

CR 89-16

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MAY 26 1989
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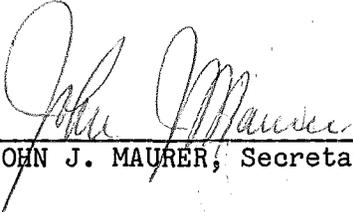
CERTIFICATE CERTIFYING RULES

STATE OF WISCONSIN)
) SS
DEPARTMENT OF VETERANS AFFAIRS)

I, John J. Maurer, Secretary of the Department of Veterans Affairs and custodian of the official records do hereby certify that the annexed rules relating to a grant for a Korean Conflict Veterans Memorial from the Department of Veterans Affairs, were duly approved and adopted by the Board of Veterans Affairs of the Department of Veterans Affairs on May 19, 1989.

I further certify that this copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Veterans Affairs at the Wisconsin Veterans Home, King, Wisconsin, this 19th day of May, 1989.



JOHN J. MAURER, Secretary

SEAL

ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
ADOPTING RULES

THE BOARD OF VETERANS AFFAIRS OF THE WISCONSIN DEPARTMENT OF VETERANS AFFAIRS
ADOPTS AN ORDER TO CREATE CHAPTER VA 10 OF THE WISCONSIN ADMINISTRATIVE CODE
RELATING TO A GRANT FOR A KOREAN CONFLICT VETERANS MEMORIAL

ANALYSIS PREPARED BY THE DEPARTMENT OF VETERANS AFFAIRS

Statutory authority: ss. 45.04(6), 45.35(3) and 227.11(2)(a), Stats.

Statutes interpreted: 45.04, Stats.

By creating Chapter VA 10, Wis. Adm. Code, the department will establish eligibility criteria for the veterans memorial grant for a memorial to honor Wisconsin veterans who served during the Korean Conflict so that it will be able to award this grant to an applicant who is able to establish that it meets the requirements for the grant specified in s. 45.04, Stats., which was created by 1987 Wisconsin Act 399, and this chapter of the rules. In order to meet these requirements an applicant must establish that it has provided or will provide a sufficient amount of matching funds, including in-kind contributions, that it will provide perpetual care and maintenance for the memorial after construction is completed and must enter into an agreement with the department.

Text of Rule

SECTION 1. Chapter VA 10 is created to read:

Chapter VA 10 GRANT FOR THE KOREAN CONFLICT VETERANS MEMORIAL.

VA 10.01 GRANT ELIGIBILITY. Any organization incorporated in Wisconsin primarily or exclusively for the purpose of establishing a veteran's memorial or veterans' memorials is eligible to apply for a grant for the Korean conflict veterans memorial. This grant shall be disbursed in accordance with the provisions of VA 10.07 and disbursements may not exceed \$300,000.

VA 10.02 APPLICATION PROCESS. Applications for the grant shall be submitted to the department on forms provided by the department within one month

of the effective date of this rule. A grant application shall contain information necessary to enable the department to ascertain whether the applicant qualifies for the grant under the provisions of this chapter and s. 45.04, Stats.

VA 10.03 REVIEW PROCESS. The council of commanders may review grant applications on the basis of its evaluation of the esthetic merits of proposed memorials and the ability of the applicants to comply with the provisions of this chapter and s. 45.04, Stats.

VA 10.04 MEMORIAL CONSTRUCTION COSTS. Any costs related directly to the memorial or to the creation or placement of the memorial including, but not limited to, the costs of site preparation, and memorial or statue construction, preparation, erection and engraving may be covered by a veterans memorial grant. An applicant who qualifies for the grant may be reimbursed from grant proceeds for any amounts expended by the applicant for memorial construction.

VA 10.05 MATCHING FUNDS. In order to qualify for the grant an applicant shall be able to provide matching funds in an amount at least equal to the matching funds required under s. 45.04(5) Stats. An applicant's matching funds may include all in-kind contributions identified at s. 45.04(1)(b), Stats., and the value of land on which the memorial will be built, which are to be contributed by the grant applicant or which have been contributed by the grant applicant.

VA 10.06 PERPETUAL MAINTENANCE. An applicant for the grant shall agree to be responsible for the perpetual care and maintenance of the memorial constructed with the assistance of a veterans memorial grant after construction is completed and shall submit evidence of its ability to provide care and maintenance by demonstrating that its articles of incorporation state or that

its by-laws state, or assurance that its by-laws will be amended to state, that the applicant will provide perpetual care and maintenance for the memorial. This evidence shall consist of a copy of the applicant's articles of incorporation or by-laws for the memorial and shall be provided the department before disbursement of grant funds.

VA 10.07 DISBURSEMENT. (1) AGREEMENT REQUIRED. All grant funds disbursed shall be disbursed to the successful applicant for the grant on the basis of an agreement executed between the department and the applicant.

(2) BASIC AGREEMENT PROVISIONS. The agreement shall provide that the applicant shall be responsible for contracting and paying for all materials and labor necessary for the construction of the memorial and that the applicant will hold the department and the state of Wisconsin harmless from any and all claims or liabilities relating to the construction of the memorial.

(3) OTHER AGREEMENT PROVISIONS. The agreement shall contain standard contract provisions deemed necessary by the department to assure that the applicant will observe equal employment practices and that the grant funds will all be used for the purposes as specified in s. 45.04, Stats.

(4) AMOUNT OF DISBURSEMENTS. An applicant who demonstrates to the satisfaction of the department that it has matching funds in the amount required by s. 45.04(5), Stats., may receive an initial payment of not to exceed \$150,000 after the execution of the agreement if the department is satisfied that this entire initial payment will be used for the construction of a memorial to honor state veterans who served during the Korean conflict. An amount not exceeding the balance of the grant funds may be disbursed to the applicant after the initial payment has been expended by the applicant for the

construction of the memorial and its expenditures have been audited by the department and if the applicant has obligations and contractual agreements relating to the construction of the memorial in an amount at least equal to the amount of the requested disbursement.

(5) REFUNDS. The agreement shall contain a provision obligating the applicant to refund to the department any grant funds received which are not expended for the memorial or for which inadequate matching funds are provided under s. 45.04(5), Stats.

This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in Section 227.22(2), (intro.), Stats.

Note: Grant application forms may be obtained at no charge from the State of Wisconsin, Department of Veterans Affairs, 77 North Dickinson Street, Madison, Wisconsin 53707. Applications for the grant may be filed with the State of Wisconsin, Department of Veterans Affairs, P.O. Box 7843, Madison, Wisconsin 53707.

Dated at King, Wisconsin this 19th day of May, 1989.

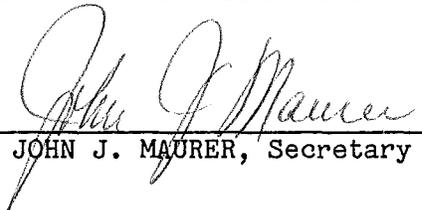
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DEPARTMENT OF VETERANS AFFAIRS

BY: _____


JOHN J. MAURER, Secretary

1989 Session

LRB or Bill No./Adm. Rule No.
Adm. Rule No. VA 10
Amendment No. if Applicable

FISCAL ESTIMATE

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

DOA-2048 (R 10/88)

Subject

Grant for a Korean Conflict Veteran Memorial

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation
or affects a sum sufficient appropriation.

Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation

Increase Costs - May be possible to Absorb
Within Agency's Budget Yes No

Decrease Costs

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 _____

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

20.485(2)(s)

Assumptions Used in Arriving at Fiscal Estimate

Chapter VA 10 of the Wisconsin Administrative Code is proposed to establish the criteria and procedures to be utilized in the submission of an application for a grant as specified in s.45.04, Stats. Proposed VA 10 provides the means to implement the legislation which authorizes and funds a grant for the Korean Conflict Veterans Memorial. This proposal does not in itself provide or withhold the expenditure of funds. Therefore, it does not have any fiscal impact.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)
Veterans Affairs
Jerrald M. Sessions (266-0117)

Authorized Signature/Telephone No.
Jerrald M. Sessions
266-0117

Date
Jan. 31, 1989