

Report From Agency

PROPOSED ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS ADOPTING RULES

The Wisconsin Department of Veterans Affairs hereby proposes an order to amend VA 16.01 (3), 16.01 (5), 16.02 (1) (intro.), (1) (a), (b), and (c), 16.02 (2) (d) and (3), and to create VA 16.02 (4), relating to the county transportation services grant program.

ANALYSIS PREPARED BY THE DEPARTMENT OF VETERANS AFFAIRS

Statutory authority: ss. 45.03 (2) and 45.83 (2), Stats..

Statute interpreted: sec. 45.83, Stats.

Explanation of agency authority: The legislature has authorized the department to award grants to counties not served by the Wisconsin department of Disabled American Veterans to develop, maintain, and expand veterans transportation services. The statute explicitly directs the department to promulgate administrative rules specifying the application procedure and eligibility criteria.

Related statute or rule: None.

Plain language analysis: The proposed order would require counties that have an ongoing transportation program and who do not intend to expand the program by more than 50% to provide data for a prior 12-month period. Under the current rule, counties are required to estimate mileage during the grant year. The amendments will provide more certainty to the grant calculation process.

Summary of, and comparison with, existing or proposed federal regulations: There is no current or pending federal regulation that addresses this initiative.

Comparison with rules in adjacent states: There are no similar rules in adjacent states.

Summary of factual data and analytical methodologies: The department reviewed data from counties receiving the grant over the last several years. Based upon that review, and at the request of the county veterans service officers association, the department determined that using actual data to calculate the grant was appropriate, inasmuch as the

existing transportation programs have maintained their relative share of the funding. However, recognizing that some programs may be initiated or significantly expanded, use of prospective data was retained in the rule.

Analysis and supporting documents used to determine the effect on small business or in preparation of an economic impact statement: The department has prepared a fiscal estimate in which it was concluded that the rule changes would have no fiscal impact. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

Effect on small business: None.

Agency contact person: John Rosinski, at (608) 266-7916 or john.rosinski@dva.state.wi.us.

Place where comments are to be submitted and deadline for submission: To the agency contact person at Wisconsin Department of Veterans Affairs, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843 within 7 days after the public hearing, which will be scheduled for April 21, 2006.

TEXT OF RULE

SECTION 1. VA 16.01 (3) is amended to read:

VA 16.01 (3) "Grant" means a transportation services grant authorized under ~~s. 45.43 (7m)~~ s. 45.83, Stats.

SECTION 2. VA 16.01 (5) is amended to read:

VA 16.01 (5) "Veteran" has the meaning given in ~~s. 45.001 (4) (a)~~, s. 45.01 (12), Stats.

SECTION 3. VA 16.02 (1) (intro.) is amended to read:

VA 16.02 (1) APPLICATION. An applicant shall file an application with the department ~~not later than March 1, 2003 for a grant for calendar year 2003 and by November 1, 2003 and each subsequent calendar year~~ November 1 immediately preceding the calendar year for which a grant is sought. ~~The Except as provided in sub. (4), the~~ application shall provide sufficient information to establish that the applicant meets the eligibility criteria in sub. (2) and shall be submitted with the following items:

SECTION 4. VA 16.02 (1) (a) is amended to read:

VA 16.02 (1) (a) A financial statement, including a report of all expenses and revenue of the applicant relating to the provision of transportation services to veterans to medical appointments arranged or conducted by the U.S. Department of Veterans Affairs during the ~~most recently completed calendar year~~ 12-month period ending on June 30 of the year in which the application is submitted.

SECTION 5. VA 16.02 (1) (b) is amended to read:

VA 16.02 (1) (b) A statement which outlines the applicant's ~~veterans'~~ veterans ~~proposed~~ transportation program for the ~~calendar year for which the grant is sought~~ 12-month period ending on June 30 of the year in which the application is submitted, including an itemization of the amount ~~budgeted~~ expended for the program, a description of the manner in which the applicant ~~will coordinate~~ coordinated and ~~schedule~~ scheduled trips, a description of the methods of transportation, and a statement of the program fees, if any, which ~~will be~~ were assessed to the veteran who ~~receives~~ received the transportation services.

SECTION 6. VA 16.02 (1) (c) is amended to read:

VA 16.02 (1) (c) A report that identifies the number of veterans transported and the number of miles veterans were transported during the ~~most recently completed calendar year~~ 12-month period ending on June 30 of the year in which the application is submitted.

SECTION 7. VA 16.02 (2) (d) is amended to read:

VA 16.02 (2) (d) The applicant may not allocate any portion of the grant for use by a county department for a purpose that is not an integral part of its transportation services delivery system and may not reduce funding to a county ~~veterans'~~ veterans service office based upon receipt of the grant.

SECTION 8. VA 16.02 (3) is amended to read:

VA 16.02 (3) GRANT AMOUNT. The amount of a grant for each applicant shall be determined based upon the number of miles that eligible veterans were transported by the applicant during the 12-month period ending on June 30 of the year in which the application is submitted, or, if the applicant qualifies under sub. (4), the number of miles that eligible veterans are expected to be transported by the applicant during the subsequent calendar year, as determined by the department. Each eligible applicant shall be entitled to a grant based upon its pro rata share of miles ~~among~~ claimed by all eligible

applicants, except that a grant may not exceed the unreimbursed expenditures of the applicant for transportation services for the grant year.

SECTION 9. VA 16.02 (4) is created to read:

VA 16.02 (4) NEW OR EXPANDED VETERANS TRANSPORTATION PROGRAMS. If a county did not operate a veterans transportation program during the entire 12-month period ending on June 30 of the year in which the application is submitted, or if a county proposes to expand an existing program by increasing the number of miles that veterans are transported by at least 50%, it may submit an application based on the number of estimated miles it expects to transport veterans during the subsequent calendar year. The applicant shall submit a statement which outlines the applicant's proposed transportation program for the calendar year for which the grant is sought, including an itemization of the amount budgeted for the program, a description of the manner in which the applicant will coordinate and schedule trips, a description of the methods of transportation, an estimate of the number of miles veterans will be transported during the grant year, and a statement of the program fees, if any, which will be assessed to the veteran who receives the transportation services. The department may subsequently reduce future grants to recover any portion of a grant that is calculated using estimated miles to the extent the estimated miles exceed actual miles driven by the applicant during the grant year.

The amendment of the rule contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, May 4, 2006.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

A handwritten signature in black ink, appearing to read "John A. Scocos", written over a horizontal line.

JOHN A. SCOCOS, SECRETARY