

**PROPOSED ORDER OF THE STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS
ADOPTING PERMANENT RULES**

The statement of scope for this rule to modify Chapter VA 15, SS 046-16, was approved by the Governor on May 24, 2016, published in Register No. 725B on May 31, 2016, and approved by Secretary John A. Scocos on June 10, 2016.

ORDER

The Department of Veterans Affairs proposes an order to create VA 15.001, VA 15.02 (2m) and VA 15.02 (4), to amend VA 15.02 (title), 15.02 (1), VA 15.02 (3) and VA 15.04, and to repeal VA 15.02(2) and VA 15.03 relating to the Grant to counties and tribe for improvement of services, Section 45.82, Stats.

ANALYSIS

1. Statute interpreted: Section 45.82 (4), Stats.

2. Statutory authority: Sections 45.82 (6), 45.03 (2) and 227.10 (2m)

3. Explanation of agency authority:

Section 45.82 (6): The department shall promulgate rules establishing criteria and procedures for reimbursement under subs. (2) and (4).

Section 45.03 (2): Rule-making; records. The secretary, after consulting with the board, may promulgate rules necessary to carry out the purposes of this chapter and the powers and duties conferred upon it. The records and files of the department of military affairs and of any other state department or officer shall, upon request, be made available to the secretary or to the board; and,

Section 227.10 (2m), Stats., directs each agency to promulgate rules for the implementation or enforcement of any standard, requirement, or threshold.

4. Related statutes or rules:

The Department administers a program of grants to counties for the improvement of services to veterans under s. 45.82, Wis. Stats., and Chapter VA 15 of the Wisconsin Administrative Code.

5. Plain language analysis:

Under previous law, the grant was payable to a tribe or band and the amount of the grant was not to exceed \$15,000.00.

The Department proposes an amendment to Chapter VA 15 to bring the rule into compliance with current law which made the grant reimbursable, established categories of expenses eligible for reimbursement, and phases out the use of grant funds for salary and fringe benefit expenses. The revised rule would provide guidance regarding the application process, eligibility, general limitations and eligible expenses within each category of statutorily-permissible expenses.

Additionally, the rule will provide guidance regarding the reimbursement procedure.

6. Summary of, and comparison with, existing or proposed federal statutes and regulations.

The tribal veterans service grant program is administered under the authority of state law. There are no existing or proposed federal regulations that address the activities to be regulated by the rule.

7. Comparison with rules in adjacent states:

Review of the statutes, rules and websites of veterans departments of adjacent states revealed no similar grant program.

8. Summary of factual data and analytical methodologies:

The Department analyzed the grant processes of state agencies experienced in the administration of grants and used those processes as a foundation for the rule and application procedures.

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

There is no anticipated impact on small businesses.

10. Effect on small business:

The proposed rule changes will have no impact on small businesses.

11. Comments and opinions prepared by the Board of Veterans Affairs under s. 45.03 (2m), Stats.:

Comments will be made available after the board reviews the proposed language prepared in this rule-making order.

12. Agency contact person and place where comments are to be submitted and deadline for submission:

The public record on this proposed rule-making will be held open until close of business the day of the hearing to permit the submission of comments in lieu of public hearing testimony, or comments supplementing testimony offered at the hearing.

Rules coordinator:

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Comments on proposed administrative rules will be accepted through the Legislature's website at <http://docs.legis.wisconsin.gov/code/comment>. All submitted comments will be sent to the appropriate agency rules coordinators. It is necessary to include your contact information in your submitted comments if you wish to receive a response.

SECTION 1. VA 15.001 is created to read:

VA 15.001 Definitions. (1) “Affidavit of documented expenditures” means a written sworn statement of fact on a form prepared by the department certifying a tribe has expended funds for expenditures authorized under s. 45.82 (5), Stats. The affidavit shall be signed by a tribal council official.

(2) “Application” means a tribe shall apply annually to the department for a grant for the improvement of services to former military personnel on forms prepared by the department and signed by a tribal council official. Applications shall be received by the department no later than December 31 of each state fiscal year for which the grant is claimed.

(3) “Indirect Charges” means a cost or expense that is not directly traceable to a tribal veterans service office.

(4) “Information technology” or “IT” means computer equipment and database infrastructure to assist tribal veterans service offices in the administration of veterans benefit programs.

(5) “Reimbursement” means repayment for documented expenditures as authorized under s. 45.82, Stats.

(6) “Special outreach to veterans” means outreach efforts to veterans regarding state and federal veterans benefit programs and services.

(7) “Training and services provided by the department and the federal department of veterans affairs” means formal training and conferences in the state of Wisconsin provided by the Wisconsin department of veterans affairs and federal department of veterans affairs for training in the administration of veterans benefit programs.

(8) “Transportation for veterans and service to veterans with barriers” means actual travel expenses incurred for the transportation of veterans, or to provide services to veterans with barriers.

(9) “Veteran with a barrier” means a veteran who needs the help of another person or medical equipment such as crutches, a walker or a wheelchair to leave the veteran’s residence.

SECTION 2. VA 15.02 (title) and 15.02 (1) are amended to read:

VA 15.02. Application, reimbursement, report and eligibility, and general limitations. (1)

APPLICATION. Application for American Indian grants for the improvement of services to former military personnel shall be made by the governing body of a Wisconsin American Indian tribe or band ~~not later than May 15 of the calendar~~ each state fiscal year for which the grant is claimed. ~~on forms prepared by the department. An application shall be accompanied by a copy of the budget proposed for the tribal veterans’ service office for the fiscal year for which the grant is claimed. Application shall be made annually. The tribe or band must agree to meet minimum budget and operating standards established by the department for the tribal veterans’ service office in order to qualify for the initial grant and for each succeeding grant.~~

SECTION 3. VA 15.02 (2) is repealed.

SECTION 4. VA 15.02 (2m) is created to read:

VA 15.02 (2m) REIMBURSEMENT. In order to qualify for a reimbursable tribal veterans service grant, a tribe shall submit an affidavit of documented reimbursable grant expenditures as authorized under s. 45.82 (5), Stats. The tribe shall submit the affidavit form for the first reimbursement period of July 1 to December 31 not later than January 15 of the fiscal year, and for the second reimbursement period of January 1 to June 15 by June 15 of the fiscal year. A

tribe can request reimbursement during the second reimbursement period for unclaimed documented expenditures that were incurred and paid during the first reimbursement period.

SECTION 5. VA 15.02 (3) is amended to read:

VA 15.02 (3) ELIGIBILITY. ~~Only~~ The department shall reimburse only a governing body of a tribe or band that submits a completed application under VA 15.02 (1). ~~that meets minimum budget and operating standards established by the department and that chooses any new tribal veterans' service officer after August 1, 2000 who is a veteran as defined in s. 45.01 (12), Stats., is eligible for a grant. No grant shall be disbursed until the report required and a certified copy of the budget adopted by the governing body of the tribe or band for the tribal veterans' service office operation for the fiscal year for which the grant is claimed have been received by the department. In those cases where~~ If a federally recognized tribe or band also has status as a county, the governing body of the tribe or band may apply for a grant under this chapter or for a county veterans' service grant under ch. VA 8 but is not eligible for a grant under both chapters.

SECTION 6 VA 15.02 (4) is created to read:

VA 15.02 (4) GENERAL LIMITATIONS. Expenses incurred to acquire or provide any of the following are eligible for reimbursement under this grant program:

(a) Information technology, including desktop computers, laptops, tablets, flat panel displays, printers, scanners, multifunction devices for printing, copying, and faxing, federal VA Personal Identity Verification card readers, technology software, subscriptions and maintenance and mobile/WiFi hotspots. Indirect charges related to information technology including related consumable items such as paper, ink, and other printing supplies and IT purchases are not reimbursable under this grant program.

(b) Transportation for veterans and services to veterans with barriers including transportation services such as bus passes, mileage reimbursement paid to tribal veterans service officers or volunteer drivers providing transportation services to veterans with barriers, and contracted and leased transportation services. Costs for providing gas cards and gift cards to veterans, reimbursement of fees charged to veterans for transportation costs, mileage reimbursement to tribal veterans service officers for general outreach to veterans, and travel to meetings by tribal

veterans service officers throughout the county or state are not reimbursable under this grant program.

(c) “Special outreach to veterans” including marketing, advertisements, promotional materials, newsletters, and registration fees for booths at outreach events. Plaques and awards for veterans, flags and flag holders, grave markers, newspaper subscriptions, and publications are not reimbursable under this grant program.

(d) “Training and services provided by the department and the federal department of veterans affairs” including veterans state and federal benefits training and accreditation training and conferences provided by the Wisconsin department of veterans affairs and federal department of veterans affairs. Expenses incurred in training tribal veterans service officers provided by any source other than the department or the federal department of veterans affairs are not reimbursable under this grant program.

SECTION 7. VA 15.03 is repealed.

SECTION 8. VA 15.04 is repealed.

END OF RULE TEXT

Effective date. This rule 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.