs (USDVA)~~ or alcohol and other drug treatment programs certified by the Wisconsin department of health services.

(d) “Available liquid assets” means cash on hand, including cash in checking, savings, money market or similar accounts, ~~cash value of life insurance policies, liquid investments, including stocks and bonds and amounts deposited in any retirement plans,~~ owned, either jointly or solely, by the applicant or the applicant’s family.

(f) “Dental care” means any care provided by a licensed dentist given to teeth, the supporting natural and artificial structures for teeth, and any replacement or restoration of teeth.

SECTION 6. VA 2.01 (1) (g) is renumbered VA 2.01 (1r) (kr) and amended to read:

VA 2.01 (1r) (kr) “~~Denture~~ Extended dental care” means a dental device, including dentures, that replaces one or more teeth and includes all dental preparation and the manufacture and fitting of the device.

SECTION 7. VA 2.01 (1) (h) is repealed.

SECTION 8. VA 2.01 (1) (i) is renumbered VA 2.01 (1r) (i) and amended to read:

VA 2.01 (1r) (i) “Description of benefits” means a written determination that an applicant is eligible for health care aid ~~or subsistence aid or both~~. A description of benefits expires 90 days after the date of eligibility is established and printed by the department unless extended by the department.

SECTION 9. VA 2.01 (1) (j) is renumbered VA 2.01 (1r) (j).

SECTION 10. VA 2.01 (1) (k) and (L) are renumbered VA 2.01 (1r) (k) and (L), and as amended, VA 2.01 (1r) (L) is amended to read:

VA 2.01 (1r) (L) “Health care” means dental care, ~~dentures~~ extended dental care, hearing care, and vision care.

SECTION 11. VA 2.01 (1) (m) is renumbered VA 2.01 (1r) (m).

SECTION 12. VA 2.01 (1) (n) is renumbered VA 2.01 (1r) (n) and amended to read:

VA 2.01 (1r) (n) “Hearing care” means any care provided by a licensed audiologist related to hearing, including, ~~but not limited to,~~ hearing exams or hearing aids.

SECTION 13. VA 2.01 (1) (o), (p), and (q) are renumbered VA 2.01 (1r) (o), (p) (q).

SECTION 14. VA 2.01 (1) (r), (s), (t), and (u) are renumbered VA 2.01 (1r) (r), (s), (t), and (u) and amended to read:

VA 2.01 (1r) (r) “Subsistence” means essential living expenses including current rent or mortgage payments on the applicant’s primary residence, food, current medical insurance premiums, current costs for prescribed medications, essential travel, child care required because of employment, educational, or medical reasons, and current costs for electricity, heat, basic internet service not otherwise covered within the applicant’s basic telephone service, and basic telephone service for the applicant’s primary residence. ~~Subsistence~~ “Subsistence” also means any repairs or purchases required due to an economic emergency.

(s) “Subsistence aid” means the grant payment provided by the department for subsistence.

(t) “Unearned income” means the estimated amount the applicant and the applicant’s family receives in benefits or grants during any month from the USDVA or other ~~federal~~ government agencies, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than loans, including amounts paid to the applicant or the applicant’s family or to the school on behalf of the applicant or applicant’s family for vocational rehabilitation by the USDVA or any other agency, income from trusts or inheritances, unemployment ~~compensation~~ insurance benefits, worker’s compensation, social security payments, net rentals from real estate, interest or dividend income or other income not included under earned income. ~~It shall~~ “Unearned income” does not include death benefits paid by the USDVA or other federal agencies.

(u) “Vision care” means a vision exam provided by a licensed vision care provider and a prescription for lens and frame.

SECTION 15. VA 2.01 (1) (v) is renumbered VA 2.01 (1r) (dm).

SECTION 16. VA 2.01 (1g) is created to read:

VA 2.01 (1g) AUTHORITY AND PURPOSE. (a) The purpose of this section is to establish rules for the administration of the subsistence and health care aid grant programs, as authorized under s. 45.40, Stats.

(b) The subsistence and health care aid grant programs provide limited financial assistance to eligible veterans or their dependents who are in need.

(c) Grants may be used up to the maximum grant limits as specified in this section.

SECTION 17. VA 2.01 (1r) (kg) is created to read:

VA 2.01 (1r) (kg) “Entrepreneur” means an individual who organizes, manages, and assumes the risks of a business, enterprise, or non-profit organization.

SECTION 18. VA 2.01 (2) (title) is amended to read:

VA 2.01 (2) (title) ~~GRANT APPLICATION~~ SUBSISTENCE AID.

SECTION 19. VA 2.01 (2) (a) (title) is amended to read:

VA 2.01 (2) (a) (title) ~~Forms required~~ Application.

SECTION 20. VA 2.01 (2) (a) is renumbered VA 2.01 (2) (a) 1. and amended to read:

VA 2.01 (2) (a) 1. A grant application for subistence aid shall be submitted on a ~~department approved~~ form approved by the department. ~~It~~

2. The application may be submitted through a county veterans service officer, through any other department authorized agent, or directly to the department, either manually or electronically.

3. The application shall ~~specify the type of care being requested and if the care requested is subsistence aid, the application shall~~ be submitted to the department no later than ~~the 91st day~~ 12 months following the verified loss of income due to illness, injury, or natural disaster.

4. A declaration of aid shall be submitted with the application. The declaration shall state that the applicant has applied for all aid offered through or administered by the county, including aid from the federal or state government. ~~and~~

5. The application shall list all of the applicant's household assets available to the applicant or the applicant's family and the household living expenses for the period of 6 months immediately preceding the date of the application.

6. If requested by the department the applicant shall submit evidence establishing that all other available aid has been applied for and accepted.

7. The department may request additional verification of any information provided in the application.

8. The department shall notify the applicant or the applicant's county veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department ~~shall~~ may terminate an application if such documentation or verification does not arrive at the department's central office within ~~30~~ 60 days of that notification.

SECTION 21. VA 2.01 (2) (a) 1. (Note) is created to read:

VA 2.01 (2) (a) 1. (Note) **Note:** The application for subsistence aid (form WDVA 2453) may be obtained at WisVets.com or by request: 1-800-WIS-VETS or 2135 Rimrock Road, PO Box 7843, Madison, WI 53707-7843.

SECTION 22. VA 2.01 (2) (a) (Notes) [1] and [2] are repealed.

SECTION 23. VA 2.01 (2) (b) (intro.) is created to read:

VA 2.01 (2) (b) (intro.) An applicant is eligible to receive grant funds under this subsection when all of the following apply:

SECTION 24. VA 2.01 (2) (b) 1. is repealed and recreated to read:

VA 2.01 (2) (b) 1. The applicant satisfies the requirements of s. 45.01(12), Stats., to be considered a veteran, or is a spouse or dependent of an individual who satisfies the requirements of s. 45.01(12), Stats.

2m. The applicant has suffered a loss of income due to illness, injury, or natural disaster. If the loss of income is the result of alcohol or other drug abuse, the applicant shall verify current participation in a department-approved treatment program.

3m. Except for an applicant who is eligible under par. (d), the applicant's household income may not exceed 200 percent of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence.

4. The applicant lacks other assets or income to meet basic subsistence needs and is not eligible to receive aid from other sources to meet those needs.

SECTION 25. VA 2.01 (2) (b) 2. and 3. are renumbered VA 2.01 (2) (c) and (d) and amended to read:

VA 2.01 (2) (c) ~~Unremarried surviving spouses spouse and dependents dependent of veterans a veteran who die dies in the line of duty.~~² ~~Unremarried~~ An unremarried surviving spouses spouse and dependents a dependent claiming eligibility due to the death of a veteran in the line of duty shall submit evidence from the appropriate military service indicating that the veteran died in the line of duty.

(d) ~~Spouses Spouse and dependents dependent of activated or deployed members member.~~² ~~Spouses~~ A spouse and dependents dependent of a member of the U.S. armed forces or of the Wisconsin ~~National Guard~~ national guard claiming eligibility shall submit evidence that the service member has been deployed or activated, that due to the activation or deployment a loss of income has occurred, that an economic emergency has occurred during the activation or deployment, and that the spouse and ~~dependents dependent~~ are residents of the state.

SECTION 26. VA 2.01 (3) (a), as affected by EmR2012, is repealed.

SECTION 27. VA 2.01 (3) (b) is renumbered VA 2.01 (2) (e) and amended to read:

VA 2.01 (2) (e) ~~Subsistence aid Limitations.~~ 1. Subsistence aid is available for the 90-day period following the date of the verified loss of income due to illness, injury, or a natural disaster. ~~Applications may~~

2. An application for subsistence aid shall be made for any 30-day period submitted within the 120 days 12 months following the date of the verified loss of income. ~~No more than 3 30-day periods of subsistence aid may be granted for any verified loss of income due to illness, injury, or natural disaster.~~

4. Subsistence aid shall be limited to the difference between the amount of earned and unearned income available before the loss of income and the earned and unearned income being received after the loss of income, subject to the limitations under s. 45.40 (1m) (b) and (3), Stats.

(f) *Loss of income verification.* 1. The applicant shall verify the loss of income by submitting verification of income forms, certified public accounting statements, or any other evidence the department deems credible. ~~Illness~~

2. If the loss of income is due to an illness or injury, the illness or injury shall be verified in writing on a form approved by the department.

3. When the department has evidence that the incapacitation will cause an income loss for 90 days or longer, subsistence grants will be prorated for each of the 30-day periods unless the department determines that an alternate distribution of the grant would benefit the applicant. ~~If the loss of income is the result of alcohol or other drug abuse, the applicant shall verify current participation in an approved treatment program.~~

SECTION 28. VA 2.01 (2) (e) 3. and (f) 2. (Note) are created to read:

VA 2.01 (2) (e) 3. Payments may be provided in 30-day increments or for a 90-day period, beginning with the date of eligibility, as determined by the application.

(f) 2. (Note) Note: The Verification of Illness or Disability form (WDVA 2045) may be obtained at WisVets.com or by request: 1-800-WIS-VETS or 2135 Rimrock Road, PO Box 7843, Madison, WI 53707-7843.

SECTION 29. VA 2.01 (3) (c) is renumbered VA 2.01 (2) (g) and amended to read:

VA 2.01 (2) (g) *Restrictions.* ~~Aid granted for subsistence or health care under s. 45.40, Stats., is subject to a \$7,500 cumulative total based on the aid granted to a veteran and his or her spouse and dependents.~~ *Maximum amount of subsistence aid.* 1. An application approved by the department shall have the balance of the maximum available aid allocated unless the applicant indicates a lesser amount in writing.

2. ~~The maximum amount of subsistence aid payable in a consecutive 12-month period is \$3,000. The department may provide a grant only if the provider accepts the grant, available health insurance, third party payments on behalf of the applicant and any department approved payment from the veteran as payment in full. The department may approve a payment by the veteran when a provider refuses to accept the maximum grant available to the veteran as payment in full if the veteran has sufficient available liquid assets to contribute an amount that will induce the provider to accept the aggregate payment as payment in full.~~

SECTION 30. VA 2.01 (3m) is created to read:

VA 2.01 (3m) HEALTH CARE AID. (a) *Application.* 1. A grant application for health care aid shall be submitted on a form approved by the department.

Note: The grant application (form WDVA 2450) may be obtained at WisVets.com or by request: 1-800-WIS-VETS or 2135 Rimrock Road, PO Box 7843, Madison, WI 53707-7843.

2. An application may be submitted through a county veterans service officer, through any other department-authorized agent, or directly to the department, either manually or electronically.

3. The application shall list all of the applicant's household assets.

4. A declaration of aid shall be submitted with the application. The declaration shall state that the applicant has applied for all aid offered through or administered by the county, including aid from the state or federal government.

5. The department shall notify the applicant or the applicant's county veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department may terminate an application if such documentation or verification does not arrive at the department's central office within 60 days after that notification.

(b) *Eligibility.* (intro.) An applicant is eligible to receive grant funds under this subsection when all of the following apply:

1. The applicant satisfies the requirements of s. 45.01(12), Stats., to be considered a veteran, or is a spouse or dependent of an individual who satisfies the requirements of s. 45.01(12), Stats.

2. Except for an applicant who is eligible under par. (f), the applicant's household income may not exceed 200 percent of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of family members living in the primary residence.

3. The applicant's liquid assets may not exceed \$1,000. When determining the liquid assets of the veteran, the department may not include the first \$50,000 of cash surrender value of any life insurance policy.

(c) *Requirements.* 1. An application approved by the department shall have the balance of the maximum available aid allocated unless the applicant indicates a lesser amount in writing.

2. The department shall indicate on each description of benefits the type of aid authorized, the date the department confirmed that the applicant was eligible for the grant, a date 90 calendar days from that date, the unallocated amount available for the type of aid and for the cumulative limits of aid under this section, and the amount of aid being authorized.

3. The department's determination whether the veteran has sufficient available liquid assets to contribute towards a payment is based on verification of the applicant's income at the time of the application. If the veteran's income increases after the department determines eligibility, the veteran shall notify the department in writing within 30 days. The department shall determine whether the veteran remains eligible for future aid payments based on the veteran's availability of liquid assets and capability to make payments on any outstanding statement balances from a health care provider.

(d) *Payments.* 1. No more than one description of benefits may be outstanding at any time, except where a health care provider has submitted a binding quote prior to the issuance of more than one description of benefits, and is willing to accept payment from this program in full for any service rendered to the applicant in accordance with the description of benefits.

2. The department shall pay the lesser amount of either the actual cost of services invoiced or the binding quote submitted by the health care provider.

3. No payment shall be made by the department unless an itemized written invoice is received by the department within 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits.

4. If the department does not receive an itemized written invoice within 60 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits, the healthcare provider, except for a department-approved payment, may not charge the applicant and shall only accept payments from any of the following sources:

- a. The applicant's health insurance.
- b. Third-party payments on behalf of the applicant.
- c. A department-approved payment from the applicant.

5. An authorized application for health care aid may not be withdrawn without the agreement of the provider of the health care aid.

(e) *Unremarried surviving spouse and dependent of a veteran who dies in the line of duty.* An unremarried surviving spouse and a dependent claiming eligibility due to the death of a veteran in the line of duty shall submit evidence from the appropriate military service indicating that the veteran died in the line of duty.

(f) *Spouse and dependent of activated or deployed member.* A spouse and dependent of a member of the U.S. armed forces or of the Wisconsin national guard claiming eligibility shall submit evidence that the service member has been deployed or activated, that due to the activation or deployment a loss of income has occurred, that an economic emergency has occurred during the activation or deployment, and that the spouse and dependent are residents of the state.

(g) *Health care providers.* 1. The department may grant payments for health care aid to a health care provider if the health care services are rendered within 90 days after the department confirms that the applicant is eligible and only after a description of benefits has been transmitted to the applicant or the county veterans service officer.

2. The department may accept a second application for the health care listed on the first description of benefits if the department receives a statement from the health care provider, within 14 calendar days before the expiration listed on the first description of benefits, that the health care authorized is still being provided and that the patient will not incur costs.

(h) *Extensions.* A health care provider providing health care services under par. (f) may submit an application to the department to request an extension of the 90 days. The application requesting the extension shall comply with all of the following:

1. Include a statement that the health care services to be provided are included in the description of benefits authorized under par. (f).

2. Include a statement that the patient will not incur additional costs for health care services authorized under par. (f).

3. Be received by the department no later than 14 calendar days before the expiration date listed on the description of benefits authorized under par. (f).

(i) *Limitations.* 1. The department may provide a grant only if the health care provider agrees to accept and only accepts payments from any of the following sources:

- a. Grant funds.
- b. The applicant's health insurance.
- c. Third-party payments on behalf of the applicant.
- d. A department-approved payment from the applicant.

2. The department may approve a payment by the veteran when a provider refuses to accept the maximum grant available to the veteran as payment in full if the veteran has sufficient available liquid assets to contribute an amount that will induce the provider to accept the aggregate payment as payment in full.

SECTION 31. VA 2.01 (3) (d) to (g) is renumbered VA 2.01 (3m) (i) and amended to read:

VA 2.01 (3m) (i) ~~Dental care aid~~ *Types of health care aid.* 1. 'Dental care aid.' a. A dental health care professional provider shall indicate in writing that the dental procedures ~~procedure~~ performed ~~were~~ was directly necessary to dental care. ~~Such~~

b. Aid for dental procedures shall may not exceed \$500.00 \$800.00 in any consecutive 12-month period except where a full or partial upper / or a lower denture is required. The grant for such denture or dentures shall

c. Aid for extended dental care may not exceed \$1,875 for one or \$3,750 for both \$4,000 in any consecutive 48-24-month period.

2. 'Hearing care aid.' a. Hearing care shall aid may not exceed \$200.00 in any consecutive 12-month period except where a left and/ or right ear hearing aid, or both, is required. The grant

b. Aid for each hearing aid shall may not exceed \$1,875 in any consecutive 48 24-month period. A participant

c. An applicant may obtain qualify for a grant to fund for an additional or more costly hearing aids and a related examination, if a licensed audiological health hearing care professional provider identifies, in writing, compelling a medical circumstances which have required this added condition that warrants additional financial assistance.

3. 'Vision care aid.' a. A grant for vision care shall may not exceed \$400.00 in any consecutive 12-month period; however, a participant an applicant may obtain a grant for replacement glasses before 12 consecutive months have elapsed if the eyewear is prescribed because of a documented change in refractive error.

~~*Vision care replacement.* A participant~~ b. An applicant may obtain a grant qualify for vision care aid for an additional visit to a licensed vision care provider and for a more costly set of corrective eyewear or for an additional set of corrective eyewear where if an optometrist or an

ophthalmologist identifies, in writing, a ~~compelling medical circumstance which has required this added~~ condition that warrants additional financial assistance.

SECTION 32. VA 2.02 (1g) is created to read:

VA 2.02 (1g) AUTHORITY AND PURPOSE. The purpose of ss. VA 2.02 to 2.05 is to establish rules for the implementation and administration of grants to veterans for tuition reimbursement and retraining, as authorized under ss. 45.20 and 45.21, Stats.

SECTION 33. VA 2.02 (1) (intro.) is renumbered VA 2.02 (1r) (intro.) and amended to read:

VA 2.02 (1r) (intro.) DEFINITIONS. In ~~this section~~ ss. VA 2.02 to 2.05, the following terms shall have the designated meanings:

SECTION 34. VA 2.02 (1) (a) is repealed.

SECTION 35. VA 2.02 (1) (b), (c), and (d) are renumbered VA 2.02 (1r) (b), (c), and (d).

SECTION 36. VA 2.02 (1) (e) is repealed.

SECTION 37. VA 2.02 (2) (title) is amended to read:

VA 2.02 (2) (title) ~~REIMBURSEMENT APPLICATION~~ APPLICATION.

SECTION 38. VA 2.02 (2) is renumbered VA 2.02 (2) (a) and amended to read:

VA 2.02 (2) (a) An application shall be submitted electronically through an online portal or manually on a form approved by the department. ~~It~~

(b) The application may be submitted through a county veterans service officer, through any other agent authorized by the department, or directly to the department, ~~either manually or electronically.~~ ~~Applications~~

(c) The application shall be received by the department or an authorized agent no later than 60 days after the starting date of the course, term, or semester for which reimbursement is requested. ~~Applications are~~

(d) An application is considered received if all student information is completed and a physical or electronic date stamp is affixed to the application.

(e) The school veterans coordinator shall list the completion date of the semester, the cost of tuition, other assistance received or applied for by the applicant, the number of credits enrolled in during the semester, and the semester grade point average. ~~Applications are~~

(f) An application is considered complete when all required information has been provided and the completed application is submitted to the department manually or electronically.

~~Completed applications~~

(g) A completed application submitted more than 60 days ~~following~~ after the last day of the course, term, or semester for which reimbursement is requested shall be denied unless good cause can be shown for the delay in submission.

SECTION 39. VA 2.02 (2) (a) (Note) is created to read:

VA 2.02 (2) (a) (Note) Note: The Veterans Education Grant Application (form WDVA 2200) may be obtained at WisVets.com or by request: 1-800-WIS-VETS or 2135 Rimrock Road, PO Box 7843, Madison, WI 53707-7843.

SECTION 40. VA 2.02 (2) (Note) is repealed.

SECTION 41. VA 2.02 (3) (a) is amended to read:

VA 2.02 (3) (a) *Undergraduate enrollment.* Reimbursement may be made only if a representative of the educational institution, center, or school certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not have an undergraduate degree.

SECTION 42. VA 2.02 (3) (a) (Note) is repealed.

SECTION 43. VA 2.02 (3) (c) is renumbered VA 2.02 (c) 1. and amended to read:

VA 2.02 (3) (c) *Veterans benefits Eligibility.* 1. A veteran may not receive reimbursement for any semester or course for which ~~he or she~~ the veteran is eligible for or received a grant under s. 321.40, Stats., or 10 USC 2007.

2. A veteran who fails to comply with the procedural requirements or maintain the requisite grade point average applicable to the grant or who takes any action ~~which might that may~~ disqualify ~~him or her~~ the veteran from receiving the applicable grant, is considered to still be eligible for the applicable grant for the purpose of determining whether ~~he or she~~ the veteran is entitled to reimbursement under this section for a subsequent semester.

SECTION 44. VA 2.03 (1) (intro.), (d), and (g) are amended to read:

VA 2.03 (1) DEFINITIONS. (intro.) In this section the following terms shall have the designated meanings:

(d) "FAO" means a school's financial ~~aids~~ aid officer.

(g) "Unearned income" means the estimated amount the veteran and spouse will receive during the academic year from ~~VA~~ USDVA educational assistance allowance (G.I. Bill) benefits, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than

loans, including amounts paid to the veteran or to the school on behalf of the veteran for vocational rehabilitation by the ~~VA~~ USDVA or any other agency, income from trusts or inheritances, unemployment ~~compensation~~ insurance benefits, worker's compensation, social security payments, net rentals from real estate, interest or dividend income, or other unearned income, but does not include disability compensation paid to the veteran by the ~~VA~~ USDVA for service-connected disabilities, armed forces disability retirement pay, or parental contributions.

SECTION 45. VA 2.03 (2) (b) is renumbered VA 2.03 (2) (b) 1. and amended to read:

VA 2.03 (2) (b) *Amount of grant.* 1. ~~Applicants~~ An applicant who qualify ~~qualifies~~ for a retraining grant under the provisions of this section and s. 45.21, Stats., are entitled to a grant equal to their need during the grant period or the statutory maximum grant, whichever is less.

2. Except as provided in par. (h), need shall be determined by deducting 75 percent of earned income and all unearned income to be received by the applicant during the grant period, available liquid assets in excess of \$2,400 plus 6 months' living expenses computed as set forth in s. VA 2.04 held by the applicant at the time of application and all other financial aid ~~which that~~ will be received by the applicant during the grant period from the amount needed during the grant period.

3. The amount needed will be the sum of the amount shown on the standard student budget described in s. VA 2.04 for the appropriate time period and for the appropriate number of family members plus any unusual expenses reported by the applicant.

SECTION 46. VA 2.03 (2) (e) is amended to read:

VA 2.03 (2) (e) *Number of retraining grants.* A veteran may receive only one grant in a 12-month period. A check for an additional grant may not be mailed until a year has passed since the date the check for the previous grant was mailed. No more than 2 grants may be ~~given~~ awarded to a veteran.

SECTION 47. VA 2.03 (2) (g) is renumbered VA 2.03 (2) (g) 1. and amended to read:

VA 2.03 (2) (g) *Grant payments.* 1. The department may make partial grant payments to assure that the veteran continues to pursue an approved course of instruction or engage in an approved structured ~~on-the-job~~ on-the-job training program during the grant period.

2. The department may require written verification from the school or the employer that the veteran is making satisfactory progress towards completion of the course of instruction or the structured on-the-job training program.

3. If the veteran is unable to verify satisfactory progress towards completion or discontinues pursuit of the course of education or engagement in the structured on-the-job-training program, the department may cancel any unpaid portion of the grant.

SECTION 48. VA 2.03 (2) (k) is amended to read:

VA 2.03 (2) (k) *Other available financial assistance.* The department may not provide a grant payment under this section if other financial assistance is available to meet the veteran's needs.

SECTION 49. VA 2.03 (3) (a) is renumbered VA 2.03 (3) (a) (intro.) and amended to read:

VA 2.03 (3) (a) Required information. (intro.) A grant application, ~~including required for retraining funds shall include all of the following~~ exhibits and supplements, ~~shall contain information that is necessary to satisfy the department that the applicant has a qualifying need for the grant;~~

1. Documentation verifying the applicant has a period of qualifying prior employment, is enrolled in a qualifying course of instruction or is engaged in a structured on-the-job training program ~~which that~~ meets the requirements of ~~s. VA 2.03 sub. (5) which will lead to gainful employment and.~~

2. Documentation verifying the applicant has become unemployed, underemployed, or received a notice of termination of employment within the year prior to the date the application is received by the department or has received a retraining grant within 13 months prior to the date the department receives an application for a second grant. ~~Required exhibits and supplements shall include a~~

3. A statement written by the applicant explaining the circumstances leading to the need for retraining and an explanation as to why the applicant feels that the desired retraining will lead to gainful employment.

SECTION 50. VA 2.03 (3) (b), (c), and (4) are renumbered VA 2.03 (3) (b) 1., (c) 1., and (4) (a), and amended to read:

VA 2.03 (3) (b) Procedure for a school-based course. ~~1. Applications~~ An application shall be initiated in the office of a county veterans service officer and completed and submitted by the FAO or other appropriate official representing the school attended by the applicant.

2. The ~~applications~~ application shall include verification that the applicant has received counseling from an assessment counselor and the counselor approves of the retraining to be taken.

(c) *Procedure for structured on-the-job training program.* ~~1. Applications~~ The application shall be initiated, completed, and submitted by the office of a county veterans service officer.

2. Each application shall contain a certification by the employer that the requirements of sub. (5) are met.

3. The department shall evaluate the program and determine whether the requirements of ~~s. VA 2.03 sub. (5)~~ are met.

(4) COORDINATION WITH OTHER OCCUPATIONAL TRAINING PROGRAMS. (a) The department shall stay in regular contact with and shall promote cooperation with the United States department of labor, the ~~United States department of veterans affairs~~ USDVA, the department of workforce development, and any other occupational training program administrator as appropriate.

(b) The department may exchange program literature with the agencies and encourage county veterans service officers to provide information about other programs to veterans who participate in or inquire about the retraining grant program.

SECTION 51. VA 2.03 (5) (b) to (L) are amended to read:

VA 2.03 (5) (b) The training program is not for employment ~~which that~~ consists of seasonal, intermittent, or temporary jobs.

(c) The training content of the program is adequate to accomplish the training objective of the program taking into account the occupation for which training is to be provided and the content of comparable, available training opportunities ~~which that~~ lead to the occupation.

(d) The wages and benefits to be paid to the veteran participating in the training program ~~will~~ may not be less than the wages and benefits normally paid to other employees participating in a comparable training program.

(e) The employment of a veteran under the program ~~will~~ may not result in the full or partial displacement of currently employed workers.

(f) The employment of a veteran under this program ~~will~~ may not be in a job while any other individual is on layoff from the same or substantially equivalent job or the opening ~~for~~ ~~which that~~ was created as a result of having terminated the employment of any regular employee or otherwise having reduced the work force with the intention of hiring a veteran under this program.

(g) The employer ~~will~~ may not employ in this program a veteran who is already qualified by training or experience for the job for which training is to be provided.

(h) The employer ~~will~~ shall consider the veteran's prior applicable training ~~in the field for which he or she is being trained and will~~ and may shorten ~~his or her~~ the training program ~~appropriately~~ accordingly.

(i) Each participating veteran ~~will~~ shall be employed full-time in the program of job training.

(j) The training period under the proposed program ~~is~~ may not be longer or shorter than the training period that employers in the community customarily require new employees to complete in order to become competent in the occupation for which training is to be provided.

(k) ~~There are in the~~ The training establishment or place of employment ~~has such~~ shall have adequate space, equipment, instructional material, and instructor personnel as needed to accomplish the training objective.

(L) The employer ~~will~~ shall keep records adequate to show the progress made by each veteran participating in the program and otherwise to demonstrate compliance with the requirements of the program for at least 3 years. The employer ~~will~~ shall make these records and accounts available for examination by the department as may be required.

SECTION 52. VA 2.04 (title) is amended to read:

VA 2.04 (title) Standard student ~~budgets~~ budget.

SECTION 53. VA 2.04 is renumbered VA 2.04 (1) and amended to read:

VA 2.04 (1) Standard EDUCATIONAL BUDGET. ~~A standard educational budget for a single and or married student educational budgets shall include standard living expenses budgets for single or married students, to which shall be added \$117.00 per dependent other than spouse per month, and all actual expenses for tuition, course fees, and book and materials costs for the academic year. Standard living~~

(2) STANDARD LIVING EXPENSES. (a) ~~Living expenses budgets shall be based upon 9 months living expenses of \$7,355 for single veterans or upon 9 months living expenses of \$11,289 for married veterans, per academic year. Standard~~

(b) An amount determined under par. (d) shall be added to the budget per month per dependent not including the student's spouse.

(c) A budget for standard living expenses budgets and amounts plus the amount to be added to these budgets the budget for dependents shall be increased on July 1 of every year. by the amounts

(d) The amount to be added shall be computed on the basis of the percentage of the increase in the consumer price index for all urban consumers during the preceding calendar year rounded to the nearest dollar.

SECTION 54. VA 2.05 (2) is amended to read:

VA 2.05 (2) AMOUNT OF RECOVERY. The department may recover only the portion of the grant to which the applicant would not have been entitled if the correct information had been provided or the grant had been properly calculated, or as a change in circumstances warrants.

SECTION 55. VA 2.05 (3) is renumbered VA 2.05 (3) (a) and amended to read:

VA 2.05 (3) REMEDIES. (a) The department may request repayment of the amount due under sub. (2).

(b) In lieu of a lump sum payment, the department may enter into an agreement under which the applicant may repay the amount due within a 12-month period.

(c) If the applicant fails to repay the amount due within 30 days of a request for repayment or fails to comply with the terms of a repayment agreement, the department may offset future grants that the applicant may be entitled to under s. 45.20 or 45.21, Stats., until the amount due has been recovered.

(d) The department may also suspend other benefits available to the applicant until the amount due has been recovered, except that the department may not suspend benefits available under s. 45.40, Stats.

SECTION 56. VA 2.06 is repealed.

SECTION 57. VA 2.07 (3) (intro.) is amended to read:

VA 2.07 (3) DEFINITIONS. (intro.) In this section the following terms shall have the designated meanings:

SECTION 58. VA 2.07 (3) (b) is repealed.

SECTION 59. VA 2.07 (3) (c) is amended to read:

VA 2.07 (3) (c) “Evaluation committee” means a committee established to evaluate applications made under this section that is comprised of ~~members at least 1 member~~ of the board of veterans affairs that evaluates applications made under this section and other individuals appointed by the department.

SECTION 60. VA 2.07 (3) (cm) is created to read:

VA 2.07 (3) (cm) “Financially viable” means the nonprofit organization is able to meet its financial obligations as they become due for the duration of the grant period.

SECTION 61. VA 2.07 (3) (d) and (4) (d) are amended to read:

VA 2.07 (3) (d) “Nonprofit organization” is means an organization described in section 501 (c) (3) of the internal revenue code ~~which that~~ is exempt from federal income tax under ~~s-~~ section 501 (a) of the internal revenue code.

(4) (d) It is in current good standing with the Wisconsin ~~Department of Financial Institutions~~ department of financial institutions.

SECTION 62. VA 2.07 (5) (b) and (c) are renumbered VA 2.07 (5) (b) 1. and (c) 1. and amended to read:

VA 2.07 (5) (b) Public notice. 1. The department shall provide reasonable public notice of all solicitations of grant proposals under s. 45.46, Stats.

2. Notice may be made through the print, broadcast, or telecommunications media, including the Internet, at the discretion of the department.

3. The notice shall include the purpose of the grant, the selection criteria, application procedures, and all applicable solicitation deadlines that an applicant is required to meet, or shall contain instructions for obtaining this information.

(c) Application requirements. 1. ~~All applications~~ An application for a grant under s. 45.46, Stats., shall be submitted to the department as directed in the notice provided under par.

(b). ~~All applications~~

2. An application shall be fully completed and signed by a representative of the applicant having authority to act for the applicant, and submitted by the required filing deadline.

~~Applications~~

3. An application shall include all of the following:

a. Proof of nonprofit status and other financial eligibility criteria listed in sub. (4) (b) to (d).

b. Information about the organization.

c. A description of the financial or other assistance or other services it provides to veterans and their dependents.

d. A description of the need for the requested funds.

SECTION 63. VA 2.07 (6) (a) 8. is repealed.

SECTION 64. VA 2.07 (6) (b) is renumbered VA 2.07 (6) (b) 1. and amended to read:

VA 2.07 (6) (b) *Rating applications.* 1. The evaluation committee shall weight the importance of each evaluation criterion by ~~assigning points to it~~ using a numerical point system.

2. Using the evaluation criteria specified in par. (a) the evaluation committee shall evaluate each application against each applicable criterion and assign points signifying the degree to which the application meets the criterion up to the maximum number of points.

3. The total points assigned to the application for all applicable criteria will be the score for the application.

4. The evaluation committee shall numerically rank each solicitation for grant proposals under this section.

SECTION 65. VA 2.07 (8) (b) is amended to read:

VA 2.07 (8) (b) A grant awarded under this section shall be made on forms ~~prepared~~ approved by the department. The award shall be signed by the authorized representative of the department and shall list the conditions to which the award is subject.

SECTION 66. VA 2.07 (9) is repealed.

SECTION 67. VA 2.07 (10) (a) is renumbered VA 2.07 (10) (a) 1. and amended to read:

VA 2.07 (10) (a) *Prohibited use of funds.* 1. Grant funds shall be used only for the payment or reimbursement of expenses which are reasonable, necessary, and properly assignable to the purposes of the approved grant. Any other use of grant funds is prohibited.

2. A grantee may not use more than a percentage, as determined by the department, of the grant funds to supplant existing for employee wages, and compensation, travel, and related expenses assignable to the approved program.

3. A grantee may not use grant funds to purchase capital equipment unless specified in the grant award.

SECTION 68. VA 2.07 (13) (c) is amended to read:

VA 2.07 (13) (c) *Nondiscrimination and equal opportunity.* In accordance with s. 16.765, Stats., the grantee ~~may not discriminate in violation of~~ shall follow all state or and federal law anti-discrimination laws and shall follow equal employment opportunity practices in the administration and delivery of program services to eligible applicants.

SECTION 69. VA 2.08 (3) (intro.) and (b) are amended to read:

VA 2.08 (3) DEFINITIONS. (intro.) In this section the following terms have the designated meanings:

(b) “Certification ~~Request request~~” means a form approved by the department approved ~~form~~ used to verify the employee is a veteran and a resident of this state in accordance with ss. 45.01 (12) and 45.02, Stats., and has a service-connected ~~Federal VA~~ disability rating of at least 50 percent, under 38 USC 1114 or 1134.

SECTION 70. VA 2.08 (3) (c) is repealed.

SECTION 71. VA 2.08 (3) (g) is amended to read:

VA 2.08 (3) (g) “Evaluation committee” means a committee established to evaluate applications made under sub. (5) that is comprised of ~~members at least one~~ 1 member of the board of veterans affairs ~~that evaluates applications made under sub. (5) and other individuals appointed by the department.~~

SECTION 72. VA 2.08 (3) (gm) is created to read:

VA 2.08 (3) (gm) “Financially viable” means a nonprofit organization is able to sustain itself over the long term in order fulfill the organization’s mission and support continuance of the organization’s operations, programs, and services without the sole reliance on grant funds awarded under this section.

SECTION 73. VA 2.08 (3) (h), (i), (L), and (m) are amended to read:

VA 2.08 (3) (h) “Full-time job” means a regular, nonseasonal, full-time position in which an individual, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave and holidays.

(i) “Grant” means an agreement between the department and the grantee ~~whereby~~ where the department provides funds from the appropriation under s. 20.485 (2) (qm), Stats., for the purposes specified in s. 45.437, Stats.

(L) “Nonprofit organization” is means an organization described in section 501(c)(3) or 501(c)(6) of the Internal Revenue Code that is exempt from federal income tax under section 501(a) of the Internal Revenue Code.

(m) “Part-time job” means a regular, nonseasonal, part-time position in which an individual, as a condition of employment, is required to work fewer than 2,080 hours per year, including paid leave and holidays.

SECTION 74. VA 2.08 (3) (p) is repealed.

SECTION 75. VA 2.08 (4) (b) is renumbered VA 2.08 (b) 1. and amended to read:

VA 2.08 (4) (b) 1. A grant application shall be submitted, manually or electronically, directly to the department on a form approved by the department ~~approved form.~~

2. The application shall specify employer and employee contact information and verification of employee employment status.

3. The department may request additional verification of any information provided in the application.

4. A certification request shall be submitted with the application. The certification shall be used to verify the employee is a veteran and a resident of this state in accordance with ss. 45.01 (12) and 45.02, Stats., and has a service-connected ~~Federal VA~~ disability rating of at least 50 percent, under 38 USC 1114 or 1134. ~~The form shall be submitted directly to the department, either manually or electronically.~~

SECTION 76. VA 2.08 (4) (c), (d) 1., and (5) (a) 3. are amended to read:

VA 2.08 (4) (c) The department ~~shall~~ may not pay a grant to an applicant if the veteran voluntarily or involuntarily ~~leaves his or her~~ terminates employment with the applicant.

(d) 1. Divide the number of hours that the disabled veteran worked for the applicant for 6 consecutive months of employment by 1040, or for 12 consecutive months of employment by 2,080, ~~and then.~~

(5) (a) 3. It is a financially viable nonprofit organization. ~~In this subsection, a nonprofit organization is financially viable if the nonprofit organization can meet its financial obligations for the duration of the grant period, as disclosed in the notice described in par. (c).~~

SECTION 77. VA 2.08 (5) (c) is renumbered VA 2.08 (5) (c) 1. and amended to read:

VA 2.08 (5) (c) *Public notice of solicitation of grant proposals.* 1. The department shall provide reasonable public notice of all solicitations by the department for proposals for the award of grants by the department under s. 45.437, Stats.

2. Notice may be made through print, broadcast, or telecommunications media, including the Internet, at the discretion of the department.

3. The notice shall include the purpose of the grants and the selection criteria, application procedures, and all applicable solicitation deadlines that an applicant is required to meet, or shall contain instructions for obtaining this information.

SECTION 78. VA 2.08 (5) (d) 1. and 5. are amended to read:

VA 2.08 (5) (d) 1. Application on a form ~~created~~ approved by the department.

5. Most recent annual report or other literature summarizing the organization's programs.

SECTION 79. VA 2.08 (5) (d) 9. and 10. are created to read:

VA 2.08 (5) (d) 9. Disclosure of any other grants funds received from any other state agency for the same or similar purpose.

10. A signed verification of matching funds form, if required by the department.

SECTION 80. VA 2.08 (5) (g) is renumbered VA 2.08 (5) (g) 1. and amended to read:

VA 2.08 (5) (g) Grant awards. 1. The department shall award grants to the applicants with the highest numerical scores determined under the criteria developed under par. (e) as funds are available.

2. A grant awarded under this section shall be made on forms ~~prepared~~ approved by the department.

3. The award shall be signed by the authorized representative of the department and shall list any conditions to which the award is subject.

SECTION 81. VA 2.08 (5) (i) is amended to read:

VA 2.08 (5) (i) Amount of grants. The amount of each grant will be based on the amount requested and the amount approved by the evaluation committee. The grant award ~~shall~~ may not exceed the amount requested.

SECTION 82. VA 2.08 (5) (j) 1. a. is renumbered VA 2.08 (5) (j) 1. ae. and amended to read:

VA 2.08 (5) (j) 1. ae. Grant funds shall be used only for the payment or reimbursement of reasonable and appropriate expenses assignable to the approved purposes of the grant. Any other use of grant funds is prohibited.

am. A grantee may not use more than a percentage, as determined by the department, of the grant funds to supplant existing for employee wages, and compensation, travel, and related expenses assignable to the approved program.

as. A grantee may not use grant funds to purchase capital equipment unless specified in the grant award.

SECTION 83. VA 2.08 (5) (j) 1. c. to f. are created to read:

VA 2.08 (5) (j) 1. c. A grantee may not use grant funds to make loans or for repayment of loans or mortgages.

d. A grantee may not charge interest or otherwise financially profit from funds awarded under this section.

e. A grantee may not reassign grant funds.

f. A grantee shall comply with any other restrictions as determined by the department.

SECTION 84. VA 2.08 (5) (j) 2. and (k) are amended to read:

VA 2.08 (5) (j) 2. ‘Violation of prohibited use of funds.’ If a grantee uses grant funds for prohibited activities under par. (a), the department may terminate the grant and recover funds previously paid to the grantee for that funding period on a recoupment schedule specified ~~in the grant award by the department.~~

~~(k) Eligibility and certification. In order for a grant participant to receive services from the grantee that are funded by a grant awarded under this subsection, a Δ grantee must submit a certification request to the department to shall verify eligibility of each grant participant. Services can only be provided by the grantee to Only eligible grant participants verified by the department as eligible on forms created by the department shall receive services funded by a grant awarded under this subsection.~~

SECTION 85. VA 2.08 (5) (L) (intro.) is renumbered VA 2.08 (5) (L) and amended to read:

VA 2.08 (5) (L) Reporting requirements. A grantee receiving a grant under this subsection shall submit to the department data and information ~~on the use and impact of the grant funds as specified in this section and in the grant award by 6 months from the date of the award of the grant or June 30 of the fiscal year in which the grant is awarded, whichever is later. Such data and information includes:~~ agreement.

SECTION 86. VA 2.08 (5) (L) 1. to 4. are repealed.


SECTION 87. VA 2.08 (5) (m) 3. is amended to read:

VA 2.08 (5) (m) 3. ‘Nondiscrimination and equal opportunity.’ In accordance with s. 16.765, Stats., the grantee ~~may not discriminate in violation of~~ shall follow all state ~~or~~ and federal ~~law~~ anti-discrimination laws and ~~shall follow~~ equal employment opportunity practices in the administration and delivery of program services to eligible applicants.

SECTION 88. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)

Dated: March 8, 2021

Agency 
Mary M. Kolar, Secretary
Department of Veterans Affairs

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected</p>	<p>2. Date 01/05/2021</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) VA 2 - Grants; Needy Veterans, Veterans Tuition Reimbursement And Retraining; Nonprofit Organizations (CR21-012)</p>	
<p>4. Subject Veterans Assistance Grants</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected 20.485 (2)(qm), (2)(tf), (2)(th), (2)(tj) and (2)(vm)</p>
<p>7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p>10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule This rule amends current administrative rules to allow for the distribution of funds to more veterans, veterans organizations, employers of veterans, and non-profit organizations who provide outreach and services to veterans and underserved veteran populations. The proposed rules would also amend the current grant process and evaluation criteria to improve grant efficiency, compliance, and accountability.</p>	
<p>12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. The proposed rules do not have an anticipated effect on businesses or local governmental units.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. No local government units participated in the development of the EIA.</p>	
<p>14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule will not have an anticipated economic or fiscal impact on specific businesses, business sectors, public utility rate payers, local governmental units or the State's economy as a whole.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The benefits of implementing this rule will allow for a wider distribution of funds to more veterans and veteran organizations.</p>	
<p>16. Long Range Implications of Implementing the Rule The rule will not have adverse long range effects, rather allow for a greater distribution of grant funds.</p>	
<p>17. Compare With Approaches Being Used by Federal Government N/A</p>	
<p>18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)</p>	

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

Illinois, Iowa, Michigan, and Minnesota all have statutes or administrative rules that provide for temporary subsistence-type financial assistance to eligible indigent veterans and their families. Minnesota is the only other state to provide financial incentives to employers who hire veterans. However, none of these states have similar state-funded grant programs for non-profit organization or entrepreneurship grants.

19. Contact Name

Mindy Allen, Administrative Rules Coordinator

20. Contact Phone Number

(608) 264-6085

This document can be made available in alternate formats to individuals with disabilities upon request.



March 5, 2021

Secretary Mary Kolar
Department of Veterans Affairs
2135 Rimrock Road
Madison, WI 53713-1443

RE: VA 2 – Veterans Assistance Grants

Dear Secretary Kolar:

Pursuant to s. 45.03 (2m), Stats., the Secretary shall provide the Board of Veterans Affairs with a copy of any rule that the department is preparing as a proposed rule under s. 227.14 (1), Stats., and the Board may prepare a report containing written comments and its opinion regarding the proposed rule.

Clearinghouse Rule CR 21-012 that proposes to amend Chapter VA 2, relating to veteran's assistance grants, was provided to the Board at its meeting on February 11, 2021. The Board voted unanimously to support the proposed rules and offers no additional comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Curtis Schmitt', written over a large, stylized circular flourish.

Curtis Schmitt, Chair
Wisconsin Board of Veterans Affairs

P.O. Box 7843 | Madison, Wisconsin 53707-7843

1-800-WIS-VETS | WisVets@dva.wisconsin.gov | WisVets.com

STATE OF WISCONSIN
Department of Veterans Affairs

Report from Agency

RULEMAKING REPORT TO LEGISLATURE

Clearinghouse Rule 21-012

I. THE PROPOSED RULE:

The proposed rule, including the analysis and text, is attached.

II. REFERENCE TO APPLICABLE FORMS:

N/A

III. FISCAL ESTIMATE AND EIA:

The Fiscal Estimate and EIA are attached.

IV. DETAILED STATEMENT EXPLAINING THE BASIS AND PURPOSE OF THE PROPOSED RULE, INCLUDING HOW THE PROPOSED RULE ADVANCES RELEVANT STATUTORY GOALS OR PURPOSES:

Chapter VA 2 establishes the general criteria, procedures, requirements, and conditions for the award of grants to eligible veterans and their dependents, non-profit organizations, and employers. The proposed rules will allow for the distribution of funds to more veterans, veterans organizations, employers of veterans, and non-profit organizations who provide outreach and services to veterans and underserved veteran populations.

The proposed rules also amend the current grant process and evaluation criteria to improve grant efficiency, compliance, and accountability. This rule also makes general updates, revises outdated provisions, and amends certain provisions for clarity and conformity with current drafting standards for style and format.

V. SUMMARY OF PUBLIC COMMENTS AND THE DEPARTMENT'S RESPONSES, EXPLANATION OF MODIFICATIONS TO PROPOSED RULES PROMPTED BY PUBLIC COMMENTS:

The agency's response to public comments is reflected in Attachment A.

Pursuant to ss. 45.03 (2m) and 227.14 (2) (a) 6m., Stats., administrative rules prepared by the Department of Veterans Affairs must be provided to the Board of Veterans Affairs. The Board may prepare a report containing written comments and its opinion regarding the proposed rules. The Board of Veterans Affairs was provided a copy of the proposed rules for action at the February 11, 2021 meeting of the Board. The Board provided a letter of support for the proposed rules and offered no additional comments.

VI. RESPONSE TO LEGISLATIVE COUNCIL STAFF RECOMMENDATIONS:

All recommendations in the Clearinghouse Report were accepted and incorporated into the proposed rule with the exception of Clearinghouse comment 2d. The provision was amended to remove the parenthesis but a definition was not added in order to avoid redundancy since this term is defined in the final rule draft of ch. VA 1. The definitions in ch. VA 1 apply to all VA chapters.

VII. REPORT FROM THE SBRRB AND FINAL REGULATORY FLEXIBILITY ANALYSIS:

N/A

SUMMARY OF PUBLIC COMMENTS and AGENCY RESPONSE
Relating to EmR2030 and CR 21-012, Veterans Assistance Grants

This attachment represents the unique issues raised during the public comment period. The comment section reflects a summary of the issues and represents testimony that was presented in support or opposition, or that provided information and recommendations to the Department. After considerable review of all comments, the Department submits its response to each of the issues as indicated below.

Commenter	Rule Provision	Comment / Recommendation	Agency Response
Nathan Bond, County Veterans Service Officers Association of Wisconsin	CR 21-012	The association supports the rules as proposed.	No resulting changes were made.
The American Legion, Dept. of Wisconsin	CR 21-012 Plain Language section	The proposed definition for “entrepreneur”, as created under s. 2.01 (1r) (kg), is missing.	No resulting changes were made. To avoid redundancy, the definition is not included in the plain language section since it appears in the text section of the rule. The plain language section simply summarizes substantive changes.
The American Legion, Dept. of Wisconsin	CR 21-012 s. 2.07 (3) (c)	Relating to amended definition for “evaluation committee”. 1. What is the size of the committee: Is the size fixed or variable depending on the applications? 2. Are the members who are not members of the board, department staff or public members? 3. What are the criteria for selecting members of the committee? 4. Will the committee be composed solely of veterans?	No resulting changes were made. The Department feels these issues are appropriately contained in internal processes and administrative practices rather than in the administrative rules.
The American Legion, Dept. of Wisconsin	CR 21-012 s. 2.07 (6) (a) 8.	Relating to repeal of provision “Integration of outreach and employment services into plan”. Why is this being removed as part of the evaluation criteria? One would think this would be an important part of the evaluation criteria?	No resulting changes were made. The provision being repealed was deemed by the Department as being too restrictive. The criteria previously required is not a function of every non-profit organization that applies for the funds. If the provision was retained, some applicants would be deemed ineligible for grant funds.
The American Legion, Dept. of Wisconsin	CR 21-012 Section 54	Relating to the point system. 1. What is the point system? 2. What is the range within the system? 3. Under the proposal will the system be constant or will it change each grant cycle? 4. Who develops the point system? 5. Does the committee have input on the system?	No resulting changes were made. Information relating to the point system is relayed in the grant announcement when released. Applicants are made fully aware of the requirements during each grant cycle.
The American Legion, Dept. of Wisconsin	CR 21-012 s. 2.08 (3) (g)	Relating to definition for “evaluation committee”. Same concerns as comments listed under s. 2.07 (3) (c).	No resulting changes were made. The Department feels these issues are appropriately contained in internal

**SUMMARY OF PUBLIC COMMENTS and AGENCY RESPONSE
Relating to EmR2030 and CR 21-012, Veterans Assistance Grants**

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			processes and administrative practices rather than in the administrative rules.
The American Legion, Dept. of Wisconsin	CR 21-012 ss. 2.08 (5) (d) 9. and 10.	Relating to creation of these provisions. 1. In this section is the concern only grants applied for or received or is the concern any funds applied for or received? 2. What are the criteria for requesting the verification of matching funds? In order to be consistent a form should either be required from all applicants or by no applicants.	The final rule amends s. 2.08 (5) (d) 9. to clarify that the department requires applicants to disclose funds received. No resulting changes were made to s. 2.08 (5) (d) 10. as these concerns are addressed during the grant application process.
Nathan Elliot	EmR 2030 s. 2.05 (3) (a)	Relating to recovery of erroneous payments in which the department may request repayment. This language should be changed to: (3) Remedies. (a) The department WILL REQUIRE repayment..."	No resulting changes were made. The Department determines repayments based on a case-by-case basis after thoroughly investigating any possible extenuating circumstances.
Saul Newton Wisconsin Veterans Chamber of Commerce	CR 21-012 s. 2.08(5)(d)10. s. 2.07(10)(a)2. s. 2.08 (5)(j)1. am.	1. Supportive of expansion of eligibility for subsistence and health care aid grant programs. 2. Supportive of proposed rules to streamline the application and evaluation process for non-profit organizations, entrepreneurship, and employment grants. 3. Support the proposed rules to ensure reasonable accountability and transparency measures are in place, protecting the Department as well as the grant awardees. 4. Concern relating to proposal to require matching funds as a condition of an application. 5. Concern relating to restricting the use of grant funds for employee wages and compensation.	No resulting changes were made. The proposed rule, under s. 2.08(5)(d)10., permits, but does not require, the department to request matching funds. Similarly, the proposed rules, under ss. s. 2.07(10)(a)2. and 2.08 (5)(j)1. am., do not require the department to restrict grants funds to employee wages and compensation, rather the department would have discretion to establish the percentage of funds that may be used for employee wages and compensation.