

**Publication Date:** January 4, 2010  
**Effective Dates:** January 4, 2010 through June 2, 2010

STATE OF WISCONSIN )  
DEPARTMENT OF VETERANS AFFAIRS )

I, KENNETH B. BLACK, Secretary of the Department of Veterans Affairs and custodian of the official records, certify that the annexed rules, relating to the Assistance to Needy Veterans Grant Program, were duly approved and adopted by this Board on December 18, 2009. I further certify this copy has been compared by me with the original on file in this department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the agency at 30 West Mifflin Street in the city of Madison, this 30<sup>th</sup> day of December, 2009.

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Kenneth B. Black, Secretary

## **ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS ADOPTING EMERGENCY RULES**

### **1. INTRODUCTORY CLAUSE**

The Wisconsin Department of Veterans Affairs adopts an order to amend VA 2.02 (2) relating to the veterans tuition reimbursement program.

### **2. RULE SUMMARY**

1. Statute interpreted: sec. 45.20 (c) (2), Stats.
2. Statutory authority: sec. 45.20 (c) (2) (a), Stats.
3. Explanation of agency authority: The department is charged with administering a grant program to reimburse eligible veterans for undergraduate tuition within the program limitations. It provides eligible applicants with printed and electronic applications for the program through county veterans service offices, school veterans officials and directly from the department. The Legislature has granted the agency authority to promulgate a rule for setting the time an application for the program must be completed and received by the department.
4. Related statute or rule: There is no related statute or rule.
5. Plain Language analysis: The amendment of VA 2.02 (2) will create a specific time period for the completion and submission of an application for the veterans tuition reimbursement program.
6. Summary of, and comparison with, existing or proposed federal regulations: There is no current or pending federal regulation which would provide tuition reimbursement for the eligible veterans under this program.
7. Comparison with rules in adjacent states: There are no similar rules in adjacent states.
8. Summary of factual data and analytical methodologies: The department has reviewed the provision of financial aids through public and private institutions of higher education. It has also discussed the application deadlines for financial aids with school veterans officials and county veterans service officers. The department has determined that the majority of applications for financial aid in institutions of higher education occur within the first 60 days following the initiation of the semester or term. The department is proposing a time frame for applying for this program consistent with the majority of other financial aids applications.
9. Analysis and supporting documents used to determine effect on small business or in preparation of economic impact statement: No analysis was performed regarding an economic impact statement.

10. Effect on small business: These rules have no effect upon small businesses, nor any significant fiscal impact upon the private sector.

11. Agency contact person: James A. Stewart, Chief Legal Counsel, 30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843  
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### 3. TEXT OF RULES

SECTION 1. VA 2.02 (2) is amended to read:

(2) REIMBURSEMENT APPLICATION. An application shall be submitted on a form approved by the department. It 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. ~~The application may not be submitted until the semester for which reimbursement is requested has been completed.~~ Applications 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 considered received if all student information is completed and a physical or electronic date stamp is affixed to the application. 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 considered complete when all required information has been provided and the completed application is submitted to the department manually or electronically. Completed applications submitted more than 60 days following the last day of the course, term or semester for which reimbursement is requested will be denied unless good cause can be shown for the delay in submission.

### 4. EFFECTIVE DATES:

The creation of the rules contained in this order shall take effect on the date of publication in the official state newspaper, as provided in s.227.24 (1) (c), Stats. The emergency rules shall apply to all applications received on or after that effective date. These rules shall terminate 150 days following the date of publication, or 60 days following the date of any extension which may be granted, whichever is later.

### 5. EMERGENCY RULE:

The Wisconsin Department of Veterans Affairs finds that an emergency exists and that the attached rules are necessary for the immediate preservation of the public peace, health, safety, or welfare. A statement of facts constituting the emergency is: The removal of the existing deadline for completing and receiving an application for the tuition fee reimbursement program has left the department unable to budget the available resources for this program to ensure maximum coverage for eligible veterans throughout the fiscal year. The department is requesting emergency rules to ensure applications can be processed in a responsive manner and to allow the department to properly manage the program's biennial budget and ensure the welfare of all eligible veterans. The emergency rule will address the need for an application deadline while the department completes the promulgation for a permanent rule for the program.

### 6. FINAL REGULATORY FLEXIBILITY ANALYSIS

These rules do not have an effect on small businesses.

### 7. FISCAL ESTIMATES

The fiscal estimates are contained in the attached fiscal estimate statement.

LRB or Bill No./Adm. Rule No.  
VA 2.02 (2)

ORIGINAL   
UPDATED  
 CORRECTED  SUPPLEMENTAL

FISCAL ESTIMATE  
DOA-2048 N(R10/94)

Amendment No. if  
Applicable

**Subject**

**Adopting an order to amend VA 2.02 (2) of the Wisconsin Administrative Code, relating to the tuition reimbursement program.**

**Fiscal Effect**

State:  No State Fiscal Effect

Check columns below only if bill makes a direct appropriation

or affects a sum sufficient appropriation.

Increase Costs - May be possible to Absorb

Within Agency's Budget  Yes

No

Increase Existing Appropriation  Increase Existing Revenues

Decrease Existing Appropriation  Decrease Existing

Decrease Costs

Revenues

Create New Appropriation

Local:  No local government costs

1.  Increase Costs

Permissive

Mandatory

2.  Decrease Costs

Permissive

Mandatory

3.  Increase Revenues

Permissive  Mandatory

4.  Decrease Revenues

Permissive  Mandatory

5. Types of Local Governmental Units

Affected:

Towns  Villages  Cities

Counties  Others \_\_\_\_\_

School Districts  WTCS Districts

**Fund Sources Affected**

GPR  FED  PRO  PRS  SEG  SEG-S

**Affected Ch. 20 Appropriations**

**S20.485 2(tf)**

**Assumptions Used in Arriving at Fiscal Estimate**

This proposed administrative rule change amends VA 2.02 (2) the tuition reimbursement program process for the Department of Veterans Affairs.

Under current law, provided under the provisions of 2009 Wisconsin Act 29 requires that an application for reimbursement be completed and received by the department in a time limit set by administrative rule. The application may not be submitted until the semester for which reimbursement is requested has been completed.

The amended rule will require the application to be completed and received by the department no later than 60 days after the starting date of the course, term or semester for which reimbursement is requested. The proposed rule amendment will show initially an increase in the department's denial rate and a decrease in expenditures of the tuition reimbursement grant for eligible veterans. Available data shows that based on historic trends the percentage of applications denied by not being submitted within the required time limit; in FY07 13%, FY08 9% and in FY09 0%.

For the purpose of the fiscal impact of this fiscal estimate, the decrease in expenditures is projected to be:

	Base Demand	% denials	Fiscal Impact	Adjusted Demand
FY11	\$1,403,015	13%	\$(182,392)	\$1,220,623
FY12	\$1,487,196	8%	\$(118,976)	\$1,368,220
FY13	\$1,576,428	4%	\$(63,057)	\$1,513,371
FY14	\$1,671,013	4%	\$(66,841)	\$1,604,173

The fiscal effect in FY11 will be (\$182,392) and in FY12 (\$118,976).

**Long-Range Fiscal Implications**

**Agency/Prepared by: (Name & Phone No.)**  
**Zolonda Eubanks 264-7072**  
**Dept. of Veterans Affairs**

**Authorized Signature/Telephone No.**  
**Kenneth B. Black 266-4838**

**Date**  
**12/22/09**