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# Wisconsin's Partnership for Long Term Care:

*A Coalition of Advocates for Improving the  
Continuum of Care for Wisconsin's Elderly and Disabled Citizens*

November 29, 2000

The Honorable Governor Tommy G. Thompson  
Room 125 South  
State Capitol  
Madison, WI 53702

Dear Governor Thompson:

Wisconsin's continuum of care and services for older persons and persons with disabilities is in crisis. This crisis encompasses both funding and staffing problems and these issues are inexorably linked. Over 100 home and personal care agencies have closed. There are over 11,000 people on Community Options Program waiting lists. Many nursing homes and community providers have restricted admissions and all are struggling to maintain staffing and quality. It's time for Wisconsin to get its priorities straight.

We, the undersigned members of the Partnership for Long Term Care, respectfully ask that your 2001-2003 biennial budget include the following budget increases necessary to address the long-term care crisis (see table I). The cost of our long term care funding package is substantial; however, we must act now to directly address the growing needs of our elderly and persons with a disability, and this can only be accomplished through an increase in funding. Clients, families, providers, advocates and volunteers simply cannot be asked to do more and more without additional resources.

Submitted and Supported by:



Executive Director  
Coalition of Wisconsin Aging Groups



President  
Wisconsin Association of County Aging  
Unit Directors



Executive Director  
Board on Aging & Long Term Care



Executive Director  
EBTIDE



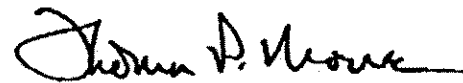
Executive Director  
Wisconsin Council of Senior Citizens



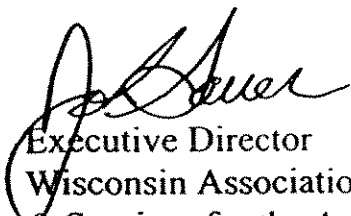
Policy Coordinator  
State Alzheimer's Chapter Network



President  
Wisconsin Association of Residential Facilities



Executive Director  
Wisconsin Health Care Association



Executive Director  
Wisconsin Association of Homes  
& Services for the Aging



Legislative Director  
Wisconsin Counties Association

*Crista Andrews*

Program Coordinator  
Wisconsin Caregivers Association

*Barbara Wisniewski*

Coordinator  
Kenosha County Long Term  
Care Staffing Alliance

*Jane Elmer*

Executive Director  
Wisconsin Retired Educators Association

*S. Patrice M. Colletti*

Executive Director  
Parent Education Project of Wisconsin

*Kristen Halby PT, OCS, MS*

Southwest Wisconsin District Chair  
Wisconsin Physical Therapy Association

*Adi Gross*

*Martha Rames*

President/CEO and Director of Public Policy  
Mental Health Association  
in Milwaukee County (2 names)

*Jenise M. Serak*

Executive Co-Director  
Wisconsin Facets

*Linda M. Breuer*

President  
Autism Society of Wisconsin

*Ly Bredder*

*Michael Blumentfeld*

Co-Chairs  
Survival Coalition of Disability Groups

*John A. Amundson*

Executive Director  
Wisconsin Catholic Conference



DEPARTMENT OF HEALTH & HUMAN SERVICES

Office for Civil Rights

Region V  
233 N. Michigan Ave. - Suite 240  
Chicago, IL 60601

January 3, 2001

Ms. Gladis Benavides, Director  
Affirmative Action/Civil Rights Compliance Office  
Wisconsin Department of Health and Family Services  
1 West Wilson Street, Room 672  
P.O. Box 7850  
Madison, WI 53707-7850

Dear Gladis:

I am pleased to have received notice that the first meeting of the new ADA Title II Advisory Committee has been scheduled for January 5, 2001. I plan to attend as an observer. The Committee charge indicates that it will be addressing ADA Title II issues related to long-term care, many of the issues which were addressed in the Supreme Court decision in Olmstead. I previously enclosed a list of suggested Olmstead Plan elements for your consideration. OCR developed this list to assist states in developing Olmstead plans or in determining whether current programs address all the concerns of the Olmstead decision. I recommend that the elements be shared with the Committee.

Given the issues in many of the complaints from Wisconsin which have been filed with OCR, it is critical that the Committee address the following issues among those elements. Previous information that DHFS has provided does not provide sufficient detail to determine that DHFS is in compliance with Title II in these areas. The critical issues are:

1. **Waiting lists.** The complaints allege that waiting lists for some services are inordinately long. In some cases persons have to wait many years to receive needed services. The Committee needs to obtain accurate and credible information about the number of persons on various waiting lists, the median length of waiting time, and possible actions to reduce the length of time on waiting lists.
2. **Needs assessments/Informed choice.** The complaints allege that persons are not assessed prior to entering institutions regarding their ability to live in the community instead. They are allegedly not given complete information about the various options which exist for home and community based services. The Committee needs to determine the process for assessing persons just entering institutions and to determine

whether persons are provided with the opportunity for informed choice about all available options.

3. Needs assessments/persons in institutions. The complaints also allege that persons already in institutions are not assessed in any meaningful way as to their potential for community placement. The Committee needs to determine how persons in institutional settings are assessed for potential placement in the community.

There are several other elements which should be addressed by the Committee, but these are the critical ones. To assist you and the Committee, I have reviewed the planning process used by another state, Indiana, and found some materials regarding the process which I feel would be useful. I am faxing a small portion of these materials. The remainder are too voluminous to fax, but I will bring a copy with me to the meeting on January 5.

I look forward to continuing to work with you on these important issues. If OCR can assist in any way, please contact me at (312) 886-5893 or you may wish to contact David Meyer, Team Leader, at (312) 886-5904.

Sincerely,

Michael F. Kruley  
Special Assistant to the Regional Manager  
Office for Civil Rights  
Region V

Enclosures

cc: Joe Leean, Secretary

## 2001/2003 State Budget

My name is Jason Pape. I am president of the Specialized Medical Vehicle Association of Wisconsin.

Over the last week and a half, I have attended each Joint Finance Committee meeting held in various towns across the state. I attend these meetings on behalf of Specialized Medical Vehicle (SMV) companies all around the state. Most businesses are mom and pop operations and cannot afford the time away from their businesses in order to have their voices heard. This is their livelihood.

These business people are simply trying to have a business where they can offer employment to others and help the elderly and handicapped citizens of this great state. The only cost shifting that can be done for these businesses is to charge private pay clients' extremely high rates in order remain a part of the Medical Assistance program. These private pay clients are also residents of each of your districts. They are being hurt by having to pay higher rates than they may have to if reimbursement levels were more adequate.

Some of the employees that we hire are on Medical Assistance themselves. The wages we can afford to pay do not allow them to end their dependency on the Medical Assistance program. All it would take is to pay SMV companies an appropriate reimbursement in order for us to be able to pay more to our employees. We would also be able to upgrade our vehicles so that your relatives and loved ones have the safest, highest quality transportation available.

The people you represent need and deserve our services. They are the handicapped and elderly of each and every one of your districts. The proposal of \$37.5 million in the first year and \$43 million in the second year of the budget will insure that the special needs citizens of Wisconsin have sufficient transportation to meet their needs for at least the next two years.

Over the last week and a half, we have identified the problems and solutions necessary to maintain the SMV industry in such a way that will once again make it a model for other states to follow. The main problem is the loss of SMV providers at an alarming rate. Fixing the problem is not difficult if input is allowed from the SMV providers that still remain in the program.

The solutions are as follows. First, raise reimbursement rates. Second, replace the current administrative code with a code that is workable for providers while stopping fraudulent activities. Third, eliminate co pay requirements for SMV services. Fourth, remove SMV services from the HMO and Family Care programs.

Without these solutions, the next step when SMV providers go out of business is to have people go to nursing homes prematurely, followed by transportation to medical appointments by ambulance. These increases in expenses will end up costing over 100 times the amount of the reimbursement we are requesting today.

After today, I will have driven over 1,500 miles and invested over 75 hours to attend these meetings. I invest this time and energy because it is the right thing to do. I hope you will also find that this is the right thing to do for Wisconsin's handicapped and elderly citizens. Thank you.

Respectfully Submitted,  
Jason Pape  
President, SMVAW  
P.O. Box 209  
New Richmond, WI 54017  
715-246-2933

***Proposal for Legislature to Support Burke Amendment***

**Presented to  
Joint Committee on Finance  
(Brian Burke, Senate Chair / John Gard, Assembly Chair\_**

**Public Hearing, Marshfield, WI  
Wednesday, April 4, 2001**

**Presented by Fr. Daniel Crosby, OFM Cap.**

I am Fr. Dan Crosby, from St. Anthony Retreat Center in Marathon, and I am here as part of Wisconsin Citizen Action, which is sponsoring the Family Farm Protection Act. In particular, I am here to thank and support Senator Burke who is introducing an amendment to the proposed state budget in order to provide 10.6 million dollars annually for measures to improve family farm profitability and control manure runoff and soil erosion.

I urge all of you in the legislature to back this amendment of Senator Burke and thereby bring some much-needed hope to the thousands of small and medium sized farmers in our state whose situation becomes more desperate each year.

As everyone knows, Wisconsin agriculture is at a critical juncture. Our state is losing nearly five farms each day. We are losing not only these farms but gradually losing an entire way of life – and not just for farming families but for the many small towns whose livelihood depends on agriculture.

The concentration of farms into bigger and bigger units is not always the result of natural forces but the result of large corporation strategies and policy decisions not made by farmers themselves. These policies and biases can be reversed, but not without the political and financial support of the state legislature.

The consolidation into larger and larger farms has resulted in less competition. Farmers operating the average Wisconsin small and medium size farm find fewer buyers for their products and are increasingly at the mercy of large corporations that use anti-competitive practices which drive down prices and force these ordinary farms to close.

The Governor has already requested 29 million for agriculture biotechnology programs. A recent University of Wisconsin study showed that these programs benefit large farms, but smaller farms are not profiting. We need our state government to invest in the vast majority of smaller and medium sized farms that support our local communities by buying supplies locally and spending farm revenues in the community.

The Family Farm Protection Act is one of the few pieces of legislation that attempts to address many of the underlying issues of the agricultural crisis our state currently faces. Again, I urge you to support Senator Burke's amendment to the state budget and the allocation it calls for.



COLUMBIA COUNTY GRAZING NETWORK  
POST OFFICE BOX 567  
PORTAGE, WISCONSIN 53901

April 11, 2001

To the Joint Finance Committee,

The Columbia County Grazing Network consists of over 50 family farmers who utilize managed grazing as one of their primary tools to produce milk and meat for human consumption. The Network holds monthly pasture walks at different farms throughout the county to allow the exchange of ideas and promote grass farming between farmers. The Network has held workshops, which address topics closely related to grazing and introducing new pasture technologies. This organization publishes a periodic newsletter that addresses important topics in the grazing community. Last year this group initiated a project of on-farm research at 3 of its member farms. The results of this research will benefit all of the network's members. The Network accomplished all of this to improve and expand the grazing community within our county and surrounding counties.

The improvement and expansion of grass farming offers many environmental benefits. Grass farming has proven to furnish excellent habitat for wildlife, such as grass land birds and small mammals. Grazing/grass farming provides desired grassy buffers, which have demonstrated to be the best overall natural filters to maintain the quality of our state's streams and lakes. Grass farming should be promoted as part of the solution to the non-point/nutrient management issues that are being debated right now.

It is no secret that our state's dairy farmers are hurting financially. It is a fact that we are losing 1000 dairy farms per year. The Wisconsin Ag Statistics tell us that total farm revenue for the year 2000 was \$5,689,252,000, it also states that revenue from dairy was \$2,915,917,000 and from all livestock \$3,937,291,000. If we want to save the source of over half of our agricultural income for the state, we need to do something.

Managed grazing offers the dairy farmer a method to reduce his costs and remain profitable. This method of cost reduction for the dairy farmer requires a minimum of initial capital investment, however it does require a specific knowledge of managed grazing. Currently the best way for a farmer to acquire this knowledge is to attend these grazing network pasture walks and workshops. It is at these events that the farmer views the latest in technology, witnesses the results of the on-farm research and is able to discuss details of grazing with experienced grazers. Since nearly 50% of our state's dairy farmers starting out today are implementing managed grazing, this has become a large task. A task the grazing networks welcome, but require financial assistance to continue. The Wisconsin Grazing Initiative, an amendment proposed by Senator Decker and Assemblymen Huber will provide needed money for additional technical assistance, education, on-farm demonstrations, research and outreach. We ask for your support of this amendment.

Thank you

The Columbia County Grazing Network

To: The Joint Finance Committee,

My name is Bert Paris and I am the contact person for the Dane-Green Graziers. Each year, our group sponsors ten to fifteen pasture walks through out Dane and Green County. All walks are open to the public as well as members of the Joint Finance Committee. A trip to a grazing farm out of state or in northern WI has been taken for several years now. Our winter meetings usually involve sharing farm financial numbers. All of these projects are organized by members of the Dane – Green Graziers.

Our main purpose is to educate our members. That is why I am asking you to support the Wisconsin Grazing Initiative. And while Managed Intensive Grazing has been practiced for decades all over the world, it is still relatively new to the U.S. and the Midwest. We have also learned, the hard way that what works in Ireland, New Zealand, or Australia, doesn't mean it will work here. We need research done on Wisconsin grazing farms – people to conduct the research and get the information out to the farmers.

The Dane –Green Graziers are not much different than any other grazing network in the state. Our activities that we plan help educate and support our members passion for growing grass. We don't need help planning activities, we need answers to questions. Is irrigation a profitable endeavor? What varieties work best on which soils. Is crossbreeding the answer? These are a few of the questions that we ask. And not just for us, but for the good of the Wisconsin dairy industry. We want to create a profitable dairy operation that is attractive labor and profit wise to young people who are interested in agriculture. An essential ingredient to maintaining our dairy infrastructure

With the help of Grassworks Inc., the Grazing Lands Conservation Initiative, Extension agents, Grazing networks and cooperating farmers' meaningful research and education can be accomplished. But not with out some help. Please support the Wisconsin Grazing Initiative, an amendment to the budget being proposed by Senator Decker and Assemblyman Huber, so we may better answer our questions and promote a safe, profitable, and enjoyable life style in the dairy industry. Thank you for your time and concern.

Sincerely,

Bert Paris  
Dane/Green Grazing Network  
W3443 Hwy W  
Belleville, WI 53508

My name is Kim Cates. I'm a farmer from SW WI. I'm here representing the WI Grazing Lands Conservation Initiative Steering Committee and Sauk/Iowa County Graziers Network. I also have brought written testimony from the Columbia County Grazing Network and the Dane/Green Grazing Network. I'm here representing the voice of many graziers.

When my husband and I bought our family farm 12 years ago it was a cow/calf operation with 20 cows – the pastures were ugly- very unproductive and weedy and we had steambank erosion problems. We didn't like what we were doing and how our land looked. We wanted to make a change. We learned about Management Intensive Grazing (MIG), through the SW Farmers Grazing Network and by other projects funded by the Sustainable Ag Program (now extinct). We eventually changed our system where we now graze about 150 steers on our home farm using management intensive grazing. We also graze another 600 steers and holstein heifers on two other farms we rent.

Ten years ago there was only 1 grazing network but it was so successful that now there are about 20 grazing networks. These networks have been educating farmers about MIG. The number of farmers using MIG continues to increase.

A survey conducted by (the Program for Agric Technology Studies) at UW-Madison indicates that 7% of our dairy farmers were using MIG in 1993 – with an increase to 23% in 1999. A study also indicates that approx. 50% of our new dairy farmers will be using MIG. WHY? Because it's more affordable - this system lowers input costs. Cows harvest their own feed, which reduces machinery needs and reduces fuel use. Infrastructure needs are reduced, animals get exercise, which makes them healthier and livelonger. The WI Center for Dairy Profitability at UW-Madison completed a 5-year study on the economics of grazing farms and determined that they are profitable systems.

The public also benefits from well-managed grazing farms. Grass keeps soil in place and it keeps nutrients out of our streams and lakes. Grass also provides wonderful habitat for birds and many other animals. We've even invited the DNR to our farm to study the impacts of management intensive grazing on our trout stream. How many farmers welcome the DNR on their farms?

But the % of state resources dedicated to serving the increasing demand for information on MIG is limited. The few specialists we have are swamped with work. Graziers are figuring out how to make money but they want to do better. They want answers to some very good questions regarding grass species, animal genetics, breeding and feed supplementation. But quite frankly, we just we just don't have the personnel to conduct the research and provide the information. Currently there is very little state support for this farming system that continues to gain popularity in Wisconsin.

So what can you do to help? Please support the Wisconsin Grazing Initiative (WGI), an amendment being proposed by Senator Decker and Representative Huber. The WGI will provide money that's needed for additional technical assistance, education, on-farm demonstrations, research and outreach. The Family Farm Protection Bill, an amendment being proposed by Senator Burke also has some sections that support grazing including cost-share money for farmers and support to the UW-Center for Integrated Agricultural Systems for the WI School for Beginning Dairy Farmers.

This is not about supporting one type of farm operation over another or saying that one system is better than another. But it is about supporting a viable farming system for Wisconsin that is profitable, environmentally sound, farmers like it, urban visitors like it and tourists like it. It's a good system for Wisconsin.

Besides you may already know this but WISCONSIN stands for *Grassy Place*.

Thank You,  
Kim Cates

Sauk/Iowa County Grazing Network and WI Grazing Lands Conservation Initiative Steering Committee  
5992 CTH T, Spring Green 53588

# WISCONSIN CITIZEN ACTION



Wisconsin's Largest Public Interest Organization ♦ Representing 53,000 individual members and 250 affiliate organizations  
1202 Williamson Street, Suite B, Madison, WI 53703 ♦ 608-256-1250 ♦ (fax) 608-256-1177 ♦ info@wi-citizenaction.org  
152 W. Wisconsin Ave., Suite 308, Milwaukee, WI 53203 ♦ 414-272-2562 ♦ (fax) 414-274-3494 ♦ www.wi-citizenaction.org

## Support Senator Burke's Family Farm Protection Act Budget Amendment

The proposed Family Farm Protection Act is designed to:

- Level the playing field so small to moderate sized family farms – the majority of Wisconsin farms – can be economically viable
- Ensure adequate environmental protection and healthy rural communities
- Invest in a future for Wisconsin family-farms including low interest loans, low-cost strategies for modernization and expansion and the development of new agricultural enterprises, new products and an aggressive marketing effort for Wisconsin grown products.

### Key Budgetary Components:

(see reverse for dollar amounts)

- a) Fund UW-PATS to study the degree of concentration in the dairy, livestock and grain industry and its impact social and economic impact on family farm agriculture and rural communities.
- b) Create a position in the Department of Justice to investigate and enforce anti-competitive practices in agriculture and ensure compliance with and enforcement of discriminatory pricing prohibitions.
- c) Increase DATCP Agriculture Development and Diversification grant program that promotes new markets and new uses.
- d) Establish DATCP "Buy Wisconsin" Market Development Program.
- e) Establish DATCP cost-share program for transition to managed intensive grazing and organic systems of livestock production.
- f) Increase funding for the Small Business Health Insurance Pool, enabling farmers and other small business owners to join in a pool and gain the purchasing powers of larger corporations.
- g) Establish a low-interest revolving loan program for farmers who are implementing new farm enterprises and/or developing businesses that add value and build markets.
- h) Provide cost share funding for state and federal required nutrient management plans, certification and crop insurance programs.

*For more information, please contact:*

Sam Gieryn, Citizen Action Family Farm Stewardship Campaign Coordinator  
(608) 256-1250 ext. 13 • sgieryn@wi-citizenaction.org  
1202 Williamson Street, Suite B • Madison, WI 53703

## Family Farm Protection Act - Fiscal Summary

Proposed Program	Annual Cost
<b>I. Anti Competitive Practices</b>	
a. Research, University of Wisconsin, Impacts of Concentration	50000
b. DOJ staff for anti-trust enforcement, compliance/enforcement of volume pricing practices	100000
<b>II. Price and Market Reform</b>	
a. DATCP staff: analyze price reporting records, create dairy price reporting & anti-price discrimination system, develop criteria for ag production contracts	35000
<b>III. Farm and Rural Business Development</b>	
a. Increase DATCP ADD program	500000
b. Establish DATCP "Buy-Wisconsin" Local Market Development Program	1000000
c. Increase UW-CIAS farmer-research grants and outreach on managed grazing and organic dairying systems	300000
d. Increase UW Center for Dairy Profitability research on low-capital strategies for improving profitability	50000
e. Establish DATCP cost-share program for managed grazing and organic systems of production.	2000000
f. Sustainable Woodlot Initiative	250000
g. Increase University of Wisconsin short-course for beginning dairy and beginning market gardener program	75000
h. Increase funding for Small Business Health Insurance pool	400000
<b>IV. Credit and Financing Reform</b>	
a. Farm Entrepreneur Micro-Loan Revolving Fund	2000000
<b>V. Environment</b>	
a. Cost share for nutrient management practices	3000000
b. DNR WPDES enforcement - increase fees to cover costs	250000
c. DNR study - options to, and phase out of, liquid animal waste handling	50000
<b>Total</b>	<b>\$10,060,000</b>

*opeiu9/affcio/sg/jlo*

**SOJOURNER  
TRUTH  
HOUSE** 

April 10, 2001

Kathleen F Stolpman  
EXECUTIVE DIRECTOR

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**DOMESTIC ABUSE ADVOCATES**  
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P.O. Box 080098  
MILWAUKEE, WI 53208

A United Way Agency

To Members of the Joint Finance Committee:

I am the Executive Director of Sojourner Truth House in Milwaukee and have been there since 1982. I am also a member of the Governor's Council on Domestic Abuse.

Domestic violence has huge ramifications on our society—it is not just something that happens in a family setting. The experience and harm of the violence is carried into the work place, in to our schools and in to the next generation.

Victims of domestic violence, along with their children, must have the opportunity to find life saving safety. The only way that the shelters can continue to exist is that the State of Wisconsin recognizes its leadership role by increasing the level of funding to the programs.

We are requesting a 10% increase in funds to the Domestic Abuse programs in Wisconsin. This requests amounts to \$750,000. We are also requesting that you appropriate an additional \$300,000 to provide outreach and services to victims that are not yet served or underserved such as the developmentally/physically disabled, immigrant, refugee and migrant farm workers.

I can let you know that Sojourner Truth House sheltered 870 women and children in 2000, received 18,068 calls through our Domestic Violence Hotline, served 4,611 through our domestic abuse advocacy program in the Milwaukee County District Attorney's office, and provided intervention programming to 634 individuals through our Batterers Anonymous – Beyond Abuse Program. Clearly this level of programming is critical and cannot be jeopardized. And yet, we face having to privately raise over \$800,000 privately (over and above government and United Way funding) to sustain our current programs.

Other programs around Wisconsin are equally vulnerable in having to raise necessary funds to keep their programs intact.

Please carefully consider this request for 10% increase in funding to the domestic abuse programs across Wisconsin.

Sincerely,



Kathie Stolpman  
Executive Director

Testimony on Funding for Domestic Abuse Services  
Joint Finance Committee, April 11, 2001  
Madison, WI

Thank you for allowing me to provide testimony to you today. My name is Patti Seger. I am the Policy Development Coordinator at the Wisconsin Coalition Against Domestic Violence (WCADV). Since 1978, WCADV has been and continues to be the statewide membership organization representing Wisconsin domestic abuse programs, domestic violence victims and their children, and citizens concerned with ending violence. We provide training and technical assistance to domestic abuse programs, law enforcement, prosecution, other justice systems, health care, clergy, and other professionals working to address domestic abuse. We also coordinate and collaborate with groups that provide outreach and services to traditionally underserved populations such as UNIDOS Against Domestic Abuse (a Latino services network), the African American Planning Committee, the Refugee Family Strengthening Project, and American Indians Against Abuse.

We are requesting that Joint Finance increase domestic abuse funds by \$750,000 (or 10%). We are also requesting that there be a \$300,000 increase in the funds that provide outreach and services to traditionally underserved populations. We feel that the need for this increase is justified. The numbers of persons served by domestic abuse has been steadily increasing each year. There has been a 38% increase since 1995. Programs report that the types of services rendered are increasing also in complexity and more time is required on each individual case.<sup>1</sup>

While requests for services and complexity of services have been increasing, the salaries of staff in domestic violence programs have remained low. In a statewide salary survey of domestic violence programs conducted recently by WCADV, we found that some programs offer full time equivalent salaries as low as \$12,500 annually. This is just barely higher than minimum wage (\$6.00/hour). Many programs do not offer health or other benefits. Statewide, the average salary for Victim Advocates was \$20,026 (\$9.61/hr), Children's Advocates was \$21,285 (\$10.23/hr) and Legal Advocates was \$24,187 (\$11.63/hour). The lowest salaries occur consistently in Northern Wisconsin. While other businesses offer lower salaries in Northern Wisconsin than in Southern Wisconsin, the salaries of domestic abuse programs are generally less than the pay offered for other similar type work in Northern communities. For example, an internet search on JobNet yielded results for several social worker positions...one in Irma beginning at @\$27,803 per year with benefits, another in Wausau beginning at \$40,000 per year (\$19.66/hour). The same search on JobNet found a 30 hour per week position as the Shelter Manager at the Iron County shelter for \$5.96 hour with no benefits. The position description read as follows: "Provide advocacy, support and information to victims of domestic violence and sexual assault. Responsible for answering telephones and crisis calls. Responsible for referring victims to community resources and appropriate staff. Responsible for client intake, orientation, and exits of residents. Willing to train. Must have HS degree or GED."

Domestic violence program personnel must be highly skilled individuals who are required to work with families who have experienced tremendous trauma and crisis. Yet, budget constraints prohibit programs from offering salaries and benefits that are even remotely competitive with the

<sup>1</sup> See Attachment 1, Comparison of Domestic Violence Service between 1998 and 1999.



rest of the local job market. Low compensation and staff burnout leads to tremendous levels of turnover in programs, impacting stability of programs as they struggle to provide the 7 mandated services under their DHFS contract. Programs are losing skilled workers to higher paying jobs elsewhere in their own communities. The staff who stay for low pay are extremely committed to ending violence in families and should be commended.

We are also requesting \$300,000 to provide outreach and services to populations that have been traditionally underserved. While we know that domestic violence occurs in virtually every racial/ethnic group, in every economic group, among people of all religions, of all ages and physical or mental/developmental abilities, we have done very little to develop services that are specific to multiple populations. Some excellent culturally competent programs such as UNIDOS Against Abuse, American Indians Against Abuse, Refugee Family Strengthening and programs specifically designed to address the unique concerns of older victims of domestic abuse or persons with developmental disabilities have been evolving. Victims of domestic violence and sexual assault are often revictimized by the agencies that should be assisting them. Folklore and myths which grow out of societal standards and personal biases are often the building blocks of institutionalized practices. While the domestic violence movement has made some progress in changing attitudes, the benefits of this progress have been experienced to a greater degree by younger, dominant culture victims with children. Our printed materials and videos are largely produced in English. Victims and their children and advocates whose first language is not English and who are sight impaired do not have equal access to current good practices, protocols and basic information. We must continue to develop culturally competent services to victims of abuse who we have left behind.

Thank you once again for allowing me to testify and for giving careful consideration to my comments.



307 S. Paterson Street, Suite 1, Madison, WI 53703 608/255-0539 Fax: 608/255-3560



### Attachment 1

#### Comparison of Services Rendered by Wisconsin Domestic Abuse Programs, 1998-1999 *Information provided by Department of Health and Family Services, Domestic Violence Program*

Service	1998	1999	% increase/decrease
Total Served (all services except 24 hour hotline calls)	33,361	35,113	+ 5.2%
Crisis Calls	59,947	60,434	+ .8%
Number Sheltered	6,940	6,628	- 4%
Nights of shelter	101,558	104,998	+3.3%
Individual Counseling	14,767	17,340	+ 17.4%
Group Counseling	9380	9942	+ 6%
Legal Advocacy	10,370	12,080	+ 16%
Other Advocacy	10,108	11,572	+ 14%
Public Speaking events	3059	3205	+5%

## DHFS Funding of Domestic Abuse Programs

### Background Information on DHFS Funding

The following is the current revenue structure for Domestic Violence Program funding from the Department of Health and Family Services. The Domestic Abuse grants fund 53 programs to provide services in all 72 Wisconsin counties. The grants also fund services to 10 of the 11 Wisconsin tribes (Potowotomie currently reject state funds in favor of using Casino revenue to provide services. They feel this gives them more autonomy in decision-making about services.). DHFS also funds a number of project targeted a specific underserved populations such as 3 Hmong programs (Refugee Family Strengthening Project), the University of Wisconsin School of Nursing/UNIDOS (a network of service providers for the Latino and Migrant Farmworker communities), and Independence First. Training and Technical Assistance projects which are funded by DHFS include the Wisconsin Coalition Against Domestic Violence and the Wisconsin Domestic Violence Training Project (training for health care and schools/educators).

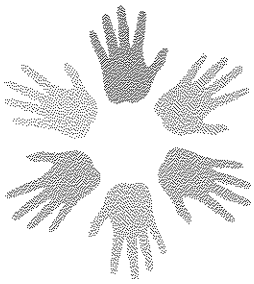
### **CURRENT DHFS REVENUE STRUCTURE FOR DOMESTIC ABUSE PROGRAM FUNDING:**

<u>Source</u>	<u>Amount</u>	<u>% of Total Funding</u>
General Purpose Revenue (GPR)	\$5,070,000	67%
Federal FVPSA	\$1,122,000	15%
Federal TANF	\$1,000,000	13%
Program Revenue (PR)	\$ 300,000	4%
OJA Rural DV Grant (Federal)	\$ 90,000	1%
<b>Total</b>	<b>\$7,582,000</b>	

DHFS currently divides the funding/revenue in the following ways:

### **DOMESTIC ABUSE PROGRAM EXPENDITURES**

<u>PROGRAM/TYPE</u>	<u>Amount</u>
Basic Services	\$3,439,000
Children's Programming	\$1,045,000
Expansion/Satellite Programs	\$ 970,000
Tribal Programs	\$ 520,000
TANF Grants	\$1,000,000
Support Services	\$ 265,000
Under-Represented populations	\$ 43,000
Training/Technical Assistance	\$ 300,000
<b>Total</b>	<b>\$7,582,000</b>



# Domestic Abuse Intervention Services

P.O. Box 1761 • Madison, WI 53701 • Business: (608) 251-1237  
Help / Crisis / TDD: (608) 251-4445 • 1-800-747-4045

*Shelter and Support*  
*Outreach and Education*  
*Children's Programming*  
*24-Hour Help Line*  
*Legal Services*  
*Volunteer Opportunities*

Joint Finance Committee  
Wisconsin Legislature  
April 11, 2001 Hearing in Madison

Dear Committee Members:

I am writing to urge you to support proposed funding for domestic abuse programming throughout Wisconsin. The latest statistics from the Department of Justice show an increase in domestic violence while all other crimes have decreased statewide. In Dane County, domestic violence accounts for over half the arrests each year. The data suggests the severity of domestic violence incidents is increasing as well. In my area, Dane County, 6 of the 7 murders in 2000 were domestic homicides.

Domestic violence destabilizes families and communities. Over half the homeless families in our area identify domestic violence as a major contributing factor to losing housing. Nationwide it is believed over 80% of those incarcerated grew up in violent homes. Violence in the schools is also effected by domestic abuse.

Domestic violence programs throughout Wisconsin work with community partners to offer prevention and education as well as safety and support for victims. Our program benefits from over 16,000 hours per year of volunteer time. Each of these volunteers makes a difference by educating friends and neighbors about domestic abuse in addition to providing direct service to victims and their children.

Domestic violence programs partner closely with other community agencies in order to make meaningful referrals for families in need. We work with families to stabilize their lives and help them develop a solid foundation from which to rebuild. Many partner agencies find this work central to success in a variety of programs available to families. Families are truly the core of healthy communities. Please support funding to continue this vital work.

Peace Begins at Home,

  
Kimberlee Wright  
Executive Director



Date: April 11, 2001

To: The Members of the Joint Committee on Finance

From: Marvin J. Freedman [VVA]                      Kenneth L. Kuehnl, Jr. [DAV]  
Executive Director                                      Legislative Director  
Vietnam Veterans of America                      Disabled American Veterans

Larry Danielson [VFW]                              Gus Sorenson [PVA]  
Adjutant    Government Relations Director  
Veterans of Foreign Wars                              Paralyzed Veterans of America

RE: The Proposed 2001-2003 Veterans Affairs Budget Provisions

In general, the 2001-2003 veterans affairs budget provisions requested by the Department of Veterans Affairs [WDVA] and recommended by the Governor are good public policy that benefit Wisconsin's almost half million veterans. Secretary Ray Boland has done an exceptional job during his tenure and we all recognize him as the architect of a stable, revitalized Veterans Trust Fund – a trust fund that was essentially bankrupt when he was appointed. By placing veterans programs on a solid business footing, benefits and services to veterans and their families have been maintained and expanded. We also appreciate the difficult challenges Governor McCallum faced in submitting his first budget and we have considered him to be a consistent supporter of veterans programs during his 14 year tenure as Lieutenant Governor.

However, the transformation of the Veterans Trust Fund during the last decade and the improvement in veterans programs and their delivery was not accomplished alone by WDVA and the Governor's office. They are the result of a cooperative, coordinated team effort by WDVA, the Governor, the members of the Wisconsin Legislature and Wisconsin's veterans organizations acting in a truly non-partisan manner to best further the interests of our state's veterans. So while we acknowledge that WDVA and the Governor have the right answers for the most part with regard to veterans affairs budgeting, we do not believe they have all the right answers. We respectfully suggest that some of the best answers are ones being identified and advocated by members of the Legislature and some of Wisconsin's veterans organizations. In that spirit, we offer our comments and recommendations on the following veterans affairs budget provisions.

#### GENERAL AGENCY PROVISIONS

Item 6. Establishment of Regional Service Delivery Centers [Page 696]: We expect this to be the most contentious issue in the veterans affairs budget. Like the CVSO Association of Wisconsin [CVSOs], **VVA, DAV and PVA all believe the WDVA proposal represents a duplication of services and we support the alternative set forth**

**in the attached VVA resolution, dated April 4, 2001.** We believe that this alternative approach would effectively preclude most duplication in service delivery while maximizing a cooperative, coordinated, non-competitive effort among Wisconsin's 72 CVSOs and WDVA, all to the benefit of Wisconsin veterans. The VFW at the present time is reviewing the VVA and WDVA proposals.

**Item 8. Veterans Museum Operations - Museum Space Rental & Utilities Funding Conversion [Page 696]: We all adamantly oppose the proposed conversion.** This ill-advised attempt to free up GPR by shifting the Wisconsin Veterans Museum rent and utilities costs to the Veterans Trust Fund is a breach of faith with Wisconsin veterans and tantamount to a slap in the face. When veterans agreed to moving the GAR Veterans Museum from the State Capitol to the Capitol Square, part of the *quid pro quo* was that rental and utility costs would continue to be paid with GPR. We expect that promise to be kept.

**Item 8. Veterans Museum Operations - Museum Staffing, Museum Exhibit Enhancements & Other Museum Operations [Page 697]: We support all of these initiatives, but strongly oppose starting to use Veterans Trust Fund dollars to pay for them.** Several years ago, the Governor and Legislature promised Wisconsin veterans that all Wisconsin Veterans Museum costs would be paid for with GPR. After all, it makes no sense to have veterans through the Veterans Trust Fund pay for the very museum meant to honor their service and sacrifice. By last session, virtually all museum costs were being covered with GPR. We also expect this promise to be kept.

**Item 9. Military Honors Funeral Cost Increases [Page 697]:** This is a new program that was started in the current fiscal year. **We all support it. However, the funding source for it has been controversial from the outset and we oppose the continued use of Veterans Trust Fund funding.** Proponents of GPR funding were told last year that the Governor's office would support GPR funding of this program in the 2001-2003 budget. After the program was put on the books with VTF monies for the current fiscal year, WDVA stated that the Governor's office had only committed to looking at the possibility of GPR funding. And then Governor Thompson left office.

We firmly believe that the accepted rationale for GPR funding of the Wisconsin Veterans Museum applies here as well. Just as the museum collectively recognizes the service and sacrifice of our state's veterans, this program should represent an individual recognition of each veteran's past service and sacrifice as each of them is laid to rest.

#### **TRUST FUND PROGRAMS & VETERANS BENEFITS PROVISIONS**

**Item 3. Veterans Emergency Assistance Grant Program Modifications - Expanded Purposes For Which Subsistence Grants May Be Made [Page 703]:** This program addresses the immediate expenses of those veterans who are most in need. **We support the proposal to expand eligibility to those veterans who suffer from**

**alcoholism or other drug abuse, but with a requirement that such veterans must be in an acceptable treatment program as a condition to receiving the benefits.**

**Item 3. Veterans Emergency Assistance Grant Program Modifications - Modify the Health Care Aid Grant Program [Page 703]: **WDVA has proposed and the Governor is recommending the elimination of the Emergency Health Care Aid Grant. We strongly oppose that proposal.****

The program is perhaps the most complex one WDVA has to administer, but it serves an important need for some of Wisconsin's most disadvantaged veterans. Although the Emergency Health Care Aid Grant program must not be eliminated, we recognize that there might be constructive ways in which it could be modified.

The elimination of the Emergency Health Care Aid Grant program would also disadvantage veterans incurring expenses for alcohol and other drug abuse treatment, as well as those veterans being treated for the same condition[s] secondary to treatment for war-related post-traumatic stress disorders [PTSD].

**We specifically propose that the program's per grant maximum be raised to \$10,000 and that the program's overall funding be increased to \$2.2 million SEG.**

**Item 5. Transportation Services Grant For Disabled Veterans [Page 704]:** This is a new initiative and we strongly support it. At issue, however, is the program's limited scope.

DAV's transportation program covers only about one-third of Wisconsin's counties. Veterans from throughout the state are faced with monumental transport problems given the distance between veterans' homes and VA hospitals and clinics, as well as the aging of the veterans population.

**We urge you to approve this program and support an additional \$100,000 SEG for grants to provide transportation services in areas not served by DAV.**

**Item 6. Milwaukee Veterans War Memorial Education Center Grant [Page 704]:** **This proposal should be referred to in Legislative Fiscal Bureau reports and other budget documents as the "Milwaukee Veterans War Memorial Education Center and Museum Grant".** This is how the grant is titled in the Governor's budget executive summary and underscores that this grant is truly a museum-related one.

**We are in full support of this grant. However, as a veterans museum-related expense, it must be paid for with GPR for the reasons previously discussed. Again, a promise is a promise.**

Please note the Governor is only recommending an actual grant of \$100,000. If you concur with that amount, we suggest you eliminate the deceptive \$200,000 price tag.



WISCONSIN STATE COUNCIL  
VIETNAM VETERANS OF AMERICA, INC.  
POST OFFICE BOX 55363  
MADISON, WI 53705

## **Legislative Advocacy & Government Affairs**

### **Resolution**

#### **Proposed Establishment of Regional Service Delivery Centers**

VVA has historically supported the 72 county County Veterans Service Officer [CVSO] program and we continue to do so at this time.

VVA fully supports any coordinated, cooperative effort designed to reach as many veterans as possible to provide them with information on federal and state benefits, as well as increasing WDVA staff in geographical areas with high concentrations of veterans in order to assist those veterans in applying for federal and state entitlements.

VVA considers the current proposal for the establishment of regional service delivery centers contained in the budget to be a duplication of the County Veterans Service Offices already located in the 72 counties. The WDVA proposal does little to enhance and supplement that system.

VVA would support additional funding for an ongoing, coordinated WDVA mass media campaign utilizing television, radio and newspapers, as well as public broadcasting systems, to promote the various federal and state veterans entitlements with information about where a veteran can obtain assistance in applying for those entitlements. Such a campaign would be a definite enhancement to the current delivery of services by WDVA and the CVSOs and is clearly warranted. It needs to be directed to specific entitlements and the requirements to apply for and receive those entitlements, rather than generalized promotions which too often can give a false impression that all veterans will receive entitlements. Additionally, VVA feels there should be an increased effort to provide assistance and information to veterans at public forums such as conventions, job fairs and other events drawing large numbers of people. WDVA's recent Veterans Benefits Supermarkets are good examples of such endeavors and VVA supports funding expanded efforts along these lines.

VVA also supports increased WDVA staffing for coordinated, cooperative veterans outreach efforts and VVA makes the following specific recommendations:

1. The four current WDVA regional coordinators' duties must be clearly defined to include: claims and benefits application assistance; coordination of efforts with local CVSO offices to maximize the level of assistance provided to all veterans and



*"In Service to America"*

to maximize the benefits received by Wisconsin veterans; and claim and benefits assistance to veterans at the various VA hospitals and outpatient clinics throughout the state.

2. The current staffing at the WDVA claims office at the VA Regional Office in Milwaukee should be increased by one Claims Officer position to better provide claims assistance available to veterans.

3. The addition of a WDVA Claims Officer position to be permanently placed at the Milwaukee CVSO office to provide federal claim and benefits assistance. The Milwaukee CVSO does not provide any direct federal claim and benefits assistance.

4. The addition of a mobile WDVA Claims Officer position responsible for providing federal and state claim and benefits assistance, in WDVA's southeastern service region outside of Milwaukee County, including providing services to veterans at the new Wisconsin Veterans Home-Union Grove [now scheduled to open May 2001, with a projected capacity 300 beds when construction is completed] and to the VA Mobile Medical Clinic. The Racine CVSO does not currently plan to provide any services to residents of the Wisconsin Veterans Home-Union Grove due to a staffing reduction at the CVSO office.

5. The authorization for an additional three mobile WDVA Claims Officer positions, one in each of the remaining three WDVA service regions, to service those regions, including the VA Medical Centers and Outpatient Clinics serving Wisconsin veterans outside of southeastern Wisconsin. Final approval of the funding for these three positions should be contingent upon WDVA demonstrating sufficient need for coverage in each of these three WDVA regions.

*Unanimously adopted by the Board of Directors of the Wisconsin State Council  
on April 4, 2001 in accordance with the Council's directive of March 17, 2001*



# **CVSO ASSOCIATION OF WISCONSIN**

## **POSITION PAPER**

### **WDVA BIENNIAL BUDGET – 2001-2003**

**THE CVSO ASSOCIATION OF WISCONSIN WISHES TO OFFER THE FOLLOWING STATEMENTS AND RECOMMENDATIONS REGARDING ITS POSITION ON THE WDVA BIENNIAL BUDGET. THESE STATEMENTS NOT ONLY REPRESENT THE VIEWS OF CVSOS STATEWIDE, BUT ALSO THE VETERANS, DEPENDENTS AND WIDOWS WE SERVE.**

#### **\*\*\*DISABLED VETERANS TRANSPORTATION GRANT**

**WE SUPPORT THIS INITIATIVE, HOWEVER WISH TO OFFER AN AMENDMENT. A SURVEY OF COUNTY TRANSPORTATION PROGRAMS CONDUCTED IN NOVEMBER, 2000 SHOWED THAT ONLY 1/3 OF THE COUNTIES IN WISCONSIN ARE ABLE TO ACCESS THE DAV PROGRAM FOR TRANSPORTING VETERANS TO VA HOSPITALS AND CLINICS.**

**RECOMMENDATION: ADD \$100,000 TO THE BUDGET FROM THE TRUST FUND TO PROVIDE GRANTS TO COUNTIES THAT UTILIZE OTHER METHODS AND SOURCES FOR TRANSPORTING VETERANS. WITH THE INCREASED ENROLLMENT OF VETERANS SEEKING VA HEALTH CARE SERVICES, THIS GRANT WOULD ASSIST COUNTIES GREATLY IN MEETING THEIR INCREASED DEMANDS FOR TRANSPORTATION SERVICES.**

#### **\*\*\*OUTREACH INITIATIVE**

**WE STRONGLY OPPOSE THIS INITIATIVE. WE BELIEVE THAT WDVA HAS OVER-STATED THE POTENTIAL FOR BRINGING FEDERAL COMPENSATION AND PENSION DOLLARS INTO WISCONSIN. OUR OWN STUDY, MORE COMPREHENSIVE IN NATURE, POINTS OUT A CLEARER AND MORE ACCURATE PICTURE OF WHY WISCONSIN IS BELOW NATIONAL AVERAGES IN THESE PROGRAMS AND THE TRUE POTENTIAL FOR MORE FEDERAL DOLLARS. THE ESTABLISHMENT OF 6 NEW REGIONAL CENTERS AND 9 POSITIONS IS "SIMPLY A DUPLICATION OF EFFORT AND FRAGMENTATION OF THE CURRENT SYSTEM OF CVSO SUPPORT IN EACH COUNTY AND A VAST WASTE OF TRUST FUND DOLLARS!"**

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4

**RECOMMENDATION: WDVA CURRENTLY HAS 3 REGIONAL COORDINATORS ON STAFF WHO COULD EASILY BE TRAINED TO DO COMP AND PENSION CLAIMS. THESE INDIVIDUALS COULD THEN BE OUTSTATIONED AT SITES WHICH WOULD COMPLEMENT CVSO EFFORTS. SUCH SITES ARE: THE SOUTHERN CENTER, VA HOSPITALS AND CLINICS AND INNER CITY MILWAUKEE.**

**\*\*\*HEALTH CARE AID GRANT**

**THIS PROGRAM HAS LONG SERVED AS A NEED BASED PROGRAM FOR VETERANS, DEPENDENTS AND WIDOWS WITH LIMITED INCOME AND LITTLE OR NO HEALTH INSURANCE. TO LIMIT THIS PROGRAM TO EYE CARE, HEARING AIDS AND DENTAL IS UNCONSIDERABLE. THE HEALTH CARE AID GRANT HAS HELPED MANY IN MEETING NECESSARY OUTPATIENT/IN-PATIENT MEDICAL COSTS. TO NOW LIMIT THE USE OF THIS GRANT WOULD DENY BASIC MEDICAL NEEDS OF THESE LOW INCOME PERSONS.**

**RECOMMENDATION: INCREASE FUNDING TO \$2,000,000 FROM THE VETERANS TRUST FUND AND MAINTAIN AND EXPAND CURRENT PURPOSES. UTILIZE THE PROPOSED ELIGIBILITY GUIDELINES BY WDVA FOR INCOME AND ASSETS.**

**\*\*\*MILITARY HONORS FUNERAL COSTS  
\*\*\*VETERANS EDUCATION CENTER  
\*\*\*MUSEUM INITIATIVES**

**FUNDING OF THESE INITIATIVES FROM THE VETERANS TRUST FUND IS OPPOSED.**

**RECOMMENDATIONS: IF WISCONSIN TRULY WISHES TO RECOGNIZE THE SERVICES OF ITS VETERANS AND THEIR CONTRIBUTIONS, IT SHOULD FUND THESE PROGRAMS WITH GPR!**

**THE CVSO ASSOCIATION OF WISCONSIN THANKS YOU, OUR LEGISLATORS, FOR YOUR CONSIDERATION AND SUPPORT OF OUR**

**POSITION. LET US JOIN TOGETHER TO BRING THE BEST PROGRAMS  
AND SERVICES WE CAN TO THE VETERANS OF OUR STATE!**

# SCHUSTER LAW OFFICES

JOHN P. SCHUSTER  
PAULA K. DOYLE

KIM D. KAZMIERCZAK  
LEGAL ASSISTANT

312 EAST WILSON STREET  
MADISON, WISCONSIN 53703

ESTABLISHED 1975

TELEPHONE (608) 251-4050  
FAX (608) 251-5860

April 10, 2001

Dear Members of Joint Finance:

I am writing to encourage you to actively support tying the State Public Defender private attorney compensation rate to Supreme Court Rule 81.02(1) in the State Public Defender budget. I am also requesting that you support an exemption for the State Public Defender from the proposed 5% across-the-board budget cut.

I am an attorney in private practice for the last twelve years. I was a sole practitioner until last Fall when I joined a small firm. Since my first year of practice, I have always taken Public Defender appointments. I continue to do so because I believe in the Public Defender system and in an individual's right to competent representation in criminal cases, in CHIPS and juvenile and TPR cases, and in criminal appeals, regardless of the individual's ability to afford it. However, I have limited the number of cases I do take because of the low reimbursement rate. I simply cannot afford to work as much as I would like to for the Public Defender's office. My increased expenses in my new work setting have made working for the Public Defender something of a luxury.

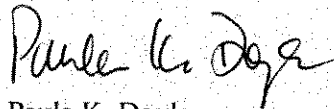
As you know, private bar attorneys are paid \$40 per hour - completely inadequate to cover any overhead expenses. My hourly rate for private clients is \$120.00. I think you can see the problem. The Supreme Court Rule referenced above has set the rate for appointed counsel at \$70 per hour which allows for at least a minimal profit margin of \$10 an hour. No other small business is required to lose money when they work for a state agency, and attorneys operating their own small business should not be singled out.

The legal system works best when clients are competently represented and attorneys are fairly compensated. It is fiscally foolish, in the long or the short run, to require the Public Defender's Office to lay off staff attorneys and to require the private bar attorneys to continue to work at this painfully low rate. If the budget cut is enacted and the private bar rate remains the same, the cost of representing the poor citizens of our state will be shifted to the counties, as judges appoint attorneys (at \$60 to \$90 per hour) when no private bar attorneys are available. This is not a savings to the taxpayer.

I appreciate your attention to this issue.

Very truly yours,

SCHUSTER LAW OFFICES



Paula K. Doyle  
Attorney at Law

PKD/sp

cc: Governor Scott McCallum  
State Public Defender Board

April 10, 2001

Dear Members of the Joint Finance Committee:

I am writing to express my concern over the monetary cuts to the Public Defender Agency contained in the proposed budget. There has been a great deal of publicity relating to these cuts. I have yet to hear a logical explanation for these cuts. There seems to be overwhelming information demonstrating how fiscally unsound these cuts would be. In fact, the 3.2 million dollar proposed cut would cost taxpayers money. The costs of providing representation withstanding the cuts to the Public Defender Agency would greatly exceed the amount of the proposed cuts. The budget would cost taxpayers almost twice as much as the proposed cuts. The estimated cost to taxpayers would likely be even greater when factoring in the costs of court room delays, longer detention of accused persons awaiting resolution of their cases, and expenditures by counties to provide representation. As a taxpayer, I am deeply concerned about the obvious and needless costs that would occur based on the proposed budget.

In addition, I do not understand why such a cut targets the Public Defender Agency. Other state agencies have not been subjected to this magnitude of budgetary reduction. In fact, the District Attorney Offices are exempt from such cuts. This threatens not only the fairness of the criminal justice system but also the efficient use of its resources. Innocent persons wrongly incarcerated or cases overturned on appeal cost taxpayers money. These are one of the many likely consequences of an unbalanced criminal justice system. I have learned about many such accounts through out the country, not surprisingly, in states that do not provide adequate resources to ensure defendants have effective representation. The Public Defender Agency has not only been successful in providing effective representation but also in doing so in an efficient manner. The State Public Defender Agency received a Wisconsin Forward Award based on its efficient operation.

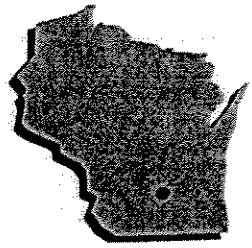
The Constitution mandates that each person accused of a crime be provided representation. This is a mandate and can not nor should not change. Taxpayers will pay for this service on way or another. I do not understand why a budget would not seek to do this in the most efficient manner possible. To disable an agency that is providing this valuable service efficiently makes no sense. I strongly urge a re-evaluation of the 3.2 million dollar proposed budget cuts. Not only would many attorneys lose their jobs, but the taxpayers would have to pay a higher cost to provide the services they are already providing effectively and efficiently.

Sincerely  
Patricia Zitzner  
Dolores Clements  
Jon Keller  
Joseph W. Conrad

Donald Zitzner  
Marion B. Sabino  
Betty Fedtkeuer  
Dennis Zitzner



# DISTRICT ATTORNEY DANE COUNTY



**BRIAN W. BLANCHARD**  
District Attorney

April 11, 2001

**JUDY SCHWAEMLE**  
Deputy District Attorney  
Felony Unit

To the Members of the Joint Finance Committee:

**MICHAEL S. WALSH**  
Deputy District Attorney  
Juvenile Unit

**JASON J. HANSON**  
Deputy District Attorney  
Criminal Traffic  
& Misdemeanor Unit

**SUZANNE C. BEAUDOIN**  
Manager,  
Victim/Witness Unit

**NANCY S. GUSTAF**  
Manager,  
Deferred Prosecution Unit

**JILL M. SWEENEY**  
Acting Manager,  
Domestic Violence Unit

I strongly urge your support on an issue of importance to citizens across the State, namely the 28.7 new assistant district attorney positions and .40 district attorney positions jointly requested by the Wisconsin District Attorneys Association ("WDAA") and the Association of State Prosecutors ("ASP").

This would include 3.5 full-time equivalent assistant district attorneys needed here in Dane County, where we currently rely heavily on voluntary attorneys and temporary federal grant positions. This office requested 8.0 positions; WDAA and ASP agreed that 3.5 are urgently needed. Since January 1, 1990, not a single general revenue assistant district attorney position has been added in Dane County. This despite the facts that in this period of time: the average daily jail population in the Dane County Jail has doubled; total arrests in Dane County have more than doubled; domestic violence referrals have increased by 46%; and Dane County's population has grown by more than 13% to approximately 419,000, with the most crime-prone 15-19 age population increasing even more rapidly by 18%.

Currently, two of 29 line assistants, each of whom handles full-time caseloads in crucial roles, are not paid at all. Either of these attorneys could walk out the door tomorrow, drastically reducing our ability to provide for the safety of the citizens of Dane County.

I am sure that you agree with me that a request for an adequate number of prosecutors is not a "liberal" or "conservative" cause. The quality of justice that the citizens of Dane County deserve depends on caseloads that allow prosecutors to handle each caseload with deliberation and professional attention.

Thank you.

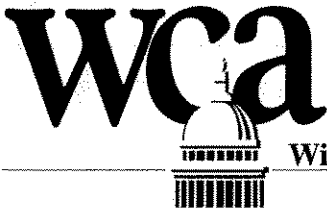
Sincerely,

Brian W. Blanchard

BWB/mlb

523 City-County Building 210 Martin Luther King Jr. Blvd. Madison, Wisconsin 53709  
(608)266-4211 (608)267-2545 fax <http://www.co.dane.wi.us/daoffice/dahome.htm>

VICTIM/WITNESS (608)266-9003 • DEFERRED PROSECUTION (608)284-6896 • DOMESTIC VIOLENCE UNIT (608)284-6880



Wisconsin Counties Association

TO: Honorable Members of the Joint Committee on Finance  
FROM: Craig Thompson, Legislative Director  
DATE: April 11, 2001  
SUBJECT: 2001-2003 Biennial Budget

We appreciate the opportunity to comment on the major areas of the budget proposed by Governor McCallum as they effect counties. While we understand the very tight budget that you are charged with putting together, the following are several areas that we ask you to focus your attention to take into account all of the taxpayers of this state including the property taxpayer.

#### Circuit Courts

The Governor's budget provides \$50,000 annually to increase the state reimbursement to counties for court interpreter services. The effect of this proposal will be to fully fund counties for interpreter services as outlined in state statute (\$35 per half day). However, it should be noted that counties must pay interpreters \$40 per hour to retain their services.

In October 2000, the Committee to Improve Interpreting & Translation in the Wisconsin Courts released their report containing recommendations to improve interpreter services in Wisconsin's courts. The Wisconsin Counties Association supports the recommendations contained in the report and the corresponding request for \$1.8 million over the biennium to fully fund county interpreter costs (at \$40 per hour) as well as expanding the use of interpreters in the state court system.

The Governor's budget provides no increases for counties in the Circuit Court Support Grant and Guardian Ad Litem reimbursement appropriations, in spite of the fact that the Kettl Commission recommended full state funding for the state court system. WCA firmly believes that full state funding of the court system could be achieved this biennium (counties have agreed to return a portion of their shared revenues to the state, on a county by county basis, to finance full state funding of the state court system).

#### Corrections

The Governor's budget provides no increase for counties for probation and parole holds. Under current law, counties receive \$40 per day as compensation for probation and

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716 ♦ 608/224-5330 ♦ 800/922-1993 ♦ Fax 608/224-5325

Mark M. Rogacki, Executive Director

Mark D. O'Connell, Chief of Staff  
Craig M. Thompson, Legislative Director

Darla M. Hium, Deputy Director  
Lynda L. Bradstreet, Administrative Director



parole holds. As a result of insufficient funding in the appropriation, counties received only \$37 per day in 2000.

WCA requests that the provisions of AB 197 / SB 83 be incorporated into the state budget to increase county reimbursement to \$60 per day, eliminate language allowing for proration, require state payment of medical costs for probation and parole holds and reimburse counties for individuals who were released by judges on a signature bond.

### **Youth Aids / JCI Rates**

The Governor's budget provides no increase in the youth aids appropriation, while increasing juvenile correctional institution (JCI) rates by 14% over the biennium. The Governor's budget also eliminates statutory daily rates for alternate care placements.

WCA requests, at a minimum, that funding be provided to counties, as the statutes required prior to 1996, to cover the increased costs of the juvenile correctional institutions. Failure to cover the increased costs will result in a property tax increase of \$7 - \$8 million at the end of the biennium.

WCA also opposes the elimination of statutory daily rates for alternate care placements. County human and social services directors across the state agree that removing alternate care rates from the statutes is a bad idea. In essence, the state will have no incentive to perform a cost analysis when making placement decisions. Alternate care facilities will also have no incentive to control their costs knowing that the county will be forced to pay the state whatever rate they choose to set for themselves. Over the past several years, we have seen alternate care facilities, such as CCIs, increase their costs dramatically. In addition, it will be difficult for counties to set their budgets if the state does not set alternate care rates in statute.

WCA respectfully requests that the Joint Committee on Finance adopt the attached proposal regarding funding for community-based juvenile justice services. For too long, counties have been forced to spend its limited youth aids dollars on placement costs, leaving little to no funding available for community-based juvenile justice services.

### **Community Aids**

The Governor, in his 2001-2003 budget proposal, passes the federal SSBG cut directly to counties. While GPR is placed in the community aids appropriation in the second year of the biennium to replace TANF funding the state is no longer able to utilize, no additional GPR is appropriated for the program. As a result, counties will see a \$1.2 million decrease in their community aids allocation in each year of the biennium.

To ensure no cuts occur in programs designed to assist Wisconsin's most vulnerable populations, the following action is requested: (1) replace lost SSBG funds with state GPR; (2) provide, at a minimum, a 3% increase in the community aids appropriation.

Additionally, it is recommended that the state change the name of the community aids allocation to Elderly, Developmentally, and Mentally Disabled Aids to (1) better reflect how the funds are utilized; and (2) end confusion over the program's purpose.

### **SACWIS**

When discussions first occurred between the counties and the state regarding funding for WiSACWIS, counties understood that they would fund 25% of the implementation expenses. The counties agreed to this as counties could benefit from the purchase of computers needed for the SACWIS system. However, recently, the state informed the counties that they would also be responsible for ongoing system maintenance costs. This was the first time that this issue was ever broached with county representatives.

DHFS will receive 50% federal reimbursement for all one-time and ongoing statewide implementation expenses. The Governor's budget recommends that counties fund one-third of the non-federal portion of all one-time and on-going costs and that the state will pay two-thirds.

WCA recommends that counties only be required to pay 25% of implementation costs, as was originally agreed to by the counties.

Counties are required to utilize several statewide computer systems in their human services departments including CARES, KIDS, HSRs, etc. Counties are not required to pay ongoing costs associated with the maintenance and upkeep of these systems. The requirement that counties fund ongoing costs represents a major shift in state policy. Additionally, county budgets for next year are exceedingly tight. Many counties do not have the ability to raise the revenue to fund ongoing costs for WiSACWIS, costs which are expected to escalate on an annual basis.

The Department also submitted a statutory language change which will allow counties to use up to 100% of their income augmentation allocation to pay their portion of WiSACWIS implementation costs. An overwhelming number of counties currently utilize 100% of their income augmentation allocation for the provision of services; therefore, in many counties, income augmentation funding is not available for WiSACWIS costs.

### **Indigent Defense**

Indigency standards have not been updated for several years. Each year indigency standards are not updated, the gap between the ability to afford counsel and qualifying for

state public defender services increases. Therefore, counties are funding more and more of the costs associated with indigent defense.

Additionally, counties are concerned with the proposed cuts to the State Public Defender's budget. If the cuts are fully implemented, it is likely counties will fund additional costs associated with indigent defense.

WCA respectfully requests that indigency standards be updated to W-2 eligibility plus cost of counsel. Additionally, WCA requests that state statutes be amended to allow SPD representation of parents of children in need of protection and services.

Attached please find a copy of a letter sent to the State Public Defender Board outlining our positions on this issue.

### **Intergovernmental Transfer Program**

On February 2, 2001, an agreement was signed by the Department of Administration, the Department of Health and Family Services, the Wisconsin Counties Association, the Wisconsin Association of Homes and Services for the Aging and the Wisconsin Health Care Association outlining the provisions for securing additional federal funding for the state of Wisconsin through an expanded / revised intergovernmental transfer program, from which additional funding for the state's nursing home industry could be achieved. Governor McCallum's budget codifies portions of that agreement. Attached please find a copy of the agreement.

In general, if Wisconsin's state MA plan amendment is approved by the federal Health Care Financing Administration, additional IGT funds totaling \$258.7 million would be claimed in 2000-01, \$189.6 million in 2002-03 and \$155.7 million in 2002-03. The Governor's budget creates an MA Trust Fund into which all IGT dollars received by the state of Wisconsin would be deposited. Additionally, the Governor's budget outlines how Trust Fund dollars would be spent.

If, by May 9, 2001, Wisconsin's state MA plan amendment is approved, the budget provides an additional \$40 million to county nursing homes and provides rate increases for all nursing homes. The budget, at this time, expends no GPR dollars on the nursing home industry.

Wisconsin's current IGT program operates as a certification program, not a true intergovernmental transfer program, whereby the state certifies county nursing home losses and utilizes those losses as state match for federal dollars. Under Wisconsin's revised intergovernmental transfer program, three Wisconsin counties (Rock, Walworth and Sheboygan) borrowed over \$600 million in funds, transferred those funds to the state, the state then made payments to those three counties for medicaid purposes, resulting in federal matching funds (if the plan amendment is approved).

As a result of new federal MA rules, Wisconsin's ability to capture additional IGT funds is limited. Beginning in 2003-04, the amount of IGT dollars Wisconsin can claim will begin to decrease significantly. However, because all IGT dollars will be placed in the

MA trust fund, increased payments to the nursing home industry can be made beyond 2004.

The Wisconsin Counties Association respectfully requests your support for the creation and maintenance of the MA Trust Fund as outlined in the Governor's budget bill. As stated previously, three counties undertook great effort to secure additional IGT dollars for the state of Wisconsin. These same three counties are adamant that the trust fund not be tapped into for other MA-related programs. If the trust fund is utilized for other purposes, it will be difficult, if not impossible, to ensure that the three counties will once again participate in the new IGT program.

Proposed new regulations regarding the IGT program were recently introduced at the federal level. WCA, as well as the state, are in the process of determining what effect, if any, the proposed regulations will have on Wisconsin's IGT program. We will update committee members as additional information becomes available.

### **Family Care/COP/Community Aids**

Governor McCallum's budget makes several changes to the Family Care program. WCA would like to comment briefly regarding the Family Care program, as well as other long term care programs.

The Department of Health and Family Services, in its budget request, requested funding for the expansion of the Family Care program to Kenosha County, as well as recommended inflationary increases for Resource Centers, additional COP slots, etc. The Governor's budget does not include the expansion of CMO status to Kenosha County, eliminates the Long Term Care and Family Care External Advocacy, and includes no new COP slots over the course of the biennium.

Several years of planning, meeting and negotiations went into the formulation of the Family Care Pilot Program. This pilot was undertaken in an effort to address the tremendous increase in the demographic population that will be in need of long term care as well as addressing the current waiting list for services. By putting a halt to the expansion of Family Care pilots, the questions becomes: What direction are we heading in for long term care in Wisconsin and is there still a commitment to Family Care?

County governments are committed to the success of the Family Care program and support the additional funding in the Governor's budget for the pilot counties. However, only five counties are involved in the Family Care program to date. The other 67 counties will receive no additional funding in this budget to reduce their waiting lists. It is disappointing to see no additional COP slots created in the budget. It is equally disappointing that counties will receive a decrease in the community aids appropriation in

each year of the biennium. WCA believes it is time for the administration to map out its plan for long term care programs in the future, be it Family Care, additional funding for COP, community aids, etc.

### **Recycling**

The Governor's budget drastically reduces the amount of money allocated by the state for the recycling program. The Governor allocates \$14 million in SEG in FY02 and \$13.5 million in FY03. This is an approximate \$21.3 million or 45% cut to the program.

WCA requests that the state continue its commitment to the recycling program by maintaining the \$24.5 million in grants to responsible units. This would require funding the \$18 million shortfall created in the last budget cycle. WCA supports the DNR's request to increase the state tipping fee to \$1.85.

### **Nonpoint Source Pollution Abatement**

Although the Governor increases the bonding authority for the program, there are no increases in SEG or GPR dollars. In addition, the Governor eliminates the title transfer fee certification process and eliminates SEG appropriations for the nonpoint program. Despite the fact that the nonpoint redesign and the 1999-2001 biennial budget create new demands on both landowners and county conservation staff, the program has taken significant cuts in both SEG and GPR allocations. Although increases in bonding revenue is necessary for cost-sharing with landowners for capital improvements, SEG and GPR dollars must be used for county staff grants and most best management practices required of landowners.

WCA requests that the \$3.5 million cut in SEG and GPR during the last budget cycle be restored and an addition \$3 million in SEG or GPR be allocated to meet new program requirements and goals. Finally, we request that the title transfer fee certification and SEG appropriations for the program be maintained.

### **General Transportation Aids**

The Governor's budget increases the amount of aid that may be paid under the GTA program from the current limit of \$84,059,500 to \$88,598,000 in calendar year 2002 and to \$89,239,300 in for counties. This represents a 5.4% increase in calendar year 2002, and an additional .7% increase in calendar year 2003.

In order to simply maintain the current county road trunk system, counties WCA requests an additional 5% increase in calendar year 2003.

### **Local Road Improvement Program**

The Governor's budget includes increases for both the Town Road Improvement Program-Discretionary Program (TRIP-D) and the Municipal Street Improvement-Discretionary (MSIP-D) Programs, however, does not include increases for the County Road Improvement Program-Discretionary (CHIP-D) Program.

WCA requests an increase of 5% increase in CHIP-D in FY 2002 and a 5% increase in FY 2003.

**Local Bridge Improvement Program and Transportation Facility Improvement Assistance**

The Governor's Budget consolidates these continuing appropriations and transfers the unencumbered balances into the consolidated appropriations. The Governor's budget also exempts these consolidated appropriations from reduction by JCF as an emergency measure.

The Governor's budget does not include any increases for the combined Local Bridge Improvement Program and Transportation Facility Improvement Assistance program.

WCA requests a 5% increase in the Local Bridge Improvement program and in the STP-Urban and STP-Rural in FY 2002 and a 5% increase in FY 2003.

**Mass Transit Aid Funding**

The Governor's budget provides \$2,325,100 annually to fully fund CY01 obligations and provides a 2.5% increase in CY02 for the urban mass transit assistance program.

WCA requests a 5% increase in each year of the budget for mass transit operating assistance.

# Budget can do more to aid courts, youth

**A**s the Legislature's budget-writing committee continues its review of Gov. Scott McCallum's proposed \$46.6 billion budget, its members should ask themselves: Does this budget build a better relationship between state and local governments? There are some promising ideas in the budget, especially when it comes to distributing state "shared revenue" aids to municipalities, counties and — for the first time — regions with common economic interests. However, there are other areas where a creative Legislature and an open-minded governor could do more. Funding of the court system and the related issue of youth aids are two examples.

In its final report, the Governor's Blue-Ribbon Commission on State-Local Partnerships for the 21st Century recommended full state funding of the justice system. The commission, chaired by UW-Madison Professor Don Kettl, recognized that while the trial courts are run county-by-county with state oversight, equal justice under the law is a state duty.

Gradually, the courts have become more of a state responsibility. Since 1978, the state has paid the personnel costs and some expenses of circuit court judges and court reporters. In 1990, the state took over the cost of district attorneys' salaries. The state reimburses counties for other costs, but the counties are responsible for circuit court operations, including a long list of support salaries, law libraries and jury costs.

Here's what the Joint Finance Committee could do to complete the transition

## Here are two ideas for improving state and local government cooperation.

to a state system: Use the money now spent on circuit court support grants and guardian ad litem (child legal protection) fees to partially fund a state takeover. Also, reduce each county's shared revenue payment by an amount that would correspond with each county's property tax support for the state court system. That's a dollar-for-dollar trade today. The counties would continue to maintain courthouses and security, but the state would eventually pay all other justice system costs. That's consistent with past recommendations by the State Journal editorial board.

The finance committee should also retool how the state funds juvenile delinquency programs. Right now, the lion's share of the money is spent on placing a relatively few hard-core kids in institutions. What's left over is spent on prevention. Every year for most counties, there's not much left over. Those counties often can only deal with kids *after* they're so troubled that they must be locked up.

The Kettl Commission recommended more state help for so-called "youth aids," and that could actually save money over time. How about a specific appropriation for prevention programs only, which could rise or fall depending on a county's success rate in keeping kids out of institutions? By using incentives, the state could become a better partner with its 72 counties.



March 15, 2001

State Public Defender Board  
315 N. Henry Street, 2<sup>nd</sup> Floor  
P.O. Box 7923  
Madison, WI 53707-7923

Dear State Public Defender Board:

As you are most certainly aware, criminal defendants have the constitutional right to counsel. If an individual cannot afford counsel, the court appoints counsel. If the individual is found to be indigent, the state public defender's office represents the individual. If an individual is found not to be indigent under state public defender criteria but is unable to obtain counsel, counsel is appointed at county expense.

Criteria utilized by the state public defender in determining indigency are obsolete and do not reflect today's actual costs. The current figures used to calculate cost-of-living expenses based on family size were taken from 1987 AFDC benefit level tables, well below the current HHS federal poverty guidelines. Even so, the 1987 AFDC grant levels were set to cover only 80% of the statewide standard of need. Additionally, the cost of counsel tables used by the state public defender's office do not accurately reflect the true cost of hiring counsel.

Additionally, the 1995-97 state budget bill amended s. 48.23 (3) of the statutes so as to eliminate the court's authority to appoint counsel for parents of alleged CHIPS children. Prior to the enactment of 1995 Wisconsin Act 27, these cases were represented by the State Public Defender's office. This legislative change was challenged and the Supreme Court ruled that elimination of State Public Defender representation was unconstitutional. However, because state statutes still prohibit SPD representation for parents of alleged CHIPS children, judges are appointing counsel at county expense.

Due to the fact that indigency criteria are not updated on an annual basis and the SPD is prohibited from representing parents in CHIPS cases, each year a greater percentage of the burden of providing counsel for indigent individuals falls on the county. Over the last several years, this has had a dramatic impact on county budgets. The Wisconsin Counties Association (WCA) strongly believes that something must be done to close the gap between constitutional standards of indigency and the SPD standard.



Page 2  
WCA Letter  
March 15, 2001

The SPD system was created with the intent of ensuring that indigent defendants would be represented by attorneys experienced and expert in criminal law and proceedings by building a comprehensive statewide program to handle the appointment of counsel for indigent defendants and to remove county liability for court-appointed attorneys for indigents by transferring the costs to the state taxpayers as a whole. Both of these purposes are in jeopardy as we are setting up a multi-tiered system of indigency standards which slowly, but surely, is shifting the cost of indigent defense back to the counties.

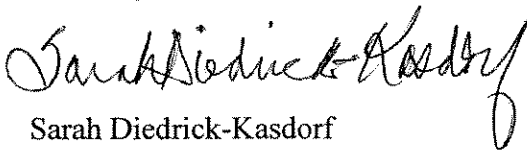
As work is beginning on the 2001-2003 state biennial budget, WCA is requesting that the state modify indigency criteria to W-2 standards plus cost of counsel, recognizing the fact that additional dollars will need to be placed in the SPD budget. Additionally, we will be asking the Administration and Legislature to reverse the unfunded mandate placed on counties during the 1995-97 budget debate regarding SPD representation of CHIPS parents.

WCA also recognizes the need to increase the hourly rate paid to private bar attorneys to the rate set by the Supreme Court (currently \$70 per hour). Over the last several years, it has become more difficult to find qualified private attorneys who will work on SPD cases. As a result, judges are appointing counsel at higher hourly rates, more court proceedings are delayed and the time spent in county jails by defendants has increased.

As the SPD office works on its budget for 2001-2003, please know that any efforts undertaken to update SPD indigency criteria will be fully supported by the Wisconsin Counties Association.

If we can be of assistance in any way, please do not hesitate to contact the WCA office.

Sincerely,



Sarah Diedrick-Kasdorf  
Legislative Associate

Scott McCallum  
GOVERNOR

## State of Wisconsin

## Department of Health and Family Services

## WCA/WAHS/WHCA IGT Agreement with DOA/DHFS

- Continue current level of Intergovernmental Transfer (IGT) funds (i.e., \$40.1 million and \$78.1 million in FY 01 and \$37.1 million and \$78.1 million in FY 02 and FY 03 in nursing home base).
- Devote all new IGT funds to the Medicaid Program. The vast majority of IGT funds will be used to address nursing home funding needs.
- IGT funds received by the State will not be utilized to reduce or replace current GPR funding (as adjusted in the Medicaid base reestimate) for the nursing home payment system.
- Propose statutory language to establish an interest-bearing IGT Medicaid Trust Account that will be effective upon passage of enabling legislation. An amount equal to all IGT funds received by the State of Wisconsin during or after FY 2001 will be deposited into the trust account. The vast majority of the trust account balances will be utilized to fund current and future expenditures contemplated under this agreement.
- Counties will be identified to participate in an IGT through a wire transfer. Development and transaction costs will be paid from Trust funds (counties will be fully reimbursed for these costs).
- Increase Medicaid nursing home funding by \$115 million in 2001-02 and by an additional 4% in 2002-03. The 2001-02 funds would be split \$40 million to counties and \$75 million for the reimbursement formula. To facilitate a reasonable determination of how the \$40 million allocated to the counties will be distributed, the Wisconsin Counties Association (WCA), the Wisconsin Association of Homes and Services for the Aging (WAHSA) and the Wisconsin Health Care Association (WHCA) agrees DHFS should model the following formula parameters for distribution of the \$75 million:
  1. Direct Care targets at 104% of the median.
  2. Property/Capital T2 set at 9.5%.
  3. Support Care targets at 95% of the median.
  4. Administration targets at 95% of the median.

These percentages will be adjusted proportionally as necessary to distribute no more than \$75 million. Final formula parameters regarding how the \$75 million will be distributed under the 2001-02 nursing home reimbursement formula will be developed by DHFS and the Associations at a later date.

- The Associations' support of a 4% increase in 2002-03 is committed with the expectation that this level is sufficient to maintain the 2001-02 formula. In the event that this level is insufficient, the Associations reserve the right to seek additional funding from the Legislature.
- The Associations and DOA/DHFS have agreed to distribute the \$40 million IGT county allocation to cover certain operating deficits of certain facilities operated by counties and other local units of government, in the priority order set forth below. (The attached provides the Associations' projected 2001-02 distribution based on this methodology.) If after covering all deficits within a higher priority category remaining funds are insufficient to cover all deficits within the next lower category, remaining funds shall be divided among

facilities within the next lower category in proportion to the amount of their respective deficits.

*For 2001-02:*

1. Direct care operating deficits of all such facilities.
2. Total (i.e., direct care plus non-direct care) operating deficits of such facilities operated by Sheboygan, Walworth, Rock, Outagamie and Manitowoc Counties, during the period such facilities are downsizing.
3. Non-direct care operating deficits of all such facilities.

*For 2002-03:*

The priority order noted for 2001-02 shall be modified so that categories #2, #1 and #3 become the revised priority order for 2002-03.


- Sheboygan, Walworth, Rock, Outagamie and Manitowoc Counties will agree to continue pursuing their downsizing plans.
- The Associations will work with DOA/DHFS to eliminate the Ourada Amendment, assuming the agreement holds and the expanded IGT program is achieved (approved by HCFA). If the parties are not successful in eliminating the Ourada Amendment, all parties agree to renegotiate the terms of this agreement.
- The Administration and Associations will work in a unified manner to secure legislative and federal approval of this agreement.

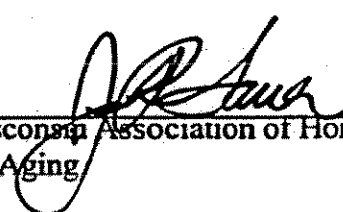
*The above represents the entirety of the agreement between the Associations and DOA/DHFS and assumes that additional IGT federal payments secured by the State of Wisconsin will net approximately \$260 million for SFY 01, \$190 million for SFY 02 and \$155 million for SFY 03. Should actual net IGT federal payments result in funding increases significantly higher or lower than projected, all parties pledge to bargain in good faith to renegotiate a revised IGT funding agreement.*

Dated this 2nd day of February, 2001:

  
Secretary, Department of Administration

  
Secretary, Department of Health and Family Services

  
Wisconsin Counties Association

  
Wisconsin Association of Homes and Services for the Aging

  
Wisconsin Health Care Association

**TESTIMONY TO THE JOINT FINANCE COMMITTEE  
APRIL 11, 2001**

Lucía Nuñez, Executive Director  
Centro Hispano of Dane County/1321 East Mifflin Street, Suite 200, Madison, WI 53703

Honorable members of the Joint Finance Committee. Thank you for allowing me to speak to you today on behalf of the Court Interpreter Program proposed by the Committee to Improve Interpreting and Translation in Wisconsin Courts.

My name is Lucía Nuñez. I am the Executive Director of Centro Hispano of Dane County. I am here to stress the importance of the proposed court interpreter program and to encourage you to restore the funds set for this initiative. I come to speak to this committee on behalf of a group of people who because they cannot take time off work and do not speak English cannot come before this committee. Since 1983 Centro Hispano has been working with new immigrants struggling to learn English and to adjust to a new culture and country. This process takes time and many succeed in making this transition.

As the director of one of the leading agency serving the Latino community, the staff of Centro Hispano experiences first-hand on a daily basis the growth of the Latino community in Dane County. Census figures released recently for Dane County state that the Latino population has grown 150% in the last ten years. The strong economy has attracted this population who have taken jobs in the manufacturing, service, and agricultural industries. The Latino labor force contributes to the strength of the Wisconsin economy.

In the work that the staff of Centro Hispano does, two critical areas stand out as needing qualified, professional interpretations—in medical settings and in the legal system. In hospitals and doctor's office, the need for accurate, confidential translations and interpretations is absolute and a matter of life and death. In courts, again the need for qualified interpreters is essential so that people are not denied access to information integral to the legal process.

I would like to describe three situations Centro staff has experienced and/or witnessed. One of the most shocking was the use of an unscrupulous interpreter who would charge individuals exorbitant rates all the while they had been hired by the court system. With the dramatic growth of the Latino population, we have seen the rise of individuals without ethical and moral standing preying on vulnerable people. These individuals are not trained and because they are simply bilingual does not qualify them to interpret legal terms. Our General Support staff accompanying a Centro client to court have been pulled away in desperation to interpret in other cases because there was no one available. Again, at Centro we have stressed that we can be there as advocates but unless a staff is trained as a legal interpreter they cannot claim to interpret in legal cases. The third example I would like to bring up to the committee is the use of children as interpreters. I cannot stress enough the dangers and seriousness of this example. Children do not understand the complex issues and should not be placed in the difficult situation to be interpreting for a parent.

I urge you to reconsider the cuts and to support the development of a court interpreter program.

**TESTIMONY BEFORE THE JOINT FINANCE COMMITTEE**

**CO-CHAIRS:**

**10:00 AM, 11 APRIL 2001**

**ROOM 411 SOUTH, STATE CAPITAL**

**TESTIMONY BY:** Patricia D. Watkins, 230 N. Meadow Lane, Madison, WI 53705. Phone: 233-5795

**REPRESENTING:** The Madison Area chapter of the NAACP

**POSITION:** In opposition to the base GPR cut in the budget of the State Public Defender Board

It has come to our attention that the legislature is contemplating a cut of 5%, or more than three million dollars per year (\$3,236,900) for the State Public Defender Board. I am here to ask you to reconsider this proposed cut. The Public Defender Board's job is to provide counsel for people charged with crimes who cannot afford private counsel. This right to counsel is guaranteed by both the state and federal constitutions. Consequently, the budget cut, which will eliminate a minimum of fifty FTE attorney positions, would not deprive the accused of counsel, but simply shift the load to the private sector, which would have a number of disadvantages--both to the accused, to the government and to the taxpayer. In the case of the accused, the lack of SPD attorneys would require hiring private attorneys. SPD attorneys have a familiarity with their local courts and the kinds of cases they are assigned, which is not necessarily true for the private sector attorneys, which means that the accused may be getting a better defense from the SPD. Also, the state contract pay is so low (at \$40 per hour) that it does not cover the private lawyer's overhead (\$60 per hour). The inability to hire competent private attorneys at such low rates should be obvious. The disadvantage to the government is the cost of hiring private sector attorneys, which in spite of the low pay are still far more expensive than FTE public defenders. It has been estimated that shifting the cases of the 50 lost FTE positions to the private sector would cost the government almost six million dollars. Cutting the positions may save \$3 million, but it is costing the government \$3 million to make that saving. Is the state thinking of the advantage they would have if the cost of the private sector lawyers would be shifted to the county? If so, then state's advantage is a disadvantage to the your constituents, the taxpayers. Previous budgeting of the SPD came from state money, funded by the income tax, with the cost spread statewide. The new budget counts on SPD money coming from county money, funded by the property tax, thus placing an excessive burden on the individual taxpayer.

I hope that the practical reasons noted above will deter you from the budget cut which is being contemplated, but there is another view which I and the NAACP hope you will give consideration to. Little by little, men and women working in municipal and state government and with what I hope were good intentions, but often with an unawareness of the consequences have taken steps which are detrimental to the Black community. You have all seen the statistics, so I won't elaborate on them here. But, we see that Blacks are arrested in disproportionate numbers to Caucasians (8% of the Madison population, but 50% of the arrests); they are detained more frequently than Caucasians; they are tried by all white juries, they are incarcerated disproportionately and for longer terms (58% of Wisconsin prisoners are minorities). Some of these inequities have racist overtones, for which you are not responsible. But, given that atmosphere, what has the state of Wisconsin done to help? It has turned prisons into big business, and tripled the prison population in the past ten years by incarcerating 18,000 prisoners, mostly for victimless crimes, of which 58% are racial minorities. It has built prisons which rank as major human rights violators and have given us a bad name around the world, and filled them

mostly with minority prisoners. It has shipped 3000 mostly minority prisoners out-of-state where their families are unable to visit them, and have placed another 2000 in private prisons far from home. It has enacted truth in sentencing and "three times and you're out" legislation, again mostly affecting the minority population. Four-tenths of the black male population spends time in prison, and upon release are disenfranchised. The state of Wisconsin is bit by bit methodically decimating the black male population and causing great harm to black families. And, now, it is adding insult to injury by considering a cutback to already inadequate counsel in the courtrooms.

To conclude: I've been told that the Department of Corrections has requested a large budget increase (20%?). Would it not make more sense to spend some of their increase to help keep people out of prison, rather than to spend it putting them in? Let's not cut the Public Defender Board budget!

Thank you for your attention.



## WISCONSIN COALITION FOR ADVOCACY

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

11 April, 2001

To: Sen. Brian Burke and Rep. John Gard, Co-Chairs; Members, Joint Committee on Finance

From: Todd Winstrom, Wisconsin Coalition for Advocacy

Subject: Prison reforms that affect inmates with disabilities

In the last year, there has been a lot of discussion regarding the need for health care and other reforms in Wisconsin's prison system. We support the reform theme, but we are concerned that broad reform efforts may not impact the growing number of inmates with serious mental illness. When you take action on the Department of Corrections (DOC) budget, we encourage you to take the following considerations into account.

A. Important items which are included in the Governor's budget which we strongly endorse.

1. A 64 bed mental health unit at Taycheedah (although we support the full DOC proposed staffing of 19 correctional officers and 14.5 non-security staff, not the Governor's reduced levels).
2. The Governor's proposed appropriation increase for health care.
3. The Governor's proposed appropriate to create new positions to improve the probation/parole agent to offender caseload ratios, and to permit purchase of offender treatment and programming services (these measures will be crucial to the successful re-entry of persons with mental illness into the community).

B. Serious deficiencies in the Governor's budget

1. In spite of the well documented (and DOC-acknowledged) deficiencies in prison health care, the Governor's budget only includes 60% of the 43.25 new positions recommended by DOC. Furthermore, the Governor budget includes no funding for over half of the positions requested. This is an inadequate response to the crisis. We strongly support the staffing levels requested by DOC, fully funded.
2. DOC proposed 15 new position to provide alcohol and drug abuse treatment and cognitive intervention programming. At present, over 4,400 inmates are waiting for these services, which are critically needed and have been proven to reduce recidivism. The Governor's budget includes no new positions.

**Patricia A. FitzGerald**

Attorney at Law  
229 North Grove Street  
Mount Horeb, Wisconsin 53572  
(608) 437-4859

April 11, 2001

Members of the Joint Finance Committee  
Wisconsin State Capital  
Madison, WI 53707

Re: State Public Defender Budget

I urge you to actively support tying the State Public Defender private attorney compensation rate to the Supreme Court Rule 81.02(1) in the State Public Defender budget and exempting the State Public Defender from any base budget cut.

I am an attorney in private practice. I have lived in Mount Horeb for over 14 years. I have a son in the Mount Horeb Middle School where I am also a reading mentor.

In my law practice I take Public Defender appointments. The current hourly rate paid to private attorney's is \$40 per hour. That is the same hourly rate that was paid to private bar attorneys 22 years ago. Because the rate of compensation is so low, I am considering stopping taking Public Defender cases. I can not support son and myself on the pay I receive.

The state has a constitutional obligation to provide effective assistance of counsel both and the trial and appellate levels. However, many attorneys are forced to refuse Public Defender appointments because \$40 per hour does not even cover their overhead. As a result, the Public Defender has difficulty finding competent counsel take appointments. This results in higher costs overall in delayed proceedings and increased appeals due to inadequate representation.

Supreme Court Rule 81.02(1) sets an appointment rate of \$70 per hour which allows for a minimal profit margin of approximately \$10 per hour. While no one will get rich on a \$70 per hours fee, that will go a long way to relieve the financial burdens that those of us who still take Public Defender cases face.

Very truly yours,



Patricia A. FitzGerald



# WESSEL LAW OFFICE

APRIL 11, 2001

KEITH R. WESSEL  
KRISTEN E. LEHKER  
MARK S. BROWN

KELLY MUELLER  
LEGAL ASSISTANT

Members of the Joint Finance Committee

Re: State Public Defender Budget

Dear Members:

I am writing in regard to the State Public Defender Budget, which is up for consideration this year. I strongly urge you to actively support working toward tying the State Public Defender private attorney compensation rate to Supreme Court Rule 81.02(1) in the budget, and further that you exempt the State Public Defender from any base budget cut.

I work in a small law firm, where we have three attorneys. I have lived and worked in Madison for ten years, and consider it to be my home. As an attorney, I practice mainly in the area of criminal defense, and also do some work in family law and bankruptcy.

The unfortunate truth, as a small businessman, is that I simply cannot continue to accept cases from SPD for the rate of \$40.00 per hour. This rate does not come close to even covering the overhead which we have in cases, and we operate at a loss for each case we take. Only work done by an attorney is paid on these cases. Work done by my assistant or secretary cannot be billed. We are not allowed to bill for postage, despite the fact that the mail is often the only way in which we are able to communicate with our clients. To my knowledge, no other small business is required to lose money when doing work for a state agency.

I do not want to stop taking these cases. When I graduated from law school, I was very glad to have the opportunity to take them. This was true because it helped give me good experience, and it also gave me the opportunity to assist others. However, this cannot go on, as I do need to make a living, and our business needs to operate without consistent losses. Lawyers, who are first starting, including myself, take these cases for the experience. However, once we have become established, we often need to stop doing so because of the expense. This is unfair to defendants, who are then left with counsel with little to no experience. It is also unfair to the criminal justice system, as that system is designed to operate with experienced advocates on both sides of issues. The very integrity of our justice system is compromised when competent counsel cannot be found due to inadequate pay. Currently the Supreme Court Rate, pursuant to Rule 81.02(1), is \$70 per hour. Payment at this rate allows for a minimum profit, around \$10 per hour, and means that we would still be able to take these cases.

The State Public Defender system in this state is, in my opinion, one of the best in the country. However, the rate for private pay attorneys has not been increased in decades, and the staff of the SPD is becoming grossly overworked. We will not remain long as an example if this does not change, and change in the immediate future.

Please feel free to contact me at any time with any further information which I may be able to provide to you.

Sincerely,



Mark S. Brown



**WISCONSIN COALITION FOR ADVOCACY**

THE PROTECTION AND ADVOCACY SYSTEM FOR PEOPLE WITH DISABILITIES

11 April, 2001

To: Sen. Brian Burke and Rep. John Gard, Co-Chairs; Members, Joint Committee on Finance

From: Todd Winstrom, Wisconsin Coalition for Advocacy

Subject: Prison reforms that affect inmates with disabilities

In the last year, there has been a lot of discussion regarding the need for health care and other reforms in Wisconsin's prison system. We support the reform theme, but we are concerned that broad reform efforts may not impact the growing number of inmates with serious mental illness. When you take action on the Department of Corrections (DOC) budget, we encourage you to take the following considerations into account.

A. Important items which are included in the Governor's budget which we strongly endorse.

1. A 64 bed mental health unit at Taycheedah (although we support the full DOC proposed staffing of 19 correctional officers and 14.5 non-security staff, not the Governor's reduced levels).
2. The Governor's proposed appropriation increase for health care.
3. The Governor's proposed appropriation to create new positions to improve the probation/parole agent to offender caseload ratios, and to permit purchase of offender treatment and programming services (these measures will be crucial to the successful re-entry of persons with mental illness into the community).

B. Serious deficiencies in the Governor's budget

1. In spite of the well documented (and DOC-acknowledged) deficiencies in prison health care, the Governor's budget only includes 60% of the 43.25 new positions recommended by DOC. Furthermore, the Governor's budget includes no funding for over half of the positions requested. This is an inadequate response to the crisis. We strongly support the staffing levels requested by DOC, fully funded.
2. DOC proposed 15 new position to provide alcohol and drug abuse treatment and cognitive intervention programming. At present, over 4,400 inmates are waiting for these services, which are critically needed and have been proven to reduce recidivism. The Governor's budget includes no new positions.