

Clearinghouse Rule 22-041

**STATE OF WISCONSIN
Department of Veterans Affairs**

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

**ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS
ADOPTING PERMANENT RULES**

The statement of scope for this rule, SS 001-22, was approved by the Governor on December 22, 2021, published in Register No. 793A2 on January 10, 2022, and approved for implementation by the Secretary of the Department of Veterans Affairs on January 20, 2022.

ORDER

An order of the Department of Veterans Affairs *to repeal* VA 12.01 (7); and *to amend* VA 12.06 (1), relating to general updates.

ANALYSIS

Analysis prepared by the Department of Veterans Affairs.

Statutes interpreted:

Sections 45.03 (2), Stats.

Statutory authority:

Section 45.03 (2), Stats.

Explanation of agency authority:

Section 45.03 (2), Stats., authorizes the Secretary of the Department to promulgate rules necessary to carry out the purposes of ch. 45 and the powers and duties conferred upon it.

Related statute or rule:

None

Plain language analysis:

The proposed rules revise ch. VA 12 – *Personal Loan Program*. The primary objective of the proposed rule is to amend s. VA 12.06 (1) to replace the term “mental disability” with the term “intellectual disability” in accordance with Governor Evers’ Executive Order #15. The proposed rule also removes an unnecessary definition under s. VA 12.01 (7) since the definitions under s. VA 1.001 apply to all rule chapters administered by the Department.

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

None

Comparison with rules in adjacent states:

Illinois: Does not have administrative rules pertaining to a veterans personal loan program that is administered by the State.

Iowa: Does not have administrative rules pertaining to a veterans personal loan program that is administered by the State.

Michigan: Does not have administrative rules pertaining to a veterans personal loan program that is administered by the State.

Minnesota: Does not have administrative rules pertaining to a veterans personal loan program that is administered by the State.

Summary of factual data and analytical methodologies:

The Department deems it necessary to amend current rule language in order to comply with EO #15.

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

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

Fiscal Estimate:

The Fiscal Estimate and Economic Impact Analysis is attached.

Effect on small business:

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

Agency contact person:

Mindy Allen, Department of Veterans Affairs
DVAAdminRules@DVA.Wisconsin.gov

Place and deadline for submission of comments:

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 12.01 (7) is repealed.

SECTION 2. VA 12.06 (1) is amended to read:

VA 12.06 (1) DEFERMENT OF PAYMENTS. Subject to sub. (2), where an applicant who is enrolled in a full-time study course of instruction, as verified by the educational institution in which the applicant is enrolled, or in a part-time study course of instruction only in cases described in this

subsection applies for deferment of the obligation to commence or continue to make payments on a loan, the department may grant a deferment if the installments on such loan are less than 90 days delinquent at the time of approval of the deferment and, in the case of a guaranteed loan, if the guarantors consent in writing to the deferment. A deferment may not exceed 1 year and may not extend more than 3 months beyond the anticipated completion date of the applicant's educational objective, but an applicant may qualify for additional deferments if eligible for such deferments under the provisions of this subsection at the time of application. The department may grant deferments to an applicant enrolled in a part-time course of instruction because such applicant is disabled or unable due to physical or ~~mental~~ intellectual disability to enroll in a full-time course of instruction, is a graduate student who has completed the course of work required for a degree but must complete a thesis requirement, or is in the final semester or term of an educational program and needs less than full-time study to meet graduation requirements. Participation in a medical internship program is deemed to be enrollment in a full-time course of instruction for the purposes of this subsection.

SECTION 3. 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 _____

Agency _____

Mary M. Kolar, Secretary
Department of Veterans Affairs