

# CAPITOL

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# REPORT



The Newsletter of the  
Wisconsin Catholic Conference

## WCC Weighs in on Private School Busing

The WCC testified in opposition to legislation that would limit access to school busing for families whose children attend Catholic and other private schools. The legislation, Assembly Bill 809 and Senate Bill 595, would endanger current transportation services for private school children. Sponsors of the legislation and other legislators have been responsive to concerns raised by advocates for private school students, but provisions in the bill remain that threaten safe and equitable transportation services for all students.

"This proposal would jeopardize safe transportation for school children across the state and unduly target Catholic school families and others who attend religious and independent schools," said WCC Associate Director Kim Wadas in testimony before the Assembly Education Committee on March 9, and the Senate Education Committee on March 25, 2010.

School districts in Wisconsin are required to provide transportation services to all students, both public and nonpublic. Schools may also offer transportation contracts to parents of private school students if the cost of providing bus service for a

student is more than 50 percent higher than the average cost of busing one pupil in the district. Under AB 809 and SB 595, school districts could dispense transportation funds under these contracts to families with several children attending the same religious or independent school as if the family had only one child attending.

A similar measure was included in the 2009-11 state budget act, but it was amended and limited in application to private school students residing in the Milwaukee Public Schools district (MPS). The WCC opposed that measure at the time and continues to oppose its expansion statewide.

"Larger families with less flexible work schedules, those who live in small towns and rural areas far from school, low-income families that do not own a vehicle, or families that pay per child for transit services would face a special burden," Wadas testified. "The increased transportation costs could force these families to remove their children from private schools."

*Continue on page 3*

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### Contents

- **WCC Weighs in on Private School Busing**
- **Director's Corner**
- **Legislative Session Ends in April**
- **Poor Given Greater Access to State Public Defenders**
- **WCC Comments on Livestock Siting Rule**



## Director's Corner

John Huebscher, Executive Director

Whenever I give a talk on Catholic social teaching to a parish group, or to a class at a high school or college, I always try to spend a few minutes explaining the concept of "prudential judgment."

Prudential judgment is an important concept. It reminds us that on most questions of law and public policy there is room for reasonable people to reach different conclusions as to what constitutes the best approach. It is also the case that most of the WCC's policy positions represent the Conference's prudential judgment for resolving a public policy question.

Prudence is a virtue. And, as St. Thomas Aquinas wrote, a virtue is a good habit. Prudence is the good habit of taking into account as many important factors as possible prior to making a decision. Put another way, prudence is the good habit of "looking before you leap."

The WCC staff makes such judgments all the time in analyzing legislation and recommending a position to the WCC's Board of Directors. This involves identifying the goals of a policy proposal and its likely impact. Depending upon the issue, it may also require us to choose from differing opinions or perspectives about a bill or administrative rule.

We also have to make prudential judgments as to whether a specific bill is likely to become law or receive serious attention. Such judgment calls are especially important in the final weeks of a legislative session. The end of a session is often the time when many bills are introduced that have little or no chance of passage. In this hectic legislative environment, the WCC, like any advocacy group, needs to make choices as to how best to use its time and resources.

Prudential judgments are not always perfect judgments. But making a habit of being prudent, of assessing the important factors at hand and "looking before we leap", has served the WCC well over the years.

## Legislative Session Ends in April

The Legislature's final general business "floor period" will occur over eight days, from Tuesday, April 13, to Thursday, April 22. This floor period, when both houses meet in general session to enact legislation, is the "do or die" time for hundreds of legislative proposals pending in the Senate and the Assembly.

The final weeks of session are also the time when legislators introduce dozens of new bills. While these bills have little hope of passage because the clock is running out, they do signal what individual legislators intend to press in the new legislative session, which begins in January.

After April 22, the legislature will not consider new bills. However, it reserves the right to reconvene later in the spring to override any bills vetoed by the Governor. In addition, the Legislative Council will create a number of special committees to conduct in-depth studies of selected issues. These committees will meet during the summer and fall. The committees will submit any reports or recommendations for new legislation to the next Legislature when it convenes in January of 2011.

As session comes to a close, the WCC will continue to monitor action on several public policy issues such as education initiatives, payday lending proposals, wage issues, and other items identified in this and past issues of the *Capitol Report*.

To receive more frequent updates on legislative action, consider subscribing to the WCC's *Capitol Update*. All bills of interest to the WCC are noted in this free, bi-weekly electronic update. To subscribe, email [office@wisconsincatholic.org](mailto:office@wisconsincatholic.org) with your email address, diocese, and contact information, or subscribe online at [www.wisconsincatholic.org](http://www.wisconsincatholic.org). All materials produced by the WCC can also be found on the WCC's website, [www.wisconsincatholic.org](http://www.wisconsincatholic.org).

A subscription to the *Capitol Update* also includes automatic enrollment in the WCC's electronic advocacy network. The WCC uses its e-advocacy network to provide "action alerts" that notify members of urgent advocacy needs and new legislative developments.

## Poor Given Greater Access to State Public Defenders

Governor Doyle recently signed into law legislation to update the financial eligibility requirements for a State Public Defender (SPD). Beginning in June 2011, 2009 Wisconsin Act 164 will ensure that each year the SPD will be able to take on approximately 12,800 new cases at an estimated savings of \$4.1 million.

The financial eligibility requirements for SPDs had not been updated in 23 years, leaving many poor individuals without adequate legal representation. Under current law, there is no consistent state standard for determining eligibility for an SPD. Someone earning as little as 30 percent of the federal poverty level (FPL) is deemed unqualified. Once this law is enacted, eligibility will be tied to W-2 income, that is, 115 percent of the FPL.

When individuals are too poor to hire their own attorney and yet do not qualify for an SPD, the court is obliged to appoint a private attorney at county expense. Paying for private attorneys in this manner is far more expensive than if the state hires and trains additional SPDs, as Act 164 mandates.

The WCC welcomes passage of Act 164, which it supported at a public hearing last year. According to WCC Executive Director, John Huebscher, "This new law upholds our nation's civil commitment to equal justice under the law and furthers the principle of Catholic social teaching that the measure of all institutions is the degree to which they either enhance or diminish the life and dignity of every human being, and the degree to which they protect or threaten the poorest and most vulnerable members of our society."

## Private School Busing, *from page 1*

Wadas noted that families who use mass transit services to get their children to school do not get charged a "family rate." "Bus passes and other transit services are often sold based on a per person rate."

Wadas also noted that school districts receive state aid for transportation costs based on a per pupil, not per family, count. "By allowing districts to offer contracts on a per family basis, the provision fosters the unequal treatment of individual students and provides an incentive to districts to deny families traditional transportation services."

The bills also further alter current law, requiring school districts to provide transportation services only during the public school district's term. Since public schools may not begin their term prior to September 1, this would deny service to children whose private school begins prior to that date. It would also end

transportation services for those students whose private school continues in session after the public school term expires. At both the Senate and Assembly committee hearings on this bill, an amendment was offered by the bill's sponsors to remove this provision.

The WCC will continue to work with members of the Legislature on these bills to make certain equitable transportation for students remains a priority in Wisconsin.

Wadas concluded her testimony noting "Rather than retreat from our state's commitment to safe transportation for all schoolchildren, we should elevate the importance of safe transportation by providing schools with the resources necessary to ensure that all kids have access to a safe learning environment."

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## WCC Comments on Livestock Siting Rule

On March 9, the WCC urged the Department of Agriculture, Trade, and Consumer Protection (DATCP) to amend its administrative rule governing Livestock Facility Siting to allow for greater input by local government. The rule, ATCP 51, governs the establishment or expansion of large livestock operations, also known as "concentrated animal feeding operations" (CAFOs).

In the letter, Executive Director John Huebscher cited the Church's "principle of subsidiarity," which holds that decisions should generally be addressed at the most local level appropriate.

"This principle does not mean that local governments should have a veto over the actions of other levels of government," he noted. "But the principle does offer a valuable safeguard so that local opinion and insights are heard and not ignored."

Dairy CAFOs present some unique challenges to rural communities because of the vast quantities of water they consume and manure they produce. While some CAFOs successfully minimize their environmental impact, others face complaints from local residents

about water shortages, unhealthy air quality because of manure odors, and environmental degradation as fertilizers, pesticides, hormones, pathogens, and other waste run off into waterways or leach into groundwater.

The past twenty-five years have seen a rapid increase in the number of CAFOs. In 1985, Wisconsin had one CAFO; by 2009, the number had grown to 154 dairy and 31 other livestock CAFOs. As the number of factory farms has increased, so too has their size. Some dairy CAFOs have as many as 4,000 cows and are seeking to expand to 8,000 cows.

While acknowledging the importance of economic development, Huebscher

asked DATCP "to give greater weight to the concerns of local residents and to the environmental impact of CAFOs in the permit approval process." He added that the rule's impact on small and moderate family farms should receive special attention since "family-owned and operated farms are one of the last places in our state where parents and children work side-by-side, nurturing strong family ties and a deep respect for God's creation."

### THE WISCONSIN CATHOLIC CONFERENCE HAS UPDATED ITS WEBSITE!

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WCC's electronic action network.