

Clearinghouse Rule 25-062

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 028-24, 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 15.02 (2), 15.03 (3), and 15.04; *to renumber and amend* VA 15.02 (3); *to amend* VA 15 (title), 15.02 (title) and (1), 15.03 (intro), (1), (2), and (4); relating to the TVSO grant.

Analysis prepared by the Department of Veterans Affairs.

ANALYSIS

Statutes interpreted:

Sections 45.80 (5), 45.82 (4)

Statutory authority:

Sections 45.03 (2), 45.82 (4)

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.

Section 45.82 (4), Stats., provides that the Department shall promulgate rules to implement this subsection.

Related statute or rule:

Chapter VA 8

Plain language analysis:

Chapter VA 15 encompasses the tribal veterans service officer (TVSO) grant program, authorized under s. 45.82 (4), Stats, which provides grants to eligible federally recognized American Indian tribes for the improvement of services to tribal veterans. The proposed rule removes provisions that are not included in Chapter 45 of the Wisconsin Statutes, makes updates to reflect current administrative practices, and improves the administration of the TVSO 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 This rule also makes general updates, revises outdated provisions, and amends certain provisions for clarity.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 15.02 (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- Section VA 15.02 (2) is repealed to eliminate an extra-statutory and burdensome requirement to provide an annual report evaluating the performance of TVSO programs and services.
- Section VA 15.02 (3) eliminates requirements not found in ch. 45 relating to the choosing a tribal veterans service officer after August 1, 2000, and instead requires the selection process to be in accordance with s. 45.82 (4), Stats.
- Section VA 15.03 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:

A review of statutes, rules, and websites of veterans departments of adjacent states revealed no similar grant program.

Summary of factual data and analytical methodologies:

The current policies and administration of the TVSO 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 15 (title) is amended to read:

VA 15 (title) **AMERICAN INDIAN ~~VETERANS'~~ VETERANS SERVICE OFFICER GRANTS**

SECTION 2. VA 15.02 (title) and (1) are amended to read:

VA 15.02 (title) **~~Application, report and eligibility.~~** (1) **APPLICATION.** Application for an American Indian ~~grants~~ veterans service officer grant shall be made annually by the governing body of a Wisconsin American Indian tribe or band ~~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 shall be accompanied by a copy of the budget proposed for the tribal ~~veterans'~~ veterans service office for the fiscal year for which the grant is claimed and a copy of the tribe's agreement with the department that includes the creation, goals, and objectives to be attained using the grant funds. ~~Application shall be made annually. The tribe or band must agree to meet minimum budget and operating standards established by the department for the tribal veterans' service office in order to qualify for the initial grant and for each succeeding grant.~~

SECTION 3. VA 15.02 (2) is repealed.

SECTION 4. VA 15.02 (3) is renumbered VA 15.02 (3) (a) and amended to read:

VA 15.02 (3) **ELIGIBILITY.** (a) Only a governing body of a tribe or band that ~~meets minimum budget and operating standards established by the department~~ enters into an agreement with the department in accordance with sub. (1) and that chooses any new appoints a tribal ~~veterans'~~ veterans service officer after August 1, 2000 who is a veteran as defined in s. 45.01 (12), Stats. in accordance with s. 45.82 (4), 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

(b) If 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'~~ veterans service officer grant under ch. VA 8 but is not eligible for a grant under both chapters.

SECTION 5. VA 15.03 (intro), (1), and (2) are amended to read:

VA 15.03 **~~Budget and operating standards~~ Required duties.** (intro) ~~In order to~~ To qualify for an American Indian ~~veterans'~~ veterans service officer grant, ~~the~~ a governing body of the tribe or band shall comply with all of the following conditions:

(1) ~~Shall appoint~~ Appoint a ~~veterans'~~ veterans service officer who is a veteran and shall give the officer duties similar to those described in s. 45.80 (5), Stats., except that the officer shall report to the governing body of the tribe or band.

(2) ~~Shall provide sufficient~~ Provide staff to ~~permit adequate service to~~ serve 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'~~ veterans service office open and staffed during normal tribal or band working hours, by providing staff from full~~

~~time tribal or band offices who respond to inquiries in the absence of the tribal veterans service officer during such hours and respond to inquiries.~~

SECTION 6. VA 15.03 (3) is repealed.

SECTION 7. VA 15.03 (4) is amended to read:

VA 15.03 (4) ~~Shall authorize sufficient~~ Authorize travel by the tribal ~~veterans'~~ veterans service office staff to ~~permit adequate~~ facilitate service to the tribal veterans, including travel to offices of ~~veterans'~~ veterans agencies, ~~veterans'~~ veterans and 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~~ educational events.

SECTION 8. VA 15.04 is repealed.

SECTION 9. 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