

Clearinghouse No. 25-011

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 004-23, was approved by the Governor on January 5, 2023, published in Register No. 805A2 on January 9, 2023, and approved for implementation by the Secretary of the Department of Veterans Affairs on January 24, 2023.

PROPOSED ORDER

A proposed order of the Department of Veterans Affairs **to repeal** VA 2.01 (1r) (dm), (kr), and (L), (3m) (h) 3., (j) 1. b. and c., 2. a. and b., and 3.a., 2.02 (1r) (d), (2) (g) and (3) (d), 2.03 (2) (e), (j), (3) (a) 1. and 3., and (4), 2.07 (3) (cm), (4) (b) and (c), (6) (a) 5. and 9., (8) (b) and (c), (10) (a) 2. and 3., and (13), 2.08 (3) (gm), (5) (a) 2. and 3., (d) 5., 6., 7., 9., and 10., (e) 4., 9., (g) 2. and 3., (h), and (j) 1. am., as., and e., (m), (6) (c) 3. and 4., (d) 7. b. and 11., (g) 3. and 7., and (j); **to renumber** VA 2.05 (5), 2.07 (8) (a), and 2.08 (5) (g) 1.; **to renumber and amend** VA 2.01 (1r) (d), (2) (a) 1. (Note), (3m) (a) 1. (Note), (j) 1. a., 2. c., 3. b., 2.03 (1) (a), 2.07 (10) (a) 1., 2.08 (6) (d) 10.; **to consolidate, renumber, and amend** VA 2.01 (2) (a) 1. and 2., (3m) (a) 1. and 2., 2.03 (a) (intro.) and 2., 2.08 (6) (d) 2. and 3.; **to amend** VA 2.01 (1r) (e), (f), (j), (k), (m), (n), (r), (t), and (u), (2) (a) 5., 8., and (b) 3m., (f) 2. (Note), (3m) (a) 5., (b) 2., 3., and (c) 2., (d) 3. and 4. (intro.), (g) 1. and 2., and (h) (intro.), 2.02 (2) (a), (Note), (b), (c), and (e), 2.03 (1) (e), (g), (2) (b) 1. and 3., (g) 2. and 3., (3) (b) 1., (c) 1., (5) (f), 2.04 (2) (a), 2.07 (4) (a), (5) (b) 1., (6) (a) 4., (10) (b) and (c), (11) (b) and (c), (12), 2.08 (3) (intro.), (5) (a) 1., (d) 1., 3., (j) 1. b., 2., 3., and (L), (6) (c) 1. and 2., (d) (intro.), 1., (Note), 9., (e) 3., (f) 1., (g) 2., 4., 8., and (h); **and to create** VA 2.001 (Note), 2.01 (3m) (d) 1m., (h) 1m. and 3m., 2.02 (3) (b), 2.07 (4) (bm) and (cm), and (5) (c) 1. (Note), 2.08 (5) (d) 1. (Note), and (6) (d) 10. b., relating to veterans assistance grants.

Analysis prepared by the Department of Veterans Affairs.

ANALYSIS

Statutes interpreted:

Sections 45.20, 45.21, 45.40, 45.437, and 45.46.

Statutory authority:

Sections 45.03 (2), 45.21 (3), 45.40 (3m), and 45.437 (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 45.21 (3), Stats., requires the Department to promulgate rules for the distribution of aid under the retraining assistance program.

Section 45.40 (3m), Stats., requires the Department to promulgate rules establishing eligibility criteria and household income limits for subsistence aid payments.

Section 45.437 (4), Stats., requires the Department to promulgate rules implementing the veterans employment and entrepreneurship grant program.

Related statute or rule:

None

Plain language analysis:

Chapter VA 2 establishes the general criteria, procedures, requirements, and conditions for the award of grants to eligible veterans and their dependents, non-profit organizations, and employers. The proposed rules will allow for the distribution of funds to more veterans, veterans organizations, employers of veterans, and non-profit organizations that provide outreach and services to veterans and underserved veteran populations. The proposed rules amend the current grant process and evaluation criteria to improve grant efficiency, compliance, and accountability. 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.

Substantive amendments include the following:

- Section 2.01 (1) amends various definitions and repeals outdated definitions, including a definition for “*available* liquid assets” and creates a new definition for “liquid assets”.
- Section 2.01 (3m) makes the following substantive changes relating to the health care aid provisions:
 - Par. (b) 3. eliminates the limit amount for liquid assets and refers to the statutory language in ch. 45, Stats.
 - Amends various timelines and requirements relating to the description of benefits.
 - Par. (c) 2. increases the grant timeframe from 90 to 180 days.
 - Eliminates the limits for dental, hearing, and vision care aid.
- Amends ss. 2.01, 2.02, and 2.03 to include “tribal” in provisions relating to “county veterans service officer”.
- Sections 2.02 to 2.05 propose changes to reflect current practices for administering the veteran's tuition reimbursement program and retraining grant.
- Sections 2.07 & 2.08 make the following substantive changes relating to grants for non-profits, veterans employment, entrepreneurship, and transitioning service members:
 - Sections 2.07 (3) (cm) and 2.08 (3) (gm) repeal a definition for “financially viable” not found in ch. 45, Stats.
 - Amends provisions to specify that grant funds must be used to provide services to Wisconsin veterans or dependents of Wisconsin veterans.
 - Eliminates burdensome application requirements and evaluation criteria not found in ch. 45, Stats.
 - Amends application procedures to permit submission of applications via the online grant portal or on a department-approved form.
 - Amends retention of grant records from 3 to 6 years in accordance with the department's record retention schedule.
 - Eliminates the maximum amount of funds awarded and refers to the limitations specified under ch. 45, Stats.

- Eliminates burdensome post-grant award documentation procedures that are replaced with terms and conditions that are agreed upon by that applicant in the initial grant application.

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

None

Comparison with rules in adjacent states:

Illinois: The Illinois Veteran Grant (IVG) Program pays tuition and certain fees at all Illinois state-supported higher education institutions for eligible veterans. The Illinois Military Veterans Assistance Act provides for financial assistance to indigent veterans through the city or town military veterans organization within each county. General assistance funds are allocated to a county for assistance to veterans and their families in accordance with the provisions of the Illinois Public Aid Code. A review of Illinois statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations, employment, or entrepreneurship as to those contained in Chapter VA 2.

Iowa: The Iowa Department of Veterans Affairs provides tuition assistance and tuition reimbursement programs. Iowa veterans are eligible for subsistence-type aid through the Iowa Veterans Trust Fund. A review of Iowa statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations, employment, or entrepreneurship as to those contained in Chapter VA 2.

Michigan: The Michigan National Guard State Tuition Assistance Program (MINGSTAP) provides tuition assistance to members of the Michigan National Guard up to \$6,000 per year. The Department of Military and Veterans Affairs provides grants of up to \$2,000 per year for qualified veterans and their families through a Military Family Relief Fund that provides subsistence-type aid. A review of Michigan statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations, employment, or entrepreneurship as to those contained in Chapter VA 2.

Minnesota: The Minnesota Department of Veterans Affairs provides education assistance in the form of a one-time grant for tuition paid to the institution or reimbursed to the veteran. The Minnesota GI Bill also provides educational assistance of up to \$3,000 per academic year or up to \$2,000 per year for apprenticeships, and employers are eligible to receive up to \$2,000 for the placement and hiring of veterans. Survivors are eligible for up to \$750 per year from the Surviving Spouse & Dependent Education Benefit. A subsistence aid program provides temporary financial assistance for eligible veterans. A review of Minnesota statutes, rules, and website did not reveal similar state-funded grant programs for non-profit organizations or entrepreneurship as to those contained in Chapter VA 2.

Summary of factual data and analytical methodologies:

The current policies and administration of grants under this chapter 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. No comments were received.

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 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 the deadline for submission:

The date, time, and place of the public hearing were published in the Wisconsin Administrative Register.

TEXT OF RULE

SECTION 1. VA 2.001 (Note) is created to read:

VA 2.001 Note: A request for reconsideration should be submitted to the Wisconsin Department of Veterans Affairs, Office of Legal Counsel, P.O. Box 7843, Madison, WI 53707-7843.

SECTION 2. VA 2.01 (1r) (d) is renumbered VA 2.01 (1r) (om) and amended to read:

VA 2.01 (1r) (om) “~~Available liquid~~ Liquid assets” means cash on hand, including cash in checking, savings, money market, or other similar accounts, owned, ~~either~~ individually or jointly ~~or solely~~, by the applicant ~~or~~ and the applicant’s family.

SECTION 3. VA 2.01 (1r) (dm) is repealed.

SECTION 4. VA 2.01 (1r) (e), (f), (j), and (k) are amended to read:

VA 2.01 (1r) (e) “Declaration of aid” means a written determination regarding the availability of county, state, or federal aid administered by the county for an applicant. A declaration of aid must be signed by a county or tribal official authorized to determine whether aid is available for an applicant and the applicant’s family and whether the applicant has accepted the aid available.

(f) “Dental care” means any dental-related care provided by a licensed ~~dentist~~ dental care provider given to teeth, the supporting natural and artificial structures for teeth, and any replacement or restoration of teeth.

(j) “Earned income” means all anticipated family monthly ~~take-home~~ take-home earnings from employment, including armed forces reserve and pay, national guard pay, and work study ~~payments~~ pay, after all payroll deductions of the applicant and the applicant’s family, except payroll deductions for savings plans and payment of debts.

(k) “Economic emergency” means a natural disaster ~~which~~ that damages an applicant’s primary living residence, a medical emergency, the failure of the applicant’s sole means of transportation, or a severe disruption in essential household systems caused by a failure of the applicant’s stove,

refrigerator, heating system, ventilating and air conditioning system, plumbing system, or electrical system such that it materially compromises the applicant's ability to live.

SECTION 5. VA 2.01 (1r) (kr) and (L) are repealed.

SECTION 6. VA 2.01 (1r) (m) and (n) are amended to read:

VA 2.01 (1r) (m) "Health care aid" means the payment by the department for health care services authorized under s. 45.40 (2)(a), Stats.

(n) "Hearing care" means any hearing-related care provided by a licensed ~~audiologist related to~~ hearing, ~~including~~ care provider. "Hearing care" includes the hearing exams or exam and hearing aids.

SECTION 7. VA 2.01 (1r) (r), (t), and (u) are amended to read:

VA 2.01 (1r) (r) "Subsistence" means essential household living expenses including current rent or mortgage payments on the applicant's primary residence, food, current medical insurance premiums, current costs for prescribed medications, essential travel, child care required because of employment, educational, or medical reasons, and current costs for electricity, heat, ~~basic internet service not otherwise covered within the applicant's basic telephone service~~, and basic cell phone or landline telephone service ~~for the applicant's primary residence~~. "Subsistence" also means any repairs or purchases required due to an economic emergency.

(t) "Unearned income" means ~~the estimated amount the applicant and the applicant's family receives in benefits or grants during any month from the USDVA or other government agencies, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than loans, including amounts paid to the applicant or the applicant's family or to the school on behalf of the applicant or applicant's family for vocational rehabilitation by the USDVA or any other agency, income from trusts or inheritances, unemployment insurance benefits, worker's compensation, social security payments, net rentals from real estate, interest or dividend income or other income not included under earned income. "Unearned income" does not include death benefits paid by the USDVA or other federal agencies~~ income that is not earned through employment.

(u) "Vision care" means ~~a vision exam~~ any vision-related care provided by a licensed vision care provider. "Vision care" includes the vision exam and a prescription for lens and corrective eyewear, lenses, frame, and lens coating.

SECTION 8. VA 2.01 (2) (a) 1. and 2. are consolidated, renumbered VA 2.01 (2) (a) 1m., and amended to read:

VA 2.01 (2) (a) 1m. A grant application for subsistence aid ~~shall be submitted on a form approved by the department. 2. The application~~ may be submitted through a county or tribal veterans service officer; ~~through any other department authorized agent, or directly to the department; either manually or electronically via a department-approved form or the online grant portal.~~

SECTION 9. VA 2.01 (2) (a) 1. (Note) is renumbered VA 2.01 (2) (a) 1m. (Note) and amended to read:

VA 2.01 (2) (a) 1m. **Note:** The application for subsistence aid (form WDVA 2453) may be obtained at WisVets.com or by request: ~~1-800-WIS-VETS or 2135 Rimrock Road, from the~~

Department of Veterans Affairs, PO Box 7843, Madison, WI 53707-7843, or 1-800-WIS-VETS (800-947-8387).

SECTION 10. VA 2.01 (2) (a) 5. and 8. and (b) 3m. are amended to read:

VA 2.01 (2) (a) 5. ~~The~~ Effective [LRB to insert date], the application shall list all of the applicant's household assets and the household living expenses for the period of ~~6~~ 3 months immediately preceding the date of the application.

(a)8. The department shall notify the applicant or the applicant's county or tribal veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department may terminate an application if such documentation or verification does not arrive at the department's central office within 60 days of that notification.

(b) 3m. Except for an applicant who is eligible under par. (d), the applicant's household income may not exceed 200 percent of the federal poverty guidelines, in effect on the date the application arrives at the department's central office, for the number of the applicant's family members living in the primary residence.

SECTION 11. VA 2.01 (2) (f) 2. (Note) is amended to read:

VA 2.01 (2) (f) 2. **Note:** The Verification of Illness or Disability form (WDVA 2045) may be obtained at WisVets.com or by request: ~~1-800-WIS-VETS or 2135 Rimrock Road, from the Department of Veterans Affairs, PO Box 7843, Madison, WI 53707-7843, or 1-800-WIS-VETS (800-947-8387).~~

SECTION 12. VA 2.01 (3m) (a) 1. and 2. are consolidated, renumbered VA 2.01 (3m) (a) 1m., and amended to read:

VA 2.01 (3m) (a) 1m. A grant application for health care aid shall be ~~submitted on a form approved by the department.~~ 2. An application may be submitted through a county or tribal veterans service officer, through any other department authorized agent, or directly to the department, either manually or electronically via a department-approved form or the online grant portal.

SECTION 13. VA 2.01 (3m) (a) 1. (Note) is renumbered VA 2.01 (3m) (a) 1m. (Note) and amended to read:

VA 2.01 (3m) (a) 1m. **Note:** The grant application (form WDVA 2450) may be obtained at WisVets.com or by request: ~~1-800-WIS-VETS or 2135 Rimrock Road, from the Department of Veterans Affairs, PO Box 7843, Madison, WI 53707-7843, or 1-800-WIS-VETS (800-947-8387).~~

SECTION 14. VA 2.01 (3m) (a) 5., (b) 2., 3., and (c) 2. are amended to read:

VA 2.01 (3m) (a) 5. The department shall notify the applicant or the applicant's county or tribal veterans service officer if any required documentation is missing or if further verification is required to make a decision on the applicant's eligibility. The department may terminate an application if such documentation or verification does not arrive at the department's central office within 60 days after that notification.

(b) 2. Except for an applicant who is eligible under par. (f), the applicant's household income may not exceed 200 percent of the federal poverty guidelines, in effect on the date the application

arrives at the department's central office, for the number of the applicant's family members living in the primary residence.

3. The applicant's liquid assets may not exceed ~~\$1,000~~ the amount authorized under s. 45.40 (2) (c), Stats. When determining the liquid assets of the veteran, the department may not include the first \$50,000 of cash surrender value of any life insurance policy.

(c) 2. The department shall indicate on each description of benefits the type of aid authorized, the date the department confirmed that the applicant was eligible for the grant, a date ~~90~~ 180 calendar days from that date, the unallocated amount available for the type of aid and for the cumulative limits of aid under this section, and the amount of aid being authorized.

SECTION 15. VA 2.01 (3m) (d) 1m. is created to read:

VA 2.01 (3m) (d) 1m. The department may amend the description of benefits if a health care provider indicates additional services are needed and the request for additional aid is submitted to the department within 14 calendar days before the expiration date listed on the description of benefits authorized under par. (c).

SECTION 16. VA 2.01 (3m) (d) 3. and 4. (intro.), (g) 1. and 2., and (h) (intro.) are amended to read:

VA 2.01 (3m) (d) 3. No payment shall be made by the department unless an itemized written invoice is received by the department within ~~60~~ 120 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits.

4. (intro.) If the department does not receive an itemized written invoice within ~~60~~ 120 days of the expiration date, or any approved extension of that expiration date, as identified in the applicable description of benefits, the healthcare provider, except for a department-approved payment, may not charge the applicant and shall only accept payments from any of the following sources:

(g) 1. The department may grant payments for health care aid to a health care provider if the health care services are rendered and the provider submits an invoice to the department containing the actual cost of services rendered within 90 ~~120~~ days after the department confirms that the applicant is eligible and only after a description of benefits has been transmitted to the applicant or the county or tribal veterans service officer.

2. The department may accept a second application for the health care services listed on the first description of benefits if the department receives a statement from the health care provider, within 14 calendar days before the expiration listed on the first description of benefits, attesting that the authorized health care authorized is services are still being provided and that the patient applicant will not incur costs.

(h) (intro.) A health care provider providing health care services under par. (g) may ~~submit an application to the department to request an a onetime 120-day extension of the 90 days by submitting a request to the department within 14 calendar days before the expiration date listed on the description of benefits.~~ The application requesting the extension shall comply with all of the following:

SECTION 17. VA 2.01 (3m) (h) 1m. is created to read:

VA 2.01 (3m) (h) 1m. Include a statement that the health care services have begun and additional time is needed to complete the care.

SECTION 18. VA 2.01 (3m) (h) 3. is repealed.

SECTION 19. VA 2.01 (3m) (h) 3m. is created to read:

VA 2.01 (3m) (h) 3m. If additional time or health care services are needed after the approved extension has expired, the veteran shall submit a new application.

SECTION 20. VA 2.01 (3m) (j) 1. a. is renumbered VA 2.01 (3m) (j) 1., and amended to read:

VA 2.01 (3m) (j) 1. ‘Dental care aid.’ ~~a. A~~ An applicant may qualify for a dental care aid grant if a dental care provider ~~shall indicate~~ indicates in writing that ~~the dental procedure performed was directly necessary to a medical condition warrants~~ dental care.

SECTION 21. VA 2.01 (3m) (j) 1. b. and c. are repealed.

SECTION 22. VA 2.01 (3m) (j) 2. a. and b. are repealed.

SECTION 23. VA 2.01 (3m) (j) 2. c. is renumbered VA 2.01 (3m) (j) 2. and amended to read:

VA 2.01 (3m) (j) 2. ‘Hearing care aid.’ An applicant may qualify for a ~~grant for an additional or more costly hearing aids and a related examination~~ care aid grant if a hearing care provider ~~identifies, indicates~~ indicates in writing; ~~that a medical condition that warrants additional financial assistance~~ hearing care.

SECTION 24. VA 2.01 (3m) (j) 3. a. is repealed.

SECTION 25. VA 2.01 (3m) (j) 3. b. is renumbered VA 2.01 (3m) (j) 3. and amended to read:

VA 2.01 (3m) (j) 3. ‘Vision care aid.’ An applicant may qualify for a vision care aid ~~for an additional visit to a vision care provider and for a more costly set of corrective eyewear or for an additional set of corrective eyewear if an optometrist or an ophthalmologist~~ grant if a vision care provider ~~identifies, indicates~~ indicates in writing; ~~that a medical condition that warrants additional financial assistance~~ vision care.

SECTION 26. VA 2.02 (1r) (d) is repealed.

SECTION 27. VA 2.02 (2) (a), (Note), (b), (c), and (e) are amended to read:

VA 2.02 (2) (a) An application shall be submitted ~~electronically~~ through ~~an~~ the online portal or ~~manually~~ on a form approved by the department.

Note: The Veterans Education Grant Application (form WDVA 2200) may be obtained at WisVets.com or by request: ~~1-800-WIS-VETS or 2135 Rimrock Road,~~ from the Department of Veterans Affairs, PO Box 7843, Madison, WI 53707-7843, or 1-800-WIS-VETS (800-947-8387).

(b) The application may be submitted through a county or tribal veterans service officer, ~~through any other agent authorized by the department~~ a school certifying official authorized by the department, or directly to the department.

(c) ~~The Effective [LRB to insert date], the department must receive an application shall be received by the department or an authorized agent no later than 60 days after the starting date~~ last day of the course, term, or semester for which reimbursement is requested.

(e) The school ~~veterans coordinator~~ certifying official 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.

SECTION 28. VA 2.02 (2) (g) is repealed.

SECTION 29. VA 2.02 (3) (b) is created to read:

VA 2.02 (3) (b) *Fund availability.* Grant funds shall be issued on a first-come, first-served basis and subject to fund availability.

SECTION 30. VA 2.02 (3) (d) is repealed.

SECTION 31. VA 2.03 (1) (a) is renumbered to VA 2.03 (1) (em) and amended to read:

VA 2.03 (1) (em) ~~“Available liquid~~ Liquid assets" means cash on hand, including cash in a checking, ~~or savings, account, stocks, bonds, certificates of deposit, treasury bills, money market, funds and or other liquid investments similar accounts~~ owned individually or jointly by the applicant and the applicant's spouse, ~~unless the applicant and spouse are separated or are in the process of obtaining a divorce as established by the criteria set forth in s. VA 1.12 (4), but does not include funds deposited in IRAs, Keogh plans, deferred compensation plans, or cash surrender value of life insurance policies.~~

SECTION 32. VA 2.03 (1) (e) and (g) and (2) (b) 1. and 3. are amended to read:

VA 2.03 (1) (e) “Grant period" means one year from the date the department receives the application ~~is received by the department~~ or until the anticipated completion date of the applicant's approved retraining program, whichever is earlier.

(g) “Unearned income” means ~~the estimated amount the veteran and spouse will receive during the academic year from USDVA educational assistance allowance (G.I. Bill) benefits, scholarships, fellowships, grants, tuition and fee waivers, all other definite awards other than loans, including amounts paid to the veteran or to the school on behalf of the veteran for vocational rehabilitation by the USDVA or any other agency, income from trusts or inheritances, unemployment insurance benefits, worker's compensation, social security payments, net rentals from real estate, interest or dividend income, or other unearned income, but does not include disability compensation paid to the veteran by the USDVA for service connected disabilities, armed forces disability retirement pay, or parental contributions~~ income that is not earned through employment.

(2) (b) 1. An applicant who qualifies for a retraining grant under the provisions of this section and s. 45.21, Stats., ~~are is~~ is entitled to a grant equal to their need during the grant period or the statutory maximum grant, whichever is less.

3. The amount needed will be the sum of the amount shown on the standard student budget described in s. VA 2.04 for the appropriate time period and for the appropriate number of the applicant's family members plus any unusual expenses reported by the applicant.

SECTION 33. VA 2.03 (2) (e) is repealed.

SECTION 34. VA 2.03 (2) (g) 2. and 3. are amended to read:

VA 2.03 (2) (g) 2. The department may require written verification from the school or the employer that the veteran is making satisfactory progress ~~towards~~ toward the completion of the course of instruction or the structured on-the-job training program.

3. If the veteran is unable to verify satisfactory progress ~~towards~~ toward the completion or discontinues pursuit of the course of education or engagement in the structured ~~on-the-job training~~ on-the-job training program, the department may cancel any unpaid portion of the grant.

SECTION 35. VA 2.03 (2) (j) is repealed.

SECTION 36. VA 2.03 (3) (a) (intro.) and 2. are consolidated, renumbered VA 2.03 (3) (a), and amended to read:

VA 2.03 (3) (a) Required information. A grant application for retraining funds shall include ~~all of the following exhibits and supplements:~~ 2. Documentation documentation verifying the applicant has become unemployed, become underemployed, or received a notice of termination of employment ~~within the year prior to the date the application is received by the department or has received a retraining grant within 13 months prior to the date the department receives an application for a second grant.~~

SECTION 37. VA 2.03 (3) (a) 1. and 3. are repealed.

SECTION 38. VA 2.03 (3) (b) 1. and (c) 1. are amended to read:

VA 2.03 (3) (b) 1. An application shall be initiated ~~in the office of a county veterans service officer and completed and submitted~~ by the FAO, county or tribal veterans service officer, or other appropriate official representing the school attended by the applicant.

(c) 1. *Procedure for structured on-the-job training program.* 1. The application shall be initiated, completed, and submitted by the office of a county or tribal veterans service officer.

SECTION 39. VA 2.03 (4) is repealed.

SECTION 40. VA 2.03 (5) (f) is amended to read:

VA 2.03 (5) (f) The employment of a veteran under this program may not be in a job while any other individual is on layoff from the same or substantially equivalent job or the opening that was created as a result of having terminated the employment of any regular employee or otherwise having reduced the ~~work force~~ workforce with the intention of hiring a veteran under this program.

SECTION 41. VA 2.04 (2) (a) is amended to read:

VA 2.04 (2) (a) Living expenses shall be based upon 9 months of living expenses per academic year.

SECTION 42. VA 2.05 (5) is renumbered VA 2.0001 and amended to read:

VA 2.001 Administrative Review. Any department decision under this ~~section~~ chapter is subject to ~~appeal under s. VA 1.03~~ reconsideration by submitting a written request to the

department's office of legal counsel. The request for reconsideration must be received by the department within 60 calendar days after the date of the department's decision.

SECTION 43. VA 2.07 (3) (cm) is repealed.

SECTION 44. VA 2.07 (4) (a) is amended to read:

VA 2.07 (4) (a) It provides financial or other assistance to Wisconsin veterans or to the dependents of Wisconsin veterans.

SECTION 45. VA 2.07 (4) (b) and (c) are repealed.

SECTION 46. VA 2.07 (4) (bm) and (cm) are created to read:

VA 2.07 (4) (bm) It is compliant with applicable state and federal laws, rules, and regulations, including tax laws, and the requirements of this section.

(cm) In accordance with s. 16.765, Stats., it follows all state and federal anti-discrimination laws and equal employment opportunity practices in the administration and delivery of program services to veterans and their dependents served by grant funds awarded to the nonprofit.

SECTION 47. VA 2.07 (5) (b) 1. is amended to read:

VA 2.07 (5) (b) 1. *Public notice.* The department shall provide reasonable public notice of all solicitations ~~of~~ for grant proposals under s. 45.46, Stats.

SECTION 48. VA 2.07 (5) (c) 1. (Note) is created to read:

VA 2.07 (5) (c) 1. **Note:** The application may be obtained at WisVets.com or by request from the Wisconsin Department of Veterans Affairs, PO Box 7843, Madison, WI 53707-7843, or 800-WIS-VETS (800-947-8387).

SECTION 49. VA 2.07 (6) (a) 4. is amended to read:

VA 2.07 (6) (a) 4. ~~Budget clarity~~ Proposed detailed budget and justification for the expenditures proposed in the application.

SECTION 50. VA 2.07 (6) (a) 5. and 9. are repealed.

SECTION 51. VA 2.07 (8) (a) is renumbered VA 2.07 (8).

SECTION 52. VA 2.07 (8) (b) and (c) are repealed.

SECTION 53. VA 2.07 (10) (a) 1. is renumbered to VA 2.07 (10) (a) and amended to read:

VA 2.07 (10) (a) *Prohibited use of funds.* Grant funds shall be used only for the payment or reimbursement of expenses ~~which~~ that are reasonable, necessary, and properly assignable to the purposes of the approved grant. Any other use of grant funds is prohibited.

SECTION 54. VA 2.07 (10) (a) 2. and 3. are repealed.

SECTION 55. VA 2.07 (10) (b) and (c), (11) (b) and (c), and (12) are amended to read:

VA 2.07 (10) (b) *Violation of prohibited use of funds.* If a grantee uses grant funds for prohibited activities under par. (a), the department may terminate the grant and recover funds previously paid to the grantee for that funding period on a recoupment schedule specified ~~in the grant award by the department and may make the nonprofit ineligible for subsequent grants provided by the department.~~

(c) *Record keeping.* A grantee shall maintain grant records for at least ~~3~~ 6 years and shall provide information to the department as required by the department for the purposes of program or fiscal audits or any other purpose and, at the request of the department, shall appear before the department to respond to any questions about the grant and use of grant funds.

(11) (b) The maximum amount of a grant ~~that the department may make~~ to any nonprofit organization during any fiscal year ~~is \$25,000~~ shall be determined by the department and subject to the limitations specified in s. 45.46, Stats.

(c) The amount of a grant award is subject to the availability of funds under s. 20.485 (2) ~~(#)~~ (th), Stats.

(12) REPORTING REQUIREMENTS. A grantee receiving a grant under this section shall submit to the department data and information on the use and effect of the grant funds as specified in ~~this section and in the grant award by the later of 6 months from the date of award or June 30 of the fiscal year in which the grant is awarded~~ the grant's terms and conditions. The grantee shall authorize the department to audit and inspect its records.

SECTION 56. VA 2.07 (13) is repealed.

SECTION 57. VA 2.08 (3) (intro.) is amended to read:

VA 2.08 (3) (intro.) DEFINITIONS. In this section, the following terms have the designated meanings:

SECTION 58. VA 2.08 (3) (gm) is repealed.

SECTION 59. VA 2.08 (5) (a) 1. is amended to read:

VA 2.08 (5) (a) 1. It provides entrepreneurship training, technical or business assistance, financial assistance, or other assistance to Wisconsin veteran entrepreneurs to improve employment outcomes.

SECTION 60. VA 2.08 (5) (a) 2. and 3. are repealed.

SECTION 61. VA 2.08 (5) (d) 1. is amended to read:

VA 2.08 (5) (d) 1. Application on a form or online portal approved by the department.

SECTION 62. VA 2.08 (5) (d) 1. (Note) is created to read:

VA 2.08 (5) (d) 1. Note: The application may be obtained at WisVets.com or by request from the Wisconsin Department of Veterans Affairs, PO Box 7843, Madison, WI 53707-7843, or 800-WIS-VETS (800-947-8387).

SECTION 63. VA 2.08 (5) (d) 3. is amended to read:

VA 2.08 (5) (d) 3. ~~Grant request~~ A cover letter that includes a synopsis summary of the grant proposal, and the amount of grant requested, and a proposed detailed budget and justification for the expenditures proposed in the application.

SECTION 64. VA 2.08 (5) (d) 5., 6., 7., 9., 10, and (e) 4. and 9. are repealed.

SECTION 65. VA 2.08 (5) (g) 1. is renumbered VA 2.08 (5) (g).

SECTION 66. VA 2.08 (5) (g) 2. and 3., (h), and (j) 1. am. and as. are repealed.

SECTION 67. VA 2.08 (5) (j) 1. b. is amended to read:

VA 2.08 (5) (j) 1. b. A grantee agrees that no ~~grant appropriated~~ grant-appropriated funds will be paid to any person for influencing or attempting to influence an officer or employee of any agency, any member of the Wisconsin legislature, or an employee of a member of the legislature in connection with the awarding of any state contract, the making of any state grant, the making of any state loan, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any state contract, grant, loan, or cooperative agreement.

SECTION 68. VA 2.08 (5) (j) 1. e. is repealed.

SECTION 69. VA 2.08 (5) (j) 2. and 3. and (L) are amended to read:

VA 2.08 (5) (j) 2. ‘Violation of prohibited use of funds.’ If a grantee uses grant funds for prohibited activities under par. ~~(a)~~ (ae), the department may terminate the grant and recover funds previously paid to the grantee for that funding period on a recoupment schedule specified by the department. The department may disqualify the nonprofit from eligibility in the future to apply for subsequent grants provided by the department.

3. ‘Record keeping.’ A grantee shall maintain grant records for at least ~~3~~ 6 years and shall provide information to the department as required by the department for the purposes of program or fiscal audits and, at the request of the department, shall appear before the department to respond to any questions about the grant and use of grant funds.

(L) Reporting requirements. A grantee receiving a grant under this subsection shall submit to the department data and information specified in the ~~grant agreement~~ terms and conditions and any other information requested by the department.

SECTION 70. VA 2.08 (5) (m) is repealed.

SECTION 71. VA 2.08 (6) (c) 1. and 2. are amended to read:

VA 2.08 (6) (c) 1. It has a signed memorandum of agreement with the regional Veterans Integrated Services Network for the purpose of assisting ~~servicemembers~~ service members throughout the transition process from military through civilian life.

2. It is a Wisconsin nonprofit organization that currently serves Wisconsin veterans.

SECTION 72. VA 2.08 (6) (c) 3. and 4. are repealed.

SECTION 73. VA 2.08 (6) (d) (intro.), 1. and (Note) are amended to read:

VA 2.08 (6) (d) *Grant application requirements.* (intro.) An application shall be submitted to the department ~~shall~~ via a department-approved form or the online grant portal and include all of the following:

1. A complete application ~~on a form approved by the department and~~ signed by a representative having authority to act for the applicant.

Note: The application form may be obtained ~~on the Department's website at <https://dva.wi.gov>, WisVets.com~~ or by request from the Wisconsin Department of Veterans Affairs, ~~2135 Rimrock Road~~, P.O. Box 7843, Madison, WI 53707-7843, or 800-WIS-VETS (800-947-8387).

SECTION 74. VA 2.08 (6) (d) 2. and 3. are consolidated, renumbered VA 2.08 (6) (d) 2., and amended to read:

VA 2.08 (6) (d) 2. A grant request cover letter-~~3. The~~ that includes a summary of the grant proposal and the amount of grant funds requested.

SECTION 75. VA 2.08 (6) (d) 7. b. is repealed.

SECTION 76. VA 2.08 (6) (d) 9. is amended to read:

VA 2.08 (6) (d) 9. A detailed budget that ~~describes how grant funds will be used~~ specifies the intended use of the grant funds over the grant period.

SECTION 77. VA 2.08 (6) (d) 10. is renumbered VA 2.08 (6) (d) 10. (intro.) and amended to read:

VA 2.08 (6) (d) 10. (intro.) A statement ~~that the~~ attesting to all of the following conditions if awarded a grant:

a. The organization is in compliance ~~compliant~~ with applicable state and federal laws, rules, and regulations, including tax laws, and the requirements of this subsection.

SECTION 78. VA 2.08 (6) (d) 10. b. is created to read:

VA 2.08 (6) (d) 10. b. In accordance with s. 16.765, Stats., the non-profit will follow all state and federal anti-discrimination laws and equal employment opportunity practices in the administration and delivery of program services to veterans and their dependents served by grant funds awarded to the nonprofit.

SECTION 79. VA 2.08 (6) (d) 11. is repealed.

SECTION 80. VA 2.08 (6) (e) 3. and (f) 1. are amended to read:

VA 2.08 (6) (e) 3. The grant application shall list ~~any the~~ terms and conditions to which the grant award is subject, ~~and as part of the grant application the~~ The application shall be complete, true, and accurate, and shall be signed by a representative having authority to act for the applicant, who signed the grant application, shall agree to be bound by those terms and conditions.

(f) 1. The department may allocate grant funds ~~to support the program~~, subject to the availability of funds under s. 20.485 (2) (qm), Stats.

SECTION 81. VA 2.08 (6) (g) 2. is amended to read:

VA 2.08 (6) (g) 2. Grant funds awarded under this subsection shall only be used to provide ~~program-related~~ services relating to a transitioning service member.

SECTION 82. VA 2.08 (6) (g) 3. is repealed.

SECTION 83. VA 2.08 (6) (g) 4. is amended to read:

VA 2.08 (6) (g) 4. Grant funds may not be used to purchase capital equipment ~~unless specified in the grant~~.

SECTION 84. VA 2.08 (6) (g) 7. is repealed.

SECTION 85. VA 2.08 (6) (g) 8. and (h) are amended to read:

VA 2.08 (6) (g) 8. If a grantee uses grant funds for prohibited activities, the department may terminate the grant and recover funds previously paid to the grantee for that funding period on a recoupment schedule specified by the department. The department may also make the nonprofit ineligible to apply for subsequent grants provided by the department.

(h) *Reporting requirements.* A grantee shall submit to the department data and information specified in the grant application terms and conditions and any other information requested by the department.

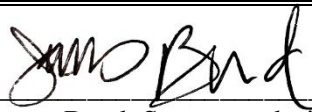
SECTION 86. VA 2.08 (6) (j) is repealed.

SECTION 87. **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., except for the treatment of ss. VA 2.01 (2) (a) 5. and VA 2.02 (2) (c), which shall take effect 30 days after publication.

(END OF RULE TEXT)

Dated: April 17, 2025

Agency _____


James Bond, Secretary-designee
Department of Veterans Affairs