

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. SAB 278

OR
SUBJECT SPD Funding

Paul Janouart
(NAME)

1045 Village Green Cr.
(Street Address or Route Number)

Green Bay, WI 54313
(City and Zip Code)

Brown Co.
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. SB 278

OR
SUBJECT

SEN. Kimberly M. Plache
(NAME)

415 Surry - - CAPTOL
(Street Address or Route Number)

(City and Zip Code)

21st Senate District
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12.18.01

BILL NO. SB 278

OR
SUBJECT SPD Funding

Ed Blaine
(NAME)

P.O. Box 2116
(Street Address or Route Number)

Madison, WI 53701-2116
(City and Zip Code)

WI Assn of Criminal Defense
(Representing) Lawyers

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12-18-01

BILL NO. SB-278 SPD

OR

SUBJECT _____

MARK WADSWORTH

(NAME)

410 S. WALKER ST.

(Street Address or Route Number)

Appleton, WI 54911

(City and Zip Code)

Ozaukee County

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. SB 278

OR

SUBJECT _____

Steve Cady

(NAME)

901 N. 9th Street

(Street Address or Route Number)

Milwaukee WI 53233

(City and Zip Code)

Milwaukee County

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. SB 278

OR

SUBJECT State Public Defender

Dave Krahn

(NAME)

515 W. Maveland Blvd.

(Street Address or Route Number)

Waukesha WI 53188-2428

(City and Zip Code)

Waukesha County

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: December 17, 2001

BILL NO. SB 278

OR

SUBJECT State Public Defender Budget Restoration

Mickey Beil

(NAME)

210 Dr. Martin Luther King Jr. Blvd.

(Street Address or Route Number)

Madison, WI 53703-3345

(City and Zip Code)

Dane County

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. Senate R.M. 278

OR

SUBJECT _____

John R. Burr

(NAME)

210 WALK ST B100 #523

(Street Address or Route Number)

Madison, WI

(City and Zip Code)

Assoc. of State Prosecutors

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12-18-01

BILL NO. SB 278

OR

SUBJECT State Public Defender

Court Bob Beginger
Patrick J. Davitt

(NAME)

1153 N. 44th St

(Street Address or Route Number)

Milwaukee WI 53208

(City and Zip Code)

Wisconsin State Public Defender
1550 Lincoln

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18

BILL NO. SB 278

OR

SUBJECT _____

Bob Beglinger (with Pat Dornish)
(NAME)

1250 42nd Ave.
(Street Address or Route Number)

Chippewa Falls 54729
(City and Zip Code)

Wisconsin Federation of Teachers
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12-18-01

BILL NO. SB 278

OR

SUBJECT _____

Samh Aiedack-Haddad
(NAME)

100 River Place, Suite 101
(Street Address or Route Number)

Monona 53714
(City and Zip Code)

Wisconsin Nurses Association
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/2001

BILL NO. SB 278

OR

SUBJECT _____

Tom Rowers
(NAME)

318 Bonnie Road
(Street Address or Route Number)

Cottage Grove, WI.
(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. SB278

OR

SUBJECT Public Defender

(NAME) Cherry Messis

28 Dr 7882

(Street Address or Route Number)

(City and Zip Code) Madison WI 53707-7882

(Representing) State Bar of WI

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
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SENATE HEARING SLIP

(Please Print Plainly)

DATE: 18 Dec 01

BILL NO. SB 278

OR

SUBJECT Public Defenders

(NAME) Atty Scott Howard Sauerberrth

(Street Address or Route Number)

(City and Zip Code) _____

(Representing) Rep. Steven R. Albers

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12/18/01

BILL NO. SB278

OR

SUBJECT SPD

(NAME) Cory H. Mason

(Street Address or Route Number) 1410 So Ingersoll

(City and Zip Code) Madison WI 53703

(Representing) State Bar of WI

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 12-18-01

BILL NO. AB 6
OR SRS 278

SUBJECT _____

(NAME) Rep Albers (staff approved)

(Street Address or Route Number)

(City and Zip Code)

(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

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State Capitol - B35 South
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Madison, WI 53707-7882

STATE PUBLIC DEFENDER FUNDING – 2001-2003 SUMMARY

1. Changes to the SPD's budget passed by the Legislature would have saved \$3,207,800 during the 2001-2003 biennium. Recognizing that representation by SPD staff is more cost effective than appointing cases to private bar attorneys, it included provisions to open a pilot "conflicts office" and to add staff to SPD local offices. Doing so provided the opportunity to reduce funding for the SPD's private bar appropriation enough to more than offset the staff cost.
2. The Governor vetoed the additional staff, yet did not restore the private bar funds needed to pay the cases that will need to be appointed out, thus creating a deficit in the agency's budget. The cumulative effect was a base cut of 8.07%, beginning in 2002-2003.
3. On November 5th, the Joint Committee on Finance (JCF) approved the SPD's request to transfer \$2.8 million in FY03 from the Trial Division appropriation to the Private Bar appropriation. This action made available the funds that had been appropriated for the vetoed staff, which would otherwise have lapsed.
4. Since the budget was signed, DOA allocated additional budget reductions to the SPD's salary line in the Trial Division:
 - ◆ \$949,800 each year relating to the budget provision to eliminate positions vacant more than nine months. The SPD had eight positions vacant more than nine months, whereas the cut equals the salary and fringe benefits for eighteen staff attorneys. Ironically, appointing those eighteen caseloads to private bar attorneys would cost more than \$2.1 million.
 - ◆ \$48,400 each year relating to the budget provision to reduce expenditures for Dues and Memberships by 20%. This cut equals 1400% of the SPD's \$3,441 expenditures for Dues and Memberships in FY2001.
 - ◆ \$2,189,900, representing a 3.5% lapse in FY02.
5. The SPD's 2001-2003 budget shortfall has increased to \$10,957,600. *Note this does not assume a 3.5% lapse will be ordered in FY03 as well. That, or any other future lapse requirements would increase the SPD deficit.* If DOA approves the agency's request to reallocate these additional cuts to the private bar appropriation, the cumulative effect will be a 9.92% reduction in FY02, or 10,957,600. If the reallocation is not approved, the effective reduction would increase to nearly \$17 million – including the cost to send additional cases to the private bar if the cuts must be applied to staff salaries.
6. These deficit calculations are based on actual case openings in FY01 and the first quarter of FY02. Actual case openings during the first five months of FY02 have been eight to ten percent above last year. If this trend continues, the deficit would be much greater.

7. The projected deficit also does not include the costs of any additional cases that will be opened by the 14.75 additional prosecutor positions approved by the Joint Committee on Finance on November 5th.
8. In early October, AB 536 and SB 278 were introduced with broad bipartisan support, and referred to committees. These bills were crafted with the intent of restoring the budget provisions as passed by the Legislature. Neither bill addresses the above-mentioned additional cuts imposed by DOA.
9. However, of greater concern is that savings projected from the initial legislative provisions, to add staff to local offices and open a conflicts office, were predicated on the new staff being hired October 1, 2001. The sooner the new staff were assigned cases that would otherwise be appointed out, the sooner they would reduce SPD expenditures.

[Note that:

- a) a new attorney is budgeted to have a full caseload beginning with the second month of employment;*
- b) the effect on private bar payments is not felt for approximately five more months, when bills for the cases that would have been assigned to private attorneys are completed, billed and paid; and*
- c) the private bar appropriation has historically been budgeted each biennium to pay bills received by the end of March of the second year.]*

Thus, as the hire date for staff is pushed back, the potential savings in 2001-2003 erode.

10. Based on the above, if staff are added on the following dates, these are the projections to fully fund the SPD in 2001-2003, including lapses per Act 16 as allocated by DOA and the transfer of \$2.8 million to the private bar line. The following chart illustrates what is needed to restore the budget provisions as passed by the Legislature. Had the Joint Finance Committee version of the budget been enacted, the SPD's 2001-2003 shortfall would have been the biennial lapse of \$1.1 million and the additional DOA-mandated lapses.

<u>If Hired:</u>	<u>Funds provided in AB536/SB278</u>	<u>Additional funds needed</u>	<u>Total funds needed</u>
04/01/02	\$3,267,900	\$ 9,593,000	\$12,860,900
07/01/02	\$3,267,900	\$10,357,300	\$13,625,200

11. Our projections indicate that we have already passed the point in time where the most cost-effective solution in 2001-2003 would be to add staff. However, adding staff now is still the best option in the long run, yielding net savings of \$1.5 million per year, beginning in FY04.