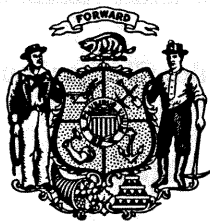


WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-041

AN ORDER to amend VA 2.01 (2) (b) 15. and 12.02 (7); and to create VA 12.02 (16) and chapter VA 15, relating to the health care aid grant program, to the personal loan program and to federally recognized American Indian tribes and bands.

Submitted by **DEPARTMENT OF VETERANS AFFAIRS**

02-18-00 RECEIVED BY LEGISLATIVE COUNCIL.

03-16-00 REPORT SENT TO AGENCY.

RS:DLS:jal;ksm

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

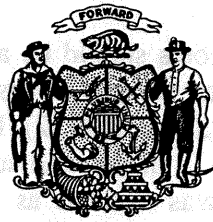
Comment Attached YES NO

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CLEARINGHOUSE RULE 00-041

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

Sections 45.351 (2) and 45.356, 1995 Stats., and s. 46.356, Stats., are all written in terms of lending a veteran no more than a specified amount of money. Section VA 12.02 (16) provides that married veterans are eligible to receive no more than \$20,000 in loans under the personal loan program and no more than \$30,000 in loans under the personal loan program and the old economic assistance loan program and veterans trust fund stabilization loan program. To the extent that a married couple could be within the monetary lending limits of the rule, but be in a situation in which one individual exceeds the statutory lending limits, it appears that the rule is without statutory authority. For example, under the rule, a wife could receive a \$17,000 loan under the personal loan program, while her husband receives a \$3,000 loan under the personal loan program. The husband and wife together would meet the provisions of s. VA 12.02 (16), but the wife's loan would exceed the lending limit in s. 45.356, Stats. The rule provision needs to be rewritten.

2. Form, Style and Placement in Administrative Code

a. In SECTIONS 1, 2 and 3 of the rule, the text should precede with the full citation of the rule provision. For example, the text of SECTION 1 should begin with "VA 2.01 (2) (b) 15."

b. Section VA 15.01 would be clearer if it read: "Wisconsin American Indian tribes and bands are defined as the following federally recognized tribes and bands in Wisconsin: the Bad River Band; . . . ; and the Stockbridge-Munsee Tribe."

c. In s. VA 15.02 (1) and (2), notes should be added after these subsections indicating where the forms may be obtained (e.g., an address a person may write to or a telephone number a person may call to obtain the form). [See s. 1.09 (2), Manual.] In sub. (1), first sentence, for clarity, insert a comma after "claimed." In the second sentence, "must" should be "shall." The third sentence would be clearer if it was divided as follows: "Application shall be made annually. The tribe or band shall agree to meet minimum" In sub. (2), the first and last sentences are wordy and confusing and should be rewritten in the active voice. In sub. (3), first sentence, insert "... [revisor inserts date]" after "the effective date of this chapter" and substitute "that chooses" for "which chooses." Also, in the first sentence, the phrase "may be" should be replaced by the word "is." In the second sentence, substitute "may" for "shall" and insert "under sub. (2)" after "report required." In the last sentence of sub. (3), the phrase "shall not be" should be replaced by the phrase "is not."

d. Section VA 15.02 (1) and (3) refer to minimum budget and operating standards established by the department. These standards, if known, either should be placed in the Wisconsin Administrative Code or appropriately cross-referenced so that the user of the code is informed about the standards.

e. In s. VA 15.03 (1), "Must" should be "Shall" and delete "gives such officer" and insert "shall give the officer." Also, in the last clause, "such officer" should be "the officer." Finally, the notation "Stats.," should be inserted after the statutory cross-reference. Subsection (2) is too long and unwieldy.

PROPOSED ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
AMENDING AND CREATING RULES

The Wisconsin Department of Veterans Affairs proposes an order to amend section VA 2.01(2)(b)15 of the Wisconsin administrative Code, relating to the health care aid grant program, to amend section VA 12.02(7) and create section VA 12.02(16) of the Wisconsin Administrative Code relating to the personal loan program, and to create Chapter VA 15 of the Wisconsin Administrative Code relating to grants to federally recognized American Indian tribes and bands.

ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS

Statutory authority: ss.45.35(3) and (14)(h) and 45.356(7), Stats.

Statute interpreted: ss.45.35(14)(h), 45.351(1j), and 45.356, Stats.

In relation to the health care aid grant program, the proposed rule would raise the income eligibility limit for low income applicants on January 1 rather than on July 1 of each year. The increase in the eligibility limit would then coincide with cost of living adjustments for federal benefit programs and assure continued eligibility for low income veterans.

In relation to the personal loan program, the proposed rule would permit each spouse in a married couple, in which both spouses are veterans, the opportunity to receive a personal loan in the amount of \$10,000, or an aggregate amount of \$20,000. Under current rules, such a couple would be limited to an aggregate amount of \$10,000 in personal loan program proceeds. It would recognize the service of each veteran under these circumstances.

In relation to tribal grant agreements, the proposed rule would identify the eligibility criteria for federally recognized American Indian tribes and bands who seek to receive a service officer grant. The legislature created the program through the enactment of 1999 Wis. Act 9 and directed the department to promulgate rules to implement the program.

TEXT OF RULE

SECTION 1: VA 2.01(2)(b)15. is amended to read:

(15) Low income applicants. Health care aid may be granted to single applicants whose income is less than \$900 per month or to married applicants whose income, when added to the income of the applicant's spouse, is less than \$1,300 per month. These monthly amounts shall be increased by \$125 per month for each dependent of the applicant residing in the applicant's household. No applicant may be required to contribute to the cost of the health care as a condition of

receiving health care aid. The monthly limits shall be adjusted on ~~July~~ January 1 of each year by the percentage of the increase in the consumer price index for all urban consumers during the preceding calendar year rounded to the nearest dollar.

SECTION 2. VA 12.02(7) is amended to read:

(7) MAXIMUM AMOUNT AND USE OF LOAN. A person may have more than one personal loan program loan at the same time. ~~The~~ Except as provided under s. VA 12.02(16), a person's indebtedness to the department may not exceed \$10,000 under the personal loan program. ~~In no case may~~ Except as provided under s. VA 12.02(16), a person's total indebtedness to the department may not exceed \$15,000 under the personal loan program, the economic assistance loan program under s.45.351(2), 1995 Stats., and the veterans trust fund stabilization loan program under s.45.356, 1995 Stats. A personal loan program loan may not be used to refinance any portion of an existing personal loan program loan or a veterans trust fund stabilization loan under s.45.356, 1995 Stats.

SECTION 3. VA 12.02(16) is created to read:

(16) INDEBTEDNESS OF MARRIED VETERANS. Notwithstanding the limitations of s. VA 12.02(7), eligible veterans who are married to each other may have indebtedness to the department in an amount up to \$20,000 under the personal loan program and total indebtedness to the department up to \$30,000 under the personal loan program, the economic assistance loan program under s.45.351(2), 1995 Stats., and the veterans trust fund stabilization loan program under s.45.356, 1995 Stats.

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SECTION 4. Chapter VA 15 is created to read:

AMERICAN INDIAN VETERANS' SERVICE GRANTS

VA 15.01 Recognized tribes. Wisconsin American Indian tribes and bands are defined as the eleven federally recognized tribes and bands currently in Wisconsin and further identified as the Bad River Band; Forest County Potawatomi Tribe; Ho-Chunk Nation; Lac Courte Oreilles Band; Lac du Flambeau Band; Menominee Tribe; Oneida Tribe; Red Cliff Band; Sokaogon (Mole Lake) Band; St. Croix Band; Stockbridge-Munsee Tribe.

VA 15.02 Application, report and eligibility. (1) APPLICATION. Application for American Indian grants shall be made by the governing body of a Wisconsin American Indian tribe or band not later than June 30 of each year for which the grant is claimed on forms prepared by the department. An application must 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, and the tribe or band must agree to meet minimum budget and operating standards established by the department for the

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tribal veterans' service office in order to qualify for the initial grant and for each succeeding grant.

(2) REPORT. For the initial application, a copy of the last report, if any, to the governing body of the tribe or band covering operation of the tribal veterans' service office shall be submitted with the application and when such report for the fiscal year for which the grant is claimed has been completed it shall also be

submitted to the department. For subsequent applications, a report on tribal veterans' service office operations shall be submitted on uniform forms established by the department as soon as completed. The department shall establish a standard system for evaluating the various types of tribal veterans' service work performed by the tribal veterans' service office, including tribal members or other federally recognized American Indians referred to county veterans' service offices for applications submitted for state and federal benefits, travel in tribal veterans' service work, inter-tribal veterans' service activities, etc.

(3) ELIGIBILITY. Only a governing body of a tribe or band that meets minimum budget and operating standards established by the department and which chooses any new tribal veterans' service officer after the effective date of this chapter (who is a veteran as defined in s. 45.35(5), Stats., ~~may be~~ 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 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 chapter VA 8 but shall not be eligible for a grant under both chapters.

VA 15.03 Budget and operating standards. In order to qualify for an American Indian veterans' service grant, the governing body of the tribe or band:

- (1) Must employ a full time veterans' service officer who is a veteran and gives such officer duties described in s. 45.43 (5), except that such officer shall report to the governing body of the tribe or band.
- (2) Shall provide sufficient staff to permit adequate service to tribal veterans and, if it is not required that full or part time staff be hired in addition to the tribal veterans' service officer, shall keep the tribal veterans' service office open and staffed during normal tribal or band working hours by providing staff from full time tribal or band offices who will receive telephone and personal inquiries in the absence of the tribal veterans' service officer during such hours.
- (3) Shall authorize sufficient supplies, office space, and services to permit adequate service to the tribal veterans, including telephone expenses.
- (4) Shall authorize sufficient travel by the tribal veterans' service office staff to permit adequate service to the tribal veterans, including travel to offices of veterans' agencies, veterans' service conferences, institutes and workshops and

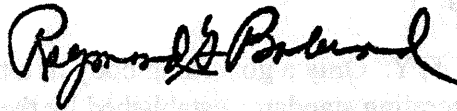
shall provide equitable allowance or reimbursement for such travel at the same rate other tribal employees are paid.

VA 15.04 Use of grants for salary supplements. An American Indian tribe or band may use all or part of its veterans' service grant to supplement its salary payments to its tribal veterans' service officer or service office staff or for other budgeted expenses of the tribal veterans' service office.

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.

Dated at Madison, Wisconsin, February 18, 2000.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS



RAYMOND G. BOLAND, SECRETARY

MAY 08 2000



STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

30 West Mifflin Street, P.O. Box 7843, Madison, WI 53707-7843

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WEB SITE: <http://badger.state.wi.us/agencies/dva>

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FAX: (608) 267-0403

Tommy G. Thompson, Governor

Raymond G. Boland, Secretary

DATE: April 18, 2000

TO: Representative Scott Jensen
Speaker of the Assembly

Senator Fred Risser
President of the Senate

FROM Raymond G. Boland, Secretary
Department of Veterans Affairs

RE: Clearinghouse Rule 00-041

I am submitting three copies of the final draft of the proposed rules identified above along with the report and analysis required by s.227.19. Please forward this material to the appropriate committees.

PROPOSED ORDER OF THE
DEPARTMENT OF VETERANS AFFAIRS
AMENDING AND CREATING RULES

The Wisconsin Department of Veterans Affairs proposes an order to amend section VA 2.01(2)(b)15 of the Wisconsin administrative Code, relating to the health care aid grant program, to amend section VA 12.02(7) and create section VA 12.02(16) of the Wisconsin Administrative Code relating to the personal loan program, and to create Chapter VA 15 of the Wisconsin Administrative Code relating to grants to federally recognized American Indian tribes and bands.

ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS

Statutory authority: ss.45.35(3) and (14)(h) and 45.356(7), Stats.

Statute interpreted: ss.45.35(14)(h), 45.351(1j), and 45.356, Stats.

In relation to the health care aid grant program, the proposed rule would raise the income eligibility limit for low income applicants on January 1 rather than on July 1 of each year. The increase in the eligibility limit would then coincide with cost of living adjustments for federal benefit programs and assure continued eligibility for low income veterans.

In relation to the personal loan program, the proposed rule would permit each spouse in a married couple, in which both spouses are veterans, the opportunity to receive a personal loan in the amount of \$10,000, or an aggregate amount of \$20,000. Under current rules, such a couple would be limited to an aggregate amount of \$10,000 in personal loan program proceeds. It would recognize the service of each veteran under these circumstances.

In relation to tribal grant agreements, the proposed rule would identify the eligibility criteria for federally recognized American Indian tribes and bands who seek to receive a service officer grant. The legislature created the program through the enactment of 1999 Wis. Act 9 and directed the department to promulgate rules to implement the program.

TEXT OF RULE

SECTION 1: VA 2.01(2)(b)15. is amended to read:

VA 2.01(2)(b)15. Low income applicants. Health care aid may be granted to single applicants whose income is less than \$900 per month or to married applicants whose income, when added to the income of the applicant's spouse, is less than \$1,300 per month. These monthly amounts shall be increased by \$125 per month for each dependent of the applicant residing in the applicant's household. No applicant may be required to contribute to the cost of the health care as a condition of receiving health care aid. The monthly limits shall be

(2) REPORT. A copy of the last report, if any, to the governing body of the tribe or band covering operation of the tribal veterans' service office shall be submitted with the initial grant application. Any report for the fiscal year for which the initial grant is claimed shall also be submitted to the department upon its completion. For subsequent applications, a report on tribal veterans' service office operations shall be submitted on uniform forms established by the department as soon as completed. The department shall establish a standard system for evaluating the various types of tribal veterans' service work performed by the tribal veterans' service office, including tribal members or other federally recognized American Indians referred to county veterans' service offices for applications submitted for state and federal benefits, travel in tribal veterans' service work, inter-tribal veterans' service activities, etc.

(3) ELIGIBILITY. Only a governing body of a tribe or band that meets minimum budget and operating standards established by the department and that chooses any new tribal veterans' service officer after the effective date of this chapter (revisor inserts date) who is a veteran as defined in s. 45.35(5), 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 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 chapter VA 8 but is not eligible for a grant under both chapters.

VA 15.03 Budget and operating standards. In order to qualify for an American Indian veterans' service grant, the governing body of the tribe or band:

- (1) Shall employ a full time veterans' service officer who is a veteran and shall give the officer duties described in s. 45.43 (5) Stats., except that the officer shall report to the governing body of the tribe or band.
- (2) Shall provide sufficient staff to permit adequate service to tribal veterans. If it is not required that full or part time staff be hired in addition to the tribal veterans' service officer, the governing body of the tribe or band shall keep the tribal veterans' service office open and staffed during normal tribal or band working hours by providing staff from full time tribal or band offices who will receive telephone and personal inquiries in the absence of the tribal veterans' service officer during such hours.
- (3) Shall authorize sufficient supplies, office space, and services to permit adequate service to the tribal veterans, including telephone expenses.
- (4) Shall authorize sufficient travel by the tribal veterans' service office staff to permit adequate service to the tribal veterans, including travel to offices of veterans' agencies, veterans' service conferences, institutes and workshops and shall provide equitable allowance or reimbursement for such travel at the same rate other tribal employees are paid.

BUDGET ESTIMATE

JOA-2048 N(R06/99)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

LRB Number
Bill Number
Amendment No. if Applicable
Administrative Rule Number VA 2, 12, 15

Subject
Health Care Aid Grant, Personal Loan Program, Tribal Grant Agreements

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

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

Local: No local government costs

- | | | |
|--|---|--|
| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 3. <input type="checkbox"/> Increase Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 5. Types of Local Governmental Units Affected:
<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
| 2. <input type="checkbox"/> Decrease Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | 4. <input type="checkbox"/> Decrease Revenues
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory | |

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

20.485 (2) (km), (vg), and (yn)

Assumptions Used in Arriving at Fiscal Estimate

This administrative rule makes changes to two programs and creates rules for a new program in the Department of Veterans Affairs.

The proposed rule will change the date for cost of living adjustments for the Health Care Aid Grant (HCAG) program from July 1 to January 1 of each year. This timing will coincide with the dates the federal government uses for cost of living adjustments. This change will have no fiscal effect.

Under current rules, a married couple in which both spouses are veterans may incur a maximum of \$10,000 of indebtedness under the Personal Loan Program (PLP). This rule provides that each of the spouses may incur an indebtedness of \$10,000, or a total of \$20,000 per couple. This provision is likely to increase expenditures under the PLP. However, it is not possible to estimate the increase because there is no data available on the number of couples in which both parties are veterans and no data available on the number of couples that would utilize the new provision. Program staff estimate the rule changes will result in fewer than ten additional applications. The increased cost will be minimal and it can be covered by the existing spending authority for this program.

The rule creates Ch. VA 15, American Indian Veterans' Service Grants. It provides the eligibility criteria for Indian Tribes to apply for a grant to assist in funding a tribal veterans' service office. Funding for this grant program was provided in 1999 Wisconsin Act 9, the biennial budget bill. Funding is provided at the level of \$15,000 in FY00 and \$10,000 in FY01.

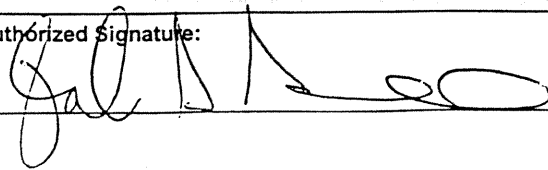
Long-Range Fiscal Implications

Prepared by:
Louie Rech

Telephone No.
608/264-6093

Agency
Veterans Affairs

Authorized Signature:



Telephone No.
608/266-3081

Date
02/17/00

REPORT AND ANALYSIS OF CLEARINGHOUSE RULE 00-041

1. Statement explaining the need for the proposed rules.

The department's rationale for adopting the proposed rules is explained in the analysis portion of the attached proposed order.

2. Modifications made as a result of testimony presented at the public hearing.

The public hearing was held on April 14, 2000 at 9:10 a.m. at the board of veterans affairs board meeting in Madison, Wisconsin. No modifications were made on the basis of testimony presented at the hearing.

3. Public hearing appearances and registrations.

No one testified at the hearing or submitted written comments on the proposed rules.

4. Response to Legislative Council Clearinghouse Report.

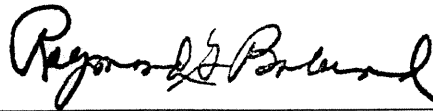
The department has fully complied with the recommendations contained in the Clearinghouse report.

5. Fiscal Estimate.

The proposed rules will have the fiscal impact identified in the attached fiscal note.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

BY:



RAYMOND G. BOLAND, SECRETARY