

Clearinghouse Rule 25-061

STATE OF WISCONSIN Department of Veterans Affairs

In the matter of rulemaking proceedings before the Department of Veterans Affairs.

PROPOSED ORDER OF THE DEPARTMENT OF VETERANS AFFAIRS AMENDING PERMANENT RULES

The statement of scope for this rule, SS 027-24, was approved by the Governor on February 29, 2024, published in Register No. 819A1 on March 4, 2024, and approved for implementation by the Secretary of the Department of Veterans Affairs on March 14, 2024.

PROPOSED ORDER

A proposed order of the Department of Veterans Affairs *to repeal* VA 8.02 (2), and 8.03 (4) and (5); and *to amend* VA 8 (title), 8.02 (title) and (1), 8.02 (3), 8.03 (intro), (2), and (3), and 8.05; relating to the CVSO grant.

Analysis prepared by the Department of Veterans Affairs.

ANALYSIS

Statutes interpreted:

Sections 45.80, 45.82

Statutory authority:

Section 45.03 (2)

Explanation of agency authority:

Section 45.03 (2), Stats., provides that the Secretary may promulgate rules necessary to carry out the purposes of Chapter 45 of the Wisconsin Statutes and the powers and duties conferred upon it.

Related statute or rule:

Chapter VA 15

Plain language analysis:

Chapter VA 8 encompasses the county veterans service officer (CVSO) grant program, authorized under s. 45.82, Stats., that provides annual grants to county veterans service offices for the improvement of services to the county's veterans. The proposed rule removes burdensome requirements that are not included in Chapter 45 of the Wisconsin Statutes, makes updates to reflect current administrative practices, and improves the administration of the CVSO grant program. This rule also makes general updates, revises outdated provisions, and amends certain provisions for clarity and conformity with current drafting standards for style and format. This rule makes the following substantive changes:

- Section VA 8.02 (1) removes the May 15 deadline for submitting a grant and refers to the date specified on the application form. It also requires applicants to include a copy of the county's agreement with the department, which includes the goals and objectives to be attained using the grant funds.
- Section VA 8.02 (2) is repealed to eliminate an extra-statutory and burdensome requirement to provide an annual report evaluating the performance of CVSO programs and services.
- Section VA 8.02 (3) eliminates requirements not found in ch. 45 relating to the appointment of a county service officer from a list of certified candidates and instead requires the selection process to be in accordance with s. 45.80, Stats.
- Section VA 8.03 eliminates requirements not found in ch. 45 and eliminates references to full- or part-time veterans service officers due to the repeal of s. 45.82 (3), Stats., as affected by 2025 WI Act 15, section 144.

Summary of, and comparison with, existing or proposed federal regulation:

Comparison with rules in adjacent states:

Illinois: Illinois requires that a service officer, who was discharged under honorable conditions, be assigned to each field office. The Illinois Department of Veterans Affairs (IDVA) provides equally apportioned grants to qualifying veteran service organizations that maintain an office in the Veterans Affairs Regional Office in Chicago. Grants may not be used to replace or supplant services provided by IDVA employees.

Iowa: The Iowa Department of Veterans Affairs controls a County Commission of Veterans Affairs fund through the County Allocation Program. Iowa Code section 35A.16 provides for a standing appropriation of \$990,000 for the Program. Through the fund, the department annually allocates \$10,000, if funding is available, to each county commission or to each county sharing the services of an executive director or administrator. Funds must be used for the administration and maintenance of the County Commission of Veterans Affairs office. Moneys distributed to a county must be used to supplement and not supplant any existing funding provided by the county or received by the county from any other sources.

Michigan: The Michigan Veterans Affairs Agency is required to establish representative veteran county committees to administer allocated money on the local level, which may be combined with two or more counties. The agency must create and operate a County Veteran Service Fund grant program that provides grants to counties for allowable expenditures related to county veteran service operations. The agency must make grants from the fund to each county that enters into a grant agreement and meets certain conditions for the sole use of supporting allowable expenditures made by the county's veteran service operations. The total disbursement for each grant is determined by a base amount of \$50,000.00, or a percentage if the fund is insufficient to support the base amount.

Minnesota: Per Minnesota statute, every county is required to hire a county veterans service officer. The Commissioner of Veterans Affairs must administer grants to counties only to enhance the CVSO's operations. Each county is eligible to receive an annual grant of \$7,500 and an additional specified amount based on the county's veteran population. Additionally, the Minnesota Association of County Veterans Service Officers is eligible to receive an annual grant of \$100,000 to be used (in part) for the certification of mandated county veterans service officer training and accreditation.

Summary of factual data and analytical methodologies:

The current policies and administration of the CVSO grant program were closely reviewed to develop the proposed rule revisions. Pursuant to ss. 45.03 (2m) and 227.14 (2) (a) 6m., Stats., administrative rules prepared by the Department of Veterans Affairs must be provided to the Board of Veterans Affairs. The Board may prepare a report containing written comments and its opinion regarding the proposed rules.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact analysis:

The permanent rule was posted for 14 days to solicit economic impact comments from stakeholders. The Department received a letter from the leadership of the CTVSO Association of Wisconsin supporting the rule revisions and confirming the proposed rules would not create a negative economic impact.

Fiscal Estimate and Economic Impact Analysis:

The Fiscal Estimate and Economic Impact Analysis document is attached.

Effect on small business:

The proposed rules do not have an anticipated economic impact and have no effect on small businesses, as defined in s. 227.114 (1), Stats.

Agency Contact:

Mindy Allen, Administrative Rules Coordinator, DVAAdminRules@DVA.Wisconsin.gov

Place where comments are to be submitted and deadline for submission:

Comments may be submitted to the contact information listed above no later than the date of the public notice. The date, time, and place of the public hearing will be published in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. VA 8 (title) is amended to read:

VA 8 (title) **COUNTY ~~VETERANS'~~ VETERANS SERVICE OFFICER GRANTS**

SECTION 2. VA 8.02 (title) and (1) are amended to read:

VA 8.02 (title) Application, ~~report~~ and eligibility. (1) APPLICATION. Application for a county veterans' veterans service grants officer grant shall be made annually by the county ~~not later than May 15 of the calendar year for which the grant is claimed on forms prepared by the department via a department-approved form or the online grant portal by the deadline specified on the application form.~~ An application must be accompanied by a copy of the budget proposed for the county ~~veterans' veterans~~ veterans service office for the fiscal year for which the grant is claimed and a copy of the county's agreement with the department that includes the goals and objectives to be attained using the grant funds. ~~Application shall be made annually, and the county must meet minimum budget and operating standards established by the department for the county veterans' service office in order to qualify for the initial grant and for each succeeding grant.~~

SECTION 3. VA 8.02 (2) is repealed.

SECTION 4. VA 8.02 (3) is amended to read:

VA 8.02 (3) ELIGIBILITY. Only a county ~~which that~~ meets minimum budget and operating standards established by the department, agrees with the department in accordance with sub. (1), and which chooses any new selects a county veterans service officer elected after August 5, 1973, from a list of candidates certified by the director of the state bureau of personnel or appoints such service officer under ch. 63, Stats., may be in accordance with s. 45.80, 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 county board for county veterans' service office operation for the fiscal year for which the grant is claimed have been received by the department.

SECTION 5. VA 8.03 (intro), (2), and (3) are amended to read:

VA 8.03 ~~Budget and operating standards~~ **Required duties.** (intro) ~~In order to~~ To qualify for a county ~~veterans'~~ veterans service officer grant, a county shall comply with all of the following conditions:

(2) ~~Shall provide sufficient~~ Provide staff to ~~permit adequate service to~~ serve its veterans, and, if it is not required that full time or part time staff be hired in addition to the county veterans' service officer to provide such service, shall keep the county veterans' veterans service office open and staffed during normal county working hours, ~~by providing staff from full time county offices who will receive telephone and personal~~ and respond to inquiries in the absence of the county veterans' service officer during such hours.

(3) ~~Shall authorize sufficient~~ Authorize travel by the county veterans' veterans service officer and service office staff to ~~permit adequate~~ facilitate service to the county's veterans, including out-of-county travel to hospitals, offices of veterans' veterans agencies, and veterans' veterans service conferences, institutes, and workshops, and shall provide for equitable allowance or reimbursement for such travel at the same rate other county employees are paid educational events.

SECTION 6. VA 8.03 (4) and (5) are repealed.

SECTION 7. VA 8.05 is amended to read:

VA 8.05 **Use of grants for salary supplements.** A county may use all or any part of its ~~county veterans' service~~ grant to supplement its salary payments to its county ~~veterans'~~ veterans service officer or service office staff or for other budgeted expenses of the county ~~veterans'~~ veterans service office.

SECTION 8. EFFECTIVE DATE. The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.), Stats.

(END OF RULE TEXT)

Dated: _____

Agency _____

James Bond, Secretary
Department of Veterans Affairs