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Details: Emergency Rule extension requests by Department of Veterans Affairs.
(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules ...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- 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**

* Contents organized for archiving by: Stefanie Rose (LRB) (June 2012)

repeat



Jim Doyle, Governor
Kenneth B. Black, Secretary

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

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

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December 21, 2009

The Honorable Jim Holperin
Senate Co-Chair, Joint Committee for Review of Administrative Rules
409 South, State Capitol
Madison, WI 53702

The Honorable Josh Zepnick
Assembly Co-Chair, Joint Committee for Review of Administrative Rules
219 North, State Capitol
Madison, WI 53702

Re: EmR0911, Emergency Rule-Assistance for Needy Veterans Grant Program (Health Care)

Dear Senator Holperin and Representative Zepnick:

The Department of Veterans Affairs (DVA) has an emergency rule in effect **relating to the Assistance for Needy Veterans-Health Care Aid grant program** that will expire before the permanent rule is effective unless the emergency rule is extended. The Joint Committee for Review of Administrative Rules has authorized one 60 day extension previously. Pursuant to s. 227.24 (2), Stats., the department requests another 60-day extension of emergency rule EMR0911.

The emergency rule provides a definition of "vision care" and imposes fiscal limits for dental care, hearing care and vision care. The emergency rule also ^{imposes} limits on the frequency of specific health care (such as the purchase of dentures or hearing aids). The economic recession and the maturation of the state's veteran population have accelerated the use of the program's limited funds and the continuation of this emergency rule is necessary to ensure a modicum of service under this program. As discussed below, these limitations have allowed the department to serve the largest population of eligible veterans and ensure the delivery of minimal health care for that population.

The budget for the Assistance to Needy Veterans-Health Care Aid grant was \$746,000 for both SFY 2008 and SFY 2009. Due to legislative changes introduced in the 2007-2009 biennial budgets, the SFY 2008 budget eventually spent \$1,236,000. It should be noted that the program was on track to spend over \$1,800,000 if the budget changes had been in place before late October, 2007. In order to meet current commitments, funds had to be transferred from the SFY 2008 Subsistence Aid Grant budget and the budget for SFY 2009 Health Care Aid. The Health Care Aid program experienced a fund outage from October 2008 until July 1, 2009. Prior to the funding outage the program expended \$346,000 in a period of just over 3 months. The department projected the annualized expenditure would have been approximately \$1,400,000.

The Honorable Jim Holperin
The Honorable Josh Zepnick
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Currently the budget for SFY 2010 is authorized at \$921,700 and \$1,069,800 is authorized for SFY 2011. The department has set up projections assuming various payout rates to veterans. Based on user data through September 2009, it is projected that the authorized budget for this program would be fully committed around mid-April 2010 if the payout rate reaches 90 percent. Should the payout rate average at least 80%, the authorized budget is projected to be fully committed in late May 2010.

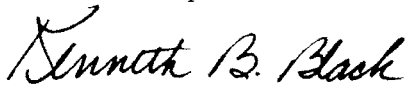
The Board of Veterans Affairs has initiated the promulgation process for a permanent rule, authorizing a statement of scope at its August 21, 2009 board meeting and draft language to amend the administrative code at its October 16, 2009 board meeting. The draft language and a fiscal estimate for the permanent rules were provided to the Legislative Clearinghouse and they have returned their report. The Board of Veterans Affairs has scheduled a public hearing for February 18, 2009 in Madison at the Department's offices. The promulgation process is not anticipated to be concluded prior to May, 2010. Assuming this emergency rule is extended for the full period allowed by law, it will still expire completely before the promulgation process is completed. Allowing the emergency rule to expire any earlier would have negative implications on the program's budget for SFY 2010 and SFY 2011.

Assuming the rule is extended again, the department projects a potential deficit of \$144,500 in SFY 2010. If the rule is allowed to expire on January 26, 2010, the department expects expenditures similar to what was experienced during SFY 2008 and SFY 2009, between \$115,000 and \$150,000 per month. Either rate of expenditure will exceed the current budget, leaving the department to declare another funding outage or request additional funding from the SFY 2011 budget under the passive review process. Another extension of the emergency rule is necessary for preservation of public welfare as the rule allows the department to continue medical assistance to a broader group of veterans by limiting the dollar amount of assistance available in any year.

The emergency rule was effective July 1, 2009, and will expire after January 26, 2010, if another extension is not granted. A second 60-day extension of the emergency rule is requested to prevent a lapse in the department's authority during the period before the permanent rule is effective.

If you have any questions regarding EmR0911 or the promulgation process for the permanent rule, please contact James A. Stewart at (608) 266-3733.

Sincerely,
Wisconsin Department of Veterans Affairs


Kenneth B. Black
Secretary

cc: Board of Veterans Affairs, Sen. James Sullivan, Rep. Steve Hilgenberg





Jim Doyle, Governor
Kenneth B. Black, Secretary

STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

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April 27, 2010

The Honorable Jim Holperin
Senate Co-Chair, Joint Committee for Review of Administrative Rules
409 South, State Capitol
Madison, WI 53702

The Honorable Josh Zepnick
Assembly Co-Chair, Joint Committee for Review of Administrative Rules
219 North, State Capitol
Madison, WI 53702

Re: EmR0944, Emergency Rule-Veterans Tuition Reimbursement Grant Program (Vet-Ed)

Dear Senator Holperin and Representative Zepnick:

The Department of Veterans Affairs (DVA) has an emergency rule in effect relating to the Veterans Tuition Reimbursement Grant program that will expire before the permanent rule is effective unless the emergency rule is extended. The Joint Committee for Review of Administrative Rules has not authorized any extension previously. Pursuant to s. 227.24 (2), Stats., the department requests a 60-day extension of emergency rule EmR0944.

The emergency rule provides a specific time period for the completion and submission of an application for the veterans tuition reimbursement program. The Legislature directed the department to provide, by rule, a date for applying for an educational grant as a part of 2009 Wis. Act 28. The previous statutory requirement allowed applicants to provide a completed application to the department within 60 days of completing the semester, term, or course for which reimbursement was being sought. The department reviewed the financial aid process utilized by both public and private institutions of higher education and determined that financial aids were computed for the vast majority of student in the first 60 days following the start of a semester, term or course. It promulgated EmR0944 based on that data and the rule became effective on January 4, 2010 when it was published in the Wisconsin State Journal.

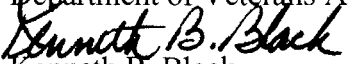
The Board of Veterans Affairs has initiated the promulgation process for a permanent rule, authorizing a statement of scope at its October 16, 2009 board meeting. The proposed draft language to amend the administrative code was approved by the Board at its December 18, 2009 board meeting. The draft language and a fiscal estimate for the permanent rules were provided to the Legislative Clearinghouse on December 30, 2009 and the Clearinghouse provided their report to the department on January 28, 2010. The Board of Veterans Affairs held a public hearing on March 10, 2010 in Madison at the Department's offices. The permanent rule was submitted to the Legislature on March 30, 2010. The promulgation process is not anticipated to be concluded prior to July, 2010. Assuming this emergency rule is extended for another 60 days, the permanent rule should be effective prior to the expiration of the emergency rule. ?

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The Honorable Josh Zepnick
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The emergency rule will expire on June 2, 2010, if an extension is not granted. The 60-day extension of the emergency rule is requested to prevent a lapse in the department's authority during the period before the permanent rule is effective. An extension of the emergency rule is necessary for preservation of public welfare as the rule allows the department to continue educational assistance to eligible veterans by providing a consistent application period through the entire school spring and summer terms. If no extension is granted, veterans who start classes, a term or semester following June 2, 2010 will be uncertain of what application process to follow and may fail to submit their applications in a timely manner, thereby losing the benefit.

If you have any questions regarding EmR0944 or the promulgation process for the permanent rule, please contact James A. Stewart at (608) 266-3733.

Sincerely,

State of Wisconsin
Department of Veterans Affairs

Kenneth B. Black
Secretary

Cc: Board of Veterans Affairs
Sen. James Sullivan
Rep. Steve Hilgenberg

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 (2) (c) (2), Stats.

2. Statutory authority: sec. 45.20 (2) (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
Phone: (608) 266-3733 E-Mail: jimmy.stewart@dva.state.wi.us

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. 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.

Deleted: The application may not be submitted until the semester for which reimbursement is

Deleted: requested has been completed.

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.

Dated at Madison, Wisconsin, December 29, 2009

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

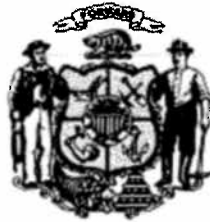
KENNETH B. BLACK, SECRETARY



SENATOR JIM HOLPERIN
CO-CHAIR

PO Box 7882
MADISON, WI 53707-7882

(608) 266-2509



REPRESENTATIVE JOSH ZEPNICK
CO-CHAIR

PO BOX 8953
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(608) 266-1707

Friday, May 28, 2010

Kenneth Black, Secretary
Wisconsin Department of Veterans Affairs
P.O. Box 7843
Madison, WI 53707

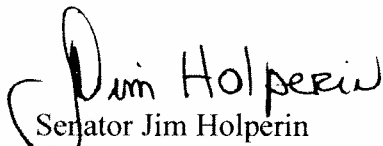
Dear Secretary Black:

The Joint Committee for the Review of Administrative Rules met in Executive Session on May 25, 2010 and adopted the following motion:

Moved by Representative Hubler, seconded by Representative Hebl that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.24 (2), Stats., extend the effective period of an emergency rule of the Department of Veterans Affairs, relating to the veterans tuition reimbursement program (EmR0944), for a period of 60 days through August 1, 2010.

Motion Passed 10-0.

Sincerely


Senator Jim Holperin
Senate Co-Chair

Representative Josh Zepnick
Assembly Co-Chair

cc: Bruce Hoesly, Legislative Reference Bureau
Ron Sklansky, Legislative Council