



WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Veterans, Homeland Security,
Military Affairs, Small Business and Government
Reform (SC-VHSMASBGR)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
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INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
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- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

Senate

Record of Committee Proceedings

**Committee on Veterans, Homeland Security, Military Affairs,
Small Business and Government Reform**

Clearinghouse Rule 05-096

Relating to the veterans tuition reimbursement program.
Submitted by Department of Veterans Affairs.

October 26, 2005 Referred to Committee on Veterans, Homeland Security, Military
Affairs, Small Business and Government Reform.

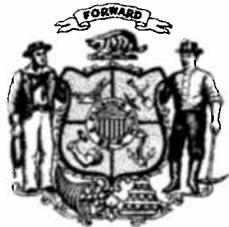
November 26, 2005 No action taken.



Daniel Lindstedt
Committee Clerk



WISCONSIN STATE LEGISLATURE





WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

Ronald Sklansky
Clearinghouse Director

Terry C. Anderson
Legislative Council Director

Richard Sweet
Clearinghouse Assistant Director

Laura D. Rose
Legislative Council Deputy Director

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 **05-096**

AN ORDER to repeal VA 2.04; and to repeal and recreate VA 2.02, relating to the veterans tuition reimbursement program.

Submitted by **DEPARTMENT OF VETERANS AFFAIRS**

09-16-2005 RECEIVED BY LEGISLATIVE COUNCIL.

10-14-2005 REPORT SENT TO AGENCY.

RNS:PS

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



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-096

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 January 2005.]

2. Form, Style and Placement in Administrative Code

a. The analysis should provide a brief explanation of the provision being repealed and the new tuition reimbursement program and how it differs from the former program. It could also mention that statutory citations (specifically, ss. 45.01 (12) and 45.20) have changed as a result of enactment of 2005 Wisconsin Act 22, the ch. 45 recodification. Finally, at the end of the first sentence, the citation should read “2005 Wisconsin Act 25.”

b. The order of SECTIONS 1 and 2 should be reversed to preserve numerical order. [s. 1.04 (1), Manual.]

c. The definitions in s. VA 2.02 (1) should appear in alphabetical order. [s. 1.01 (7) (a), Manual.]

d. In s. VA 2.02 (1) (d), there should be a space between the “s.” and the “45.20.”

e. The statute governing tuition reimbursement (s. 45.20) does not refer to the tuition reimbursement as a grant, while s. VA 2.02 (2) does. For consistency and to avoid confusion, the rule should refer to applying for reimbursement, rather than a grant, as well. This change should be made throughout the rule.

f. In s. VA 2.02 (2), and thereafter, the apostrophe after the word “veterans” should be deleted, as it was throughout ch. 45, Stats., as a result of Act 22. Also, it would be helpful to insert a note following subs. (2) and (3) (a) to indicate how to obtain the application and pre-application, respectively.

g. In s. VA 2.02 (2) (c), the final word should be “section.”

4. Adequacy of References to Related Statutes, Rules and Forms

In s. VA 2.02 (1) (b), the statutory citation should be changed to “45.01 (12).”



REPORT AND ANALYSIS OF CLEARINGHOUSE RULE 05-096

1. Statement explaining the basis and purpose for the proposed rules.

The basis and purpose of the proposed rules are to implement the legislative initiative creating a new veterans tuition reimbursement program, as created in 2005 Wisconsin Act 25. The new program replaces the following educational grant programs: the full-time tuition and reimbursement grant and the part-time study grant programs.

2. Summary of public comments made as a result of testimony presented at the public hearing and the agency's response to those comments.

The public hearing was conducted on October 21, 2005. Larry Smerling, county veterans service officer, asked a question regarding implementation of the rule. The question was answered satisfactorily. There was no objection to the promulgation of the rule.

3. Changes to the rule analysis or fiscal estimate.

None.

4. Public hearing appearances and registration.

As indicated in paragraph 2.

5. Response to Legislative Council Clearinghouse Report.

The recommendations of the Legislative Council Clearinghouse were implemented in the final order approved by the Board.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS



JOHN A. SCOCOS, SECRETARY

LRB or Bill No./Adm. Rule No. VA 2.02 & VA 2.04
Amendment No. if Applicable

FISCAL ESTIMATE
DOA-2048 N(R10/94)

- ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

Subject

Adopting emergency rules to repeal and recreate Chapter VA 2 of the Wisconsin Administration Code relating to the veterans 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 Revenues
 Create New Appropriation

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 _____
 School Districts WTCS Districts

Fund Sources Affected

- GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations
s20.485 2(tf), 2(th)

Assumptions Used in Arriving at Fiscal Estimate

This proposed administrative rule repeals VA 2.04 the tuition and fee reimbursement program and to repeal and recreate VA 2.02 the part-time study program to establish a new tuition reimbursement program for the Department of Veterans Affairs.

The emergency rule establishes the pre-application procedure, application procedure, verification requirements and applicable definitions. The administrative rule has no fiscal effect. It does include the following provisions governing the grant program:

1. A credit bank that allows a veteran to carryover any remaining credits, up to a maximum of 60 credits, that's not used within the 10-year delimiting date, to be used for part-time study
2. Retains the current income limit of \$50,000 plus \$1,000 for each dependent in excess of two dependents.
3. Requires that reimbursement may not be provided if the veteran failed to achieve at least a 2.0 GPA or an average of a "C" for the semester for which reimbursement is requested.
4. Requires the department to promulgate rules specifying the number of days after the beginning of the semester that a grant applicant must provide the following information:
 - a. The veterans name
 - b. The educational institution
 - c. Enrollment status (part-time vs. full-time)
 - d. Estimate of the amount of tuition reimbursement that will be requested at the end of the semester.
5. Provides for 100% reimbursement of fees.

Funding for this grant program was provided under the provisions of 2005 Wisconsin Act 25. Funding is provided at the level of \$4,549,000 in FY06 and \$3,832,200 in FY07.

Long-Range Fiscal Implications

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

Authorized Signature/Telephone No.

Date
7/28/05

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

The Wisconsin Department of Veterans Affairs hereby adopts an order to repeal VA 2.04 and to repeal and recreate VA 2.02, relating to the veterans tuition reimbursement program.

**ANALYSIS PREPARED BY THE
DEPARTMENT OF VETERANS AFFAIRS**

Statutory authority: ss. 45.03 (2) and 45.20 (2) (f), Stats.

Statute interpreted: sec. 45.20, Stats.

The repeal of VA 2.04 and the repeal and recreation of VA 2.02 will implement the legislature's and governor's initiative to establish a new tuition reimbursement program for veterans in 2005 Wisconsin Act 25. The new program replaces the former educational grant programs; the full-time tuition and fee reimbursement grant and the part-time study grant programs. The statutory citations have also changed as result of the enactment of 2005 Wisconsin Act 22.

The new tuition reimbursement program differs from the prior educational grant programs in several important respects. Reimbursement will be provided only to veterans who do not have an undergraduate degree. The number of credits or semesters that may be reimbursed will be determined based upon the length of a veteran's active duty service. A pre-application requirement has been imposed for reimbursement eligibility for semesters that begin after December 31, 2005. Finally, the Department is authorized to adjust the level of reimbursement based upon demand and available funding.

There is no current or pending federal regulation that addresses this initiative. There are no similar rules in adjacent states. This rule has no regulatory aspect to it, has no effect upon small businesses, nor any significant fiscal impact upon the private sector.

TEXT OF RULE

SECTION 1. VA 2.02 is repealed and recreated to read:

VA 2.02 Veterans tuition reimbursement program.

(1) DEFINITIONS. In this section the following terms shall have the designated meanings:

- (a) "Department" means the department of veterans affairs.
- (b) "Income" means the annualized adjusted gross income of the veteran and the veteran's spouse reportable on their federal tax return.
- (c) "Tuition" has the meaning specified in s. 45.20 (1) (d), Stats.
- (c) "Undergraduate degree" means a bachelor's degree.
- (d) "Veteran" means a person who meets the requirements of ss. 45.01 (12), Stats.

(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. 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.

Note: Application forms may be obtained at the Department's web site at <http://dva.state.wi.us>.

(3) LIMITATIONS. (a) Undergraduate enrollment. Reimbursement may be made only if a representative of the educational institution, center or school certifies that the veteran was enrolled as an undergraduate during the semester for which reimbursement is sought and that the veteran does not have an undergraduate degree.

(b) Pre-application. For semesters beginning after December 31, 2005, reimbursement may be made only if the veteran fully completes and files a pre-application with the department, on a form approved by the department, within 30 days of the commencement of the semester for which reimbursement is sought. 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. Failure to file a pre-application under the terms of this paragraph will result in the denial of any grant application subsequently filed for the applicable semester.

Note: Pre-application forms may be obtained at the Department's web site at <http://dva.state.wi.us>.

(c) Veterans benefits. A veteran may not receive reimbursement for any semester or course for which he or she is eligible for or received a grant under s. 21.49, Stats. or 10 USC 2007. A veteran who fails to comply with the procedural requirements or maintain the requisite grade point average applicable to the grant or who takes any action which might disqualify him or her from receiving the applicable grant, is considered to still be eligible for the applicable grant for the purpose of determining whether he or she is entitled to reimbursement under this section.

(d) Duplicate benefits. Reimbursement is limited to that portion of a veteran's tuition not paid for by other grants or scholarships, including any offsets or remissions the veteran is entitled to receive under any other program.

(e) Grade point average. The department shall utilize the grade point average calculated and reported by the school.

SECTION 2. VA 2.04 is repealed.

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, October 21, 2005.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS



JOHN A. SCOCOS, SECRETARY





Jim Doyle , Governor
John A. Scocos, Secretary

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

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

PHONE: (608) 266-1311 1-800-947-8387 (WIS VETS)

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

E-MAIL: Headquarters@dva.state.wi.us

FAX: (608) 267-0403

DATE: October 25, 2005

TO: Representative John Gard, Speaker of the Assembly
Senator Alan Lasee, President of the Senate ✓

FROM: John A. Scocos, Secretary
Wisconsin Department of Veterans Affairs

RE: Clearinghouse Rule 05-096

I am submitting three copies of the final draft of Clearinghouse Rule 05-096, as well as the report and analysis as required by sec. 227.19, Stats. Please forward this material to the appropriate committee. Thank you.