



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 **04-080**

AN ORDER to create VA 2.02 (8) and 2.04 (3) (g), relating to the part-time study grant program and the tuition and fee reimbursement grant program.

Submitted by **DEPARTMENT OF VETERANS AFFAIRS**

07-15-2004 RECEIVED BY LEGISLATIVE COUNCIL.

08-10-2004 REPORT SENT TO AGENCY.

RNS:PS



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CLEARINGHOUSE RULE 04-080

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 October 2002.]

5. Clarity, Grammar, Punctuation and Use of Plain Language

The rule analysis indicates that the requirement in s. VA 2.04 (3) (g) to maintain a "C" average in order to receive tuition reimbursement is consistent with the requirement for the National Guard tuition grant program under s. 21.49, Stats. The requirement in s. 21.49 (2) (f) refers to maintaining a minimum grade point average of 2.0 or a "C" average for the semester for which reimbursement is requested. Since so many higher education institutions use the numerical grade point average, the department could consider adding the minimum 2.0 grade point language to s. VA 2.04 (3) (g).

The following minor wording changes in the analysis are also suggested: (1) the phrase "Statute interpreted" should read "Statutes interpreted;" and (2) the word "receives" on line 3 of the first paragraph should read "receive."



STATE OF WISCONSIN, DEPARTMENT OF VETERANS AFFAIRS

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Jim Doyle, Governor
John A. Scocos, Secretary

DATE: August 26, 2004

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 04-080

I am submitting three copies of the final draft of the proposed rules identified above. I am also submitting the report and analysis required under sec. 227.19, Stats. Please forward this material to the appropriate committees.

**NOTICE OF SUBMISSION OF PROPOSED
RULES TO THE PRESIDING OFFICER OF
EACH HOUSE OF THE LEGISLATURE**

Clearinghouse Rule 04-080

The Wisconsin Department of Veterans Affairs proposes an order to create VA 2.02 (8) and 2.04 (3) (g), relating to the part-time study grant program and the tuition and fee reimbursement grant program.

REPORT AND ANALYSIS OF CLEARINGHOUSE RULE 04-080

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

The basis and purpose of the proposed rules are to establish the circumstances under which an applicant for an educational grant satisfactorily completes a semester or a course. The proposed rules require a "C" grade or a 2.0 average, so as to be consistent with the National Guard tuition grant program under s. 21.49. The rules serve to maintain consistency between the 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 August 20, 2004. No public comments were provided for consideration by the Board at either the hearing or in writing.

3. Changes to the rule analysis or fiscal estimate.

None.

4. Public hearing appearances and registration.


None.

5. Response to Legislative Council Clearinghouse Report.

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

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS

BY:



JOHN A. SCOCOS, SECRETARY

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

The Wisconsin Department of Veterans Affairs hereby proposes an order to create VA 2.02 (8) and 2.04 (3) (g), relating to the part-time study grant program and the tuition and fee reimbursement grant program.

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

Statutory authority: sec. 45.35 (3), Stats.

Statutes interpreted: ss. 45.25 and 45.396, Stats.

The creation of VA 2.02 (8) and 2.04 (3) (g) will determine the circumstances under which an applicant will satisfactorily complete a semester or course. The rule language would impose the requirement that the applicant receive at least a "C" for a graded course or a "pass" or "satisfactory" determination for other courses for which a part-time study grant is sought or a "C" or a 2.0 average for the semester for which a tuition and fee reimbursement grant is sought, in addition to any other eligibility criteria. This requirement is consistent with that imposed under the National Guard tuition grant under s. 21.49.

There is no current or pending federal regulation that addresses reimbursement for educational grants under state veterans' programs. 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.

The department's contact person is John Rosinski, who may be contacted at (608) 266-7916, at john.rosinski@dva.state.wi.us or at the following address. Comments may be sent by August 18, 2004 to the department at 30 W. Mifflin Street, Madison, WI 53707.

The public hearing will be conducted on Friday, August 20, 2004, at 9:30 a.m., at the Veterans Home in Union Grove, Wisconsin.

TEXT OF RULE

SECTION 1. VA 2.02 (8) is created to read:

VA 2.02 (8) SATISFACTORY COMPLETION. Reimbursement may be made for a course graded by letter grades only if the veteran achieves a grade of "C" or better. Courses graded on a pass-fail or satisfactory/unsatisfactory basis may be reimbursed if the veteran achieves a grade of "pass" or "satisfactory."

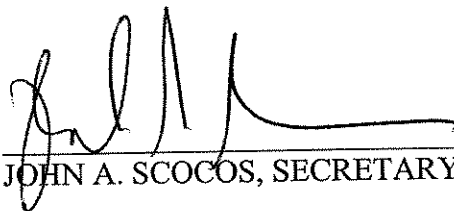
SECTION 2. VA 2.04 (3) (g) is created to read:

VA 2.04 (3) (g) *Satisfactory completion of semester.* No veteran may receive a grant under s. 45.25, Stats., if the veteran does not attain a "C" or a 2.0 average for the semester for which reimbursement is sought.

The amendment of the rule contained in this order 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., and shall apply to all courses or semesters started after that effective date.

Dated at Madison, Wisconsin, August 20, 2004.

STATE OF WISCONSIN
DEPARTMENT OF VETERANS AFFAIRS



JOHN A. SCOCOS, SECRETARY

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

FISCAL ESTIMATE
DOA-2048 N(R10/94)

Subject

Adopting administrative rules to create VA 2.02(8) & 2.04(3)(g) of the Wisconsin Administrative Code relating to the part-time study grant program and the tuition and fee reimbursement grant 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
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

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

s.20.485 (2)(tf), (2)(th)

Assumptions Used in Arriving at Fiscal Estimate

Under the current administrative rules for both the part-time study and tuition and fee reimbursement grant programs, an applicant is required to fully complete a grant application that is signed by the approved school's veteran coordinator and lists the official satisfactory completion date and costs of tuition and fees. However, there is no clear language that specifies what constitutes satisfactory completion of a semester or course in order to receive for reimbursement.

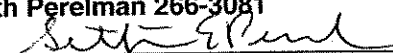
The creation of VA 2.02 (8) and 2.04 (3) (g) will allow the department to impose the requirement that the applicant receives at least a "C" for a graded course or a "pass" or "satisfactory" for the PTSG and a overall "C" average for a completion of a semester for the TFRG to receive reimbursement.

In reviewing grant applications from FY03, a total of 2,800 were provided a grant (1,350 PTSG and 1,450 TFRG). Of that amount, an estimated 4% (112), based on the percentage of grants awarded under each program, 54 PTSG and 58 TFRG would not have been reimbursed under the proposed rule change. The projected annual fiscal effect is a reduction in expenditures of \$112,700. The fiscal estimate is based on the average grant amount for each program times the number of non-reimbursable applications—for PTSG it is \$533 x 54 = \$28,782 and for TFRG it is \$1,447 x 58 = \$83,926.

Long-Range Fiscal Implications

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

Authorized Signature/Telephone No.
Seth Perelman 266-3081



Date
6/25/04

FISCAL ESTIMATE WORKSHEET

2003 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. VA 2.02 (8) & 2.04 (3) (g)	Amendment No.
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Subject
Adopting administrative rules to create VA 2.02 (8) & 2.04 (3) (g) of the Wisconsin Administrative Code relating to the part-time study grant program and the tuition and fee reimbursement grant program.

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$	\$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations - Other Costs		
Local Assistance		-
Aids to Individuals or Organizations		-112,700
TOTAL State Costs by Category	\$	\$- 112,700
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-112,700
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)		
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$	\$ -

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ 112,700	\$
NET CHANGE IN REVENUES	\$	\$

Agency/Prepared by: (Name & Phone No.) Department of Veterans Affairs / Zolonda Eubanks 4-7072	Authorized Signature/Telephone No. Seth Perelman 266-3081	Date 6/25/04
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TO: Members, Assembly Veterans and Military Affairs Committee

FROM: Terry Musser, Committee Chair

DATE: September 1, 2004

RE: Clearinghouse Rule 04-080

The enclosed rule, Clearinghouse Rule 04-080 prepared by the Department of Veterans Affairs, was referred to the Assembly Veterans and Military Affairs Committee August 31, 2004.

The rule relates to the part-time study grant program and the tuition and fee reimbursement grant program. The rule will determine the circumstances under which an applicant will satisfactorily complete a semester or course.

The rule language would impose the requirement that the applicant receive at least a "C" for a graded course or a "pass" or "satisfactory" determination for other courses for which a part-time study grant is sought or a "C" or a 2.0 average for the semester for which a tuition and fee reimbursement grant is sought, in addition to any other eligibility criteria. This requirement is consistent with that imposed under the National Guard tuition grant.

Our Committee has 30 days, or until Thursday, September 30, 2004, to review the rule.

Gilbert, Melissa

From: Gilbert, Melissa
Sent: Thursday, September 02, 2004 9:20 AM
To: Bob Wirch; Cindy Block; David Zien; Elizabeth Piliouras; Jennifer Esser; John Hogan; Kelly Johnson; Lisa Jagla; Mary Offerdahl; Pat Erickson; Richard Sweet; Roger Breske; Scott Fitzgerald; Susan Meinholz
Cc: Bruhn, Mike
Subject: Referral of CR 04-070 and CR 04-080 to Senate Committee on Homeland Security, Vets and Military Affairs and Gov't Reform

Please note that a germane modification to CR 04-070 is expected within the next week or two. I will make sure all committee members receive a copy of the proposed change, which will add back in an "administrative expenses" definition, per the requirements of SB 410/Act 219. Let me know if you have any questions. Thanks!



Memo.CR04-070.Se
pt2.2004.doc



Memo.CR04-080.Se
pt2.2004.doc

*Melissa Gilbert
Committee Clerk
Homeland Security, Veterans and Military Affairs and Government Reform
Office of Sen. Ron Brown
608-266-8546*