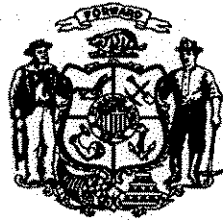


THE STATE OF WISCONSIN

B

SENATE CHAIR
BRIAN BURKE

316-S Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



ASSEMBLY CHAIR
JOHN GARD

315-N Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

February 18, 1999

Secretary Mark Bugher
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702

Dear Secretary Bugher:

We are writing to inform you that the Joint Committee on Finance has reviewed your request, dated January 29, 1999, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Corrections, the Department of Regulation and Licensing and the Department of Public Instruction.

No objections have been raised to this request. Therefore, the request is approved.

Sincerely,

Handwritten signature of Brian Burke in black ink.

BRIAN BURKE
Senate Chair

Handwritten signature of John G. Gard in black ink.

JOHN G. GARD
Assembly Chair

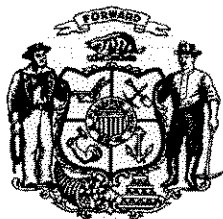
BB:JG:dh

cc: Members, Joint Committee on Finance
Secretary Jon Litscher, Dept. of Corrections
Secretary Marlene Cummings, Dept. of Regulation and Licensing
State Superintendent John Benson, Dept. of Public Instruction
Robert Lang, Legislative Fiscal Bureau
Vicky LaBelle, Department of Administration

THE STATE OF WISCONSIN

SENATE CHAIR
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ASSEMBLY CHAIR
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JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard
Co-Chairs, Joint Committee on Finance

Date: February 1, 1999

Re: s. 16.515/16.505, Stats. Request

Attached is a copy of a request from the Department of Administration, dated January 29, 1999, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the Department of Corrections, the Department of Regulation and Licensing, and the Department of Public Instruction.

Please review the material and notify **Senator Burke** or **Representative Gard** no later than **Wednesday, February 17, 1999**, if you have any concerns about the request or if you would like to meet formally to consider it.

Also, please contact us if you need further information.

Attachment

BB:JG:dh



STATE OF WISCONSIN
 DEPARTMENT OF ADMINISTRATION
 101 East Wilson Street, Madison, Wisconsin

Mailing Address:
 Post Office Box 7864
 Madison, WI 53707-7864



TOMMY G. THOMPSON
 GOVERNOR
 MARK D. BUGHER
 SECRETARY

Date: January 29, 1999

To: The Honorable Brian Burke, Co-Chair
 Joint Committee on Finance

The Honorable John Gard, Co-Chair
 Joint Committee on Finance

From: Mark D. Bugher, Secretary
 Department of Administration

Subject: S. 16.515/16.505(2) Requests

RECEIVED
 JAN 29 1999
 BY: _____

Enclosed are requests that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	1997-98		1998-99	
		AMOUNT	FTE	AMOUNT	FTE
DOC 20.410(1)(jp)	Correctional officer training			\$ 383,400 *	
R&L 20.165(1)(g)	General program operations			\$ 30,000 *	
DPI 20.255(1)(jg)	School lunch handling charges			\$6,999,500	

* One-time expenditure authority.

As provided in s. 16.515, the requests will be approved on February 19, 1999, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments

CORRESPONDENCE MEMORANDUMSTATE OF WISCONSIN
Department of Administration**Date:** January 26, 1999**To:** Mark D. Bugher, Secretary
Department of Administration**From:** Doug Percy, Budget and Policy Analyst
Division of Executive Budget and Finance**Subject:** Request Under s. 16.515 for Additional Correctional Officer Training Funding**REQUEST:**

The Department of Corrections (DOC) requests \$383,400 in one-time, additional FY99 expenditure authority for supplies and services expenses related to training correctional officers.

REVENUE SOURCES FOR APPROPRIATION(S):

The source of revenue deposited in the appropriation under s. 20.410(1)(jp), correctional officer training, is funding collected from a penalty assessment surcharge levied on fines and forfeitures under s. 165.87.

BACKGROUND:

DOC was unable to hire sufficient officers during FY98 to fill all correctional officer vacancies. This resulted in a carryover cash balance of \$453,700. Because appropriation s. 20.410(1)(jp) is an annual appropriation, corresponding expenditure authority was not carried over. Because of recruiting efforts, DOC is expected to train additional officers in FY99 to fill current vacancies.

ANALYSIS:

As the chart on the next page indicates, DOC is expected to have a carryover balance of \$383,400 at the end of FY99 without additional expenditure authority. As of January 1999, DOC had committed over 97% of its supplies and services funding in appropriation s. 20.410(1)(jp). Supplies and services funding in this appropriation is used for items such as medical exams, uniforms, housing during training and instructor costs for officer trainees.

Mark D. Bugher, Secretary
January 26, 1999
Page 2

Projected Revenues and Expenditures
(Appropriation s. 20.410(1)(jp), Correctional Officer Training)

FY99 Opening Balance	\$453,700
<u>FY99 Projected Revenue</u>	<u>\$1,400,000</u>
Total Projected Revenue	\$1,853,700
<u>FY99 Expenditure Authority</u>	<u>\$1,470,300</u>
Projected Balance	\$383,400

Without additional supplies and services expenditure authority, DOC would have to internally reallocate GPR funds or transfer funding from officer salaries and fringe benefits within the appropriation in order to continue officer training. The additional expenditure authority requested is expected to provide supplies and services funding for an additional 204 officer trainees.

RECOMMENDATION:

Approve the request.

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

November 27, 1998

MEMORANDUM

TO: Richard G. Chandler
State Budget Director
Department of Administration

FROM: Michael J. Sullivan, Secretary
Department of Corrections

RE: S. 16.515(1) Request for Appropriation 20.410(1)(jp)
Numeric Appropriation 120, Correctional Officer Training

Request

The Department of Corrections requests \$383,400 in one-time, additional FY 99 expenditure authority for supplies and services expenses related to training an unusually large number of correctional officers during the fiscal year.

Revenue Sources for Appropriation

The source of revenue deposited in appropriation 20.410(1)(jp) are receipts from the Department's share of the moneys collected from a penalty assessment surcharge levied on fines and forfeitures under s. 165.87 (the law enforcement training fund).

The Department anticipates annual revenues of \$1,400,000 during FY 99.

Background

The Department of Corrections expects to train approximately 631 correctional officers during FY 99. Each officer starting the 7 week pre-service course required of entry level officers costs the Department an average of approximately \$1878 for items such as medical exams, uniforms, housing during training, meals, and instructor costs.

Analysis

The Department was unable to hire sufficient officers during FY 98 to fill all correctional officer vacancies. This resulted in a carryover cash balance of \$453,700 in the annual appropriation. The Department believes they will find a sufficient number of appropriate candidates to fill most vacancies by the end of FY 99 provided there is sufficient funding to cover the costs of the training.

At \$1878 per trainee, the current expenditure authority in the appropriation is sufficient to fund approximately 140 officers. In addition, the Department received \$290,800 GPR funding in FY 99, which will train 154 additional officers. If approved, this request will fund an additional 204 officers for a grand total of 498—133 officers short of the total 631 officers to be trained during the fiscal year. The Department will continue to seek internal GPR funds to redeploy to the supplies and services shortfall.

The Department must also pay salary and fringe benefits for the 7-week training period to the officers. The Department will internally absorb those costs over and above any salary and fringe supplements available to train the 631 officers.

TOTAL REQUEST

\$383,400

Summary

The Department of Correction's requests a one-time expenditure authority increase of \$383,400 in FY 99 to fund supplies and service needs to train an unusually large amount of correctional officers during FY 99.

cc: Cindy O'Donnell – Dpty. Sec.
Bill Clausius – Sec. Office
Binky Krahn – Training Ctr.
Cathy Halpin – BoB
Dan Steeger – Fiscal
Marj Attaway – BPHR

Jessica O'Donnell – Ex. Asst
Hamdy Ezalarab – BPHR
Mary Cassady – BoB
Doug Percy – DOA
Marsha Rathje – DAI
Bob Ruhland – Fiscal

Summary of financial condition of appropriation 20.410(1)(jp). The following is a fund condition statement for appropriation 20.410(1)(jp) to show the effect of the request on the appropriation as adjusted:

FY 98 Opening balance	\$453,700
Revenue:	
Revenue year-to-date (9-30-98)	\$206,700
Revenue projected to June 30, 1999	<u>1,193,300</u>
Total Revenue Projected for FY 99	\$1,400,000
Expenditures:	
Expenditures year-to-date (9-30-98)	\$306,300
Projected expenditures to 6/30/99	<u>1,164,000</u>
This 16.515 supplemental recommendation	<u>383,400</u>
Total Expenditures Projected for FY 99	\$1,853,700
Closing Balance	\$0
Expenditure authority:	
Current budget authority	\$1,470,300
Less:	
Total Expenditures Projected for FY 99	<u>\$1,853,700</u>
Recommended Expenditure Authority Increase	\$383,400
FY 99 Closing balance	\$0

CORRESPONDENCE MEMORANDUMSTATE OF WISCONSIN
Department of Administration

Date: January 28, 1999

To: Mark D. Bugher, Secretary
Department of Administration

From: Cynthia Dombrowski, Budget Analyst (CD)
State Budget Office

Subject: Request under s. 16.515 for a supplement to the Department of Regulation and Licensing (DRL) s. 20.165 (1) (g) appropriation.

REQUEST:

The Department of Regulation and Licensing (DRL) requests a one-time increase in 1998-99 of \$30,000 PRO under s. 20.165 (1) (g), *General Program Operations*, for services of a Receiver for the Evergreen Cemetery as ordered by the Honorable David Hansher, Milwaukee Circuit County Court Branch 42. DRL licenses this cemetery.

REVENUE SOURCES FOR APPROPRIATION:

The revenue sources for the appropriation under s. 20.165 (1) (g), *General Program Operations*, are initial credential and credential renewal fees paid to DRL by prospective credential holders and credential holders seeking renewal.

BACKGROUND:

In response to a lawsuit brought by the State of Wisconsin against several parties including Cemeteries, Inc., which owns Evergreen Cemetery in Milwaukee, WI, a court order was issued mandating that a Special Master be hired (September 28, 1998). The Special Master's duties were to file a report of all the complaints regarding Evergreen Cemetery, describe the assets and liabilities and make recommendations regarding measures required to correct the problems at the cemetery to resolve the complaints. DRL received authorization under s. 16.515 for payment of the Special Master and for data entry costs in the amount of \$13,500 on October 28, 1998.

On November 23, 1998, the Court ordered that a Receiver be appointed to implement the recommendations made by the Special Master, and

that DRL, on an interim basis, pay the fees of the Receiver and those of the Special Master which may be needed for consultation.

ANALYSIS:

The Circuit Court, Branch 42 of Milwaukee County issued a court order for the service of a Receiver whose duties are described in that order (November 23, 1998). A copy of that order is attached.

The Department of Regulation and Licensing estimates that the total cost for the receiver will be \$30,000 for a forty-five day period. They believe that \$200 per hour is reasonable compensation as described in the court order.

REVENUE SUMMARY:

The appropriations under s. 20.165 (1) (g), *General Program Operations*, has sufficient resources to fund this request, as evidenced by the following table:

General Program Appropriation	
Carryover	\$2,705,010
Total Revenue	\$8,219,776
Available	\$10,924,786
Appropriation Expenditures	\$9,226,065
This Request	\$30,000
Closing Balance	\$1,668,721

RECOMMENDATION:

Approve the request.

Attachments



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING



Tommy G. Thompson
Governor

Marlene A. Cummings
Secretary

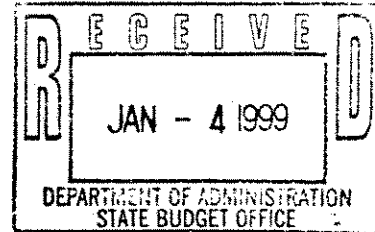
1400 E WASHINGTON AVENUE
P O BOX 8935
MADISON, WISCONSIN 53708-8935
E-Mail: dor@mail.state.wi.us
(608) 266-2112
FAX#: (608) 267-0644

December 29, 1998

TO: Rick Chandler, Administrator
Division of Executive Budget and Finance

FROM: Secretary Marlene A. Cummings *MC*
Department of Regulation and Licensing

SUBJECT: 16.515 Request



cc: DS CD

This is a request under ss. 16.515, Stats., for a supplement to the Department of Regulation and Licensing (DRL) ss. 20.165 (1) (g) appropriation. This supplement is necessary to comply with an order issued by the Honorable David Hansher, Milwaukee County Circuit Court Branch 42, relating to Evergreen Cemetery which is licensed as a cemetery authority by the DRL.

Background

This request relates to a lawsuit brought by the State against several parties including Cemeteries, Inc., which owns Evergreen Cemetery in Milwaukee. On September 29, 1998 the department requested funding in the amount of \$8,500 to pay the costs of a Special Master appointed by Judge Hansher who was to file a report with the court in forty-five days (order became effective September 28, 1998) to describe the problems and complaints regarding Evergreen Cemetery, describe the assets and liabilities of the cemetery and make recommendations regarding remedial measures required to correct the deficiencies and problems of the Cemetery in order to resolve the complaints. The court also ordered that the costs of the Special Master should be paid by the defendants, Evergreen Cemetery and Mr. Richard Lewis. The Department received authorization for payment of the Special Master on October 28, 1998.

The department has received an invoice for \$9,413.75 from Mr. Michael Schuman who was appointed by the court as Special Master for 110.75 hours of work. Mr. Schuman noted that he was being paid much less than his customary fee for professional services and that the nature of this work require additional hours of service. The department had also received authorization in the amount of \$5,000 from the Joint Committee on Finance to pay for data entry costs involved with entering the Evergreen Cemetery log books into a data base so that the data can be used in assisting with the location of graves. The department no longer believes that this work will be necessary, and it proposes to use some of that funding to pay for Mr. Schuman's services as Special Master.

On November 20, 1998, the department's general counsel, Mr. William Dusso, wrote to the Department of Justice Administrator of the Division of Legal Services to relay the department's position that it has no specific authority to pay the expenses of the receiver in the Cemeteries, Inc. matter. As a result, the department informed the Department of Justice that if ordered to

Mr. Richard Chandler
December 29, 1998
Page 2

pay the costs, it would request a supplemental program revenue appropriation under sec. 16.515, Stats., to seek approval to pay the expenses.

On November 23, 1998, Mr. Schuman presented his report to the court as ordered on September 28, 1998 in which he recommended that the court appoint a receiver be appointed to accomplish the Special Master's recommendations.

Request for Additional Funding

On November 23, 1998, following a hearing, the Court ordered that a receiver be appointed to implement the court's order to abate the public nuisance which has resulted from the actions of Cemeteries, Inc. (Evergreen Cemetery) and that the DRL, on an interim basis, pay the costs of the receiver as well as pay for services of the Special Master which may be needed in order to provide consultation and assistance on a transitional basis. A copy of the court's order is attached.

Mr. Rodney Cubbie has been appointed by Judge Hansher as receiver of Cemeteries, Inc.. He is proposing that his rate of compensation be \$200 per hour and is estimating that he will need to be compensated for 150 hours of work in order to comply with the court's order (see attached).

Rationale for the Request

The requested supplement is as follows for s.20.165 (1) (g) General Program Operations:

Professional Services	\$30,000
-----------------------	----------

Revenue Projection

General Program Appropriation	
Carryover	\$2,705,010
Total Revenue	\$8,219,776
Available	\$10,924,786
Appropriation Expenditures	\$9,226,065
This request	\$30,000
Closing Balance	\$1,668,721

The department believes it has adequate revenue to support this additional request for funding.

This request is submitted in order to comply with the court's order. Correspondence with the Department of Justice regarding the receiver's fee is attached.

Attachments

Marlene

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 42

MILWAUKEE COUNTY

STATE OF WISCONSIN
Post Office Box 7857
Madison, WI 53707,

Plaintiff,

v.

Case No. 98CV007472

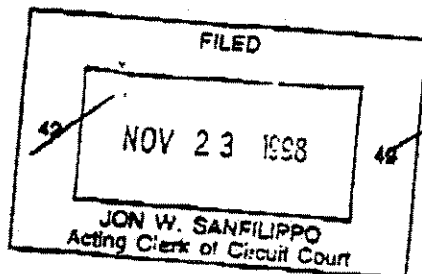
Unclassified - Civil: 30703

CEMETERIES, INC., d/b/a
EVERGREEN CEMETERY
4530 North Green Bay Avenue
Milwaukee, WI 53209,
a domestic corporation.

and

RICHARD E. LEWIS
4148 North 95th Street
Wauwatosa, WI 53222,
individually and as an officer and
agent of defendant corporation.

Defendants.



ORDER

This matter having come on for hearing on November 23, 1998, before the Honorable David A. Hansher, the State of Wisconsin appearing by Assistant Attorney General David J. Gilles and Principal Assistant Corporation Counsel Mary Ellen Poulos, and Cemeteries, Incorporated, d/b/a Evergreen Cemetery and Richard E. Lewis appearing in person and by their attorney, Paul Piaskoski; and the court having considered the record in this action and having heard the argument of counsel; now, therefore,

IT IS ORDERED:

1. That the Report of Michael D. Schuman, Special Master, submitted November 11, 1998, ("Report") is received and adopted by the court.

2. That a Receiver is appointed to implement the court's order to abate the public nuisance which resulted from defendants' acts and practices in violation of ch. 157, Stats., to remedy the effects of such practices, and to carry out remedies as recommended in the Report.

The particular duties and responsibilities of the Receiver are hereinafter defined:

- a. The Receiver shall prepare a specific proposal to implement the Report's recommendations including the identification of graves in Section J of Block 2 of Evergreen Cemetery. The proposal shall include a description of work to be undertaken and schedule. The Receiver shall work with plaintiff's counsel and the Department of Regulation and Licensing to accomplish this undertaking. Defendants shall cooperate with and respond to requests of the Receiver for access to the business operations, books and records.
- b. The Receiver shall identify defendants' sources of funding for costs of the proposed abatement procedures. In particular, the Receiver shall solicit offers to purchase assets of Cemeteries, in whole or in part, to obtain funds to undertake abatement of the nuisance.
- c. The Receiver shall file a Report setting forth the Receiver's proposal within forty-five days.

3. That Cemeteries, Incorporated, and Richard E. Lewis are enjoined from selling, transferring, assigning, or otherwise disposing of material assets or property of Cemeteries, Incorporated, without the consent of the Receiver.

4. That Cemeteries, Incorporated, and Richard E. Lewis are enjoined from disinterring human remains at Evergreen Cemetery without coordinating the disinterment with the Receiver. Unless the Receiver notifies defendants that proposed disinterments should not proceed, defendants may authorize such disinterments in portions of Evergreen Cemetery other than Section J of Block 2. In the event defendants authorize a disinterment, such disinterment shall proceed consistent with the provisions of secs. 157.111 and 157.112, Stats., which set out a procedure for the opening and closing of burial spaces and provide, inter alia, for civil immunity for unintended disinterments, authorized by a cemetery authority, which result from an error which was not the result of reckless, wanton or intentional misconduct.

5. That the temporary injunction of September 28, 1998, remains in effect except for the appointment Michael D. Schuman as a Special Master. Because Mr. Schuman's responsibilities under the order of September 28, 1998, have been completed to the satisfaction of the court, ~~Mr. Schuman is discharged, provided that he shall continue to provide such consultation and assistance as may be required by the Receiver.~~ The Special Master's compensation shall continue in accordance with the court's order of September 28, 1998.

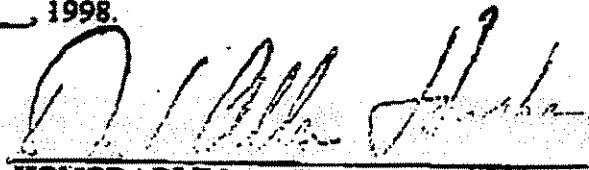
6. That nothing in this order, except as otherwise explicitly provided herein, shall be construed to limit the defendants' responsibility to operate Evergreen Cemetery or to comply with statutory, contractual or other legal obligations relating to the operation of Evergreen

Cemetery. In particular, defendants remain subject to the authority of the Department of Regulation and Licensing.

7. Defendants shall bear the costs of the Receivership which shall include compensation at a reasonable hourly rate together with such costs and expenses as reasonably may be required in the discharge of the duties specified in this order. The court shall review and approve all such costs and expenses subsequent to notice to defendants and hearing. On an interim basis, the State of Wisconsin through the Department of Regulation and Licensing shall enter into a consulting contract for compensation of the Receiver which shall provide for reasonable compensation. The Receiver shall not be required to provide a bond.

8. That Rodney L. Cubbie is appointed Receiver, with such powers and duties as conferred and imposed herein.

Dated this 23 day of Nov, 1998.



HONORABLE DAVID A. HANSHER
Circuit Judge
Milwaukee County Circuit Court, Branch 42



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burnetta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

Matthew J. Frank
Legal Services Administrator
frankmj@doj.state.wi.us
608/266-0332
FAX 608/267-2778
TTY 608/267-8902

December 23, 1998

Marlene A. Cummings
Secretary
Department of Regulation & Licensing
Post Office Box 8935
Madison, WI 53708-8935

Re: State of Wisconsin v. Cemeteries, Inc.

Dear Secretary Cummings:

I have had an opportunity to review the concerns you raised during our meeting of December 21, 1998, regarding interim compensation of the Receiver appointed by the court in the above matter. For the reasons outlined below, we believe that this expense is appropriately borne by the Department of Regulation & Licensing (DRL) and support its request to the Department of Administration for spending authority.

On September 17, 1998, you requested that this department review alleged violations of Chapter 157, Stats., at Evergreen Cemetery. In consultation with your staff, we determined that the repeated unlawful practices at Evergreen Cemetery including noncompliance with a DRL administrative order provided the basis for a public nuisance action. Unlike a typical enforcement action, such a proceeding invoked the equitable authority of the court and enabled the state to seek substantive remedies to abate the effects of the unlawful practices - matters identified in the administrative order. In my correspondence of September 22, 1998, I explained that such a proceeding would involve costs directly related to nuisance abatement procedures such as the appointment of a Special Master.

On September 23, 1998, this office began the action and obtained a restraining order to stop violations. At a subsequent hearing the court determined that practices at Evergreen Cemetery constituted a public nuisance and appointed a Special Master to investigate and make recommendations for abatement. Based on the Special Master's report, the Court appointed a Receiver on November 23, 1998, to implement these recommendations which include the sale of assets to fund abatement costs.

Marlene A. Cummings
December 23, 1998
Page 2

While the outcome of this action is uncertain, at our meeting we agreed that there has been considerable progress as a result of our cooperative efforts. Before the action was filed, Milwaukee community leaders were critical of state attempts to deal with problems at Evergreen Cemetery. The problems were widely reported in local media and, eventually became the topic of a report on a national news program.

The filing of this action has established a legal procedure to deal with the problems at Evergreen Cemetery. We hope that these proceedings will correct the effects of unlawful practices and restore dignity to Evergreen Cemetery.

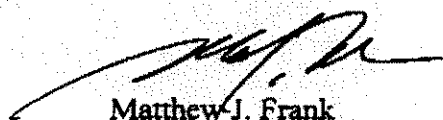
The appointment of a Receiver is critical in this process. The Receiver provides the Court with the ability to direct nuisance abatement activities and sell assets to fund such efforts. While defendants are obligated for reasonable costs of nuisance abatement, the court considered it important that these efforts proceed without obtaining advance payment from defendants. To this end, the Court directed the State of Wisconsin, through the DRL, to compensate the Receiver on an interim basis.

We appreciate that compensation of the Receiver in this matter is not a customary expense for DRL. We also recognize that your department is not accustomed to retaining lawyers in connection with DRL's administrative enforcement work. Nevertheless, we believe compensation of the Receiver, in accordance with the Court's order of November 23, 1998, is appropriate for the following reasons. First, the DRL is statutorily responsible for regulation of cemeteries under Ch. 157, Stats. The objective of the receivership is to obtain compliance and correct effects of violations of this chapter and should obtain compliance with the administrative order issued last summer. Second, the receivership is not a typical expense associated with enforcement litigation undertaken by this office on behalf of your department. This action is similar to clean up costs in environmental pollution cases which are customarily born by the Department of Natural Resources. Third, we expect that these costs will be recovered eventually from the defendants. On an interim basis, it seems more appropriate that program revenue obtained from the regulated industry be used instead of general-purpose revenue.

Marlene A. Cummings
December 23, 1998
Page 3

In conclusion, this department will support your request to obtain interim funding authority for compensation of the Receiver. We believe the Receiver's compensation to be reasonable and appropriate in view of the expertise and demands of this case. Please let me know if this office can provide any further assistance to your department in carrying out the court's order regarding interim compensation of the receiver.

Sincerely,




Matthew J. Frank
Assistant Attorney General
Administrator, Legal Services

CORRESPONDENCE/MEMORANDUM**DEPARTMENT OF JUSTICE**

Date: December 8, 1998

To: William L. Dusso
Department of Regulation & Licensing

From: David J. Gilles 
Assistant Attorney General

Subject: Evergreen Cemetery Consulting Contract

This memorandum is to provide background information regarding compensation for the Special Master and Receiver.

After this matter was referred, this office proposed an enforcement action regarding problems at Evergreen Cemetery.

In an order dated September 28, 1998, the court appointed Michael Schuman as Special Master and directed that defendants pay related costs. Mr. Schuman agreed to perform services for less than his customary hourly rate.

Prior to the hearing of November 23, 1998, we discussed the possibility that Mr. Schuman would serve as receiver. Mr. Schuman indicated that he would agree to be receiver provided that compensation be at a rate of \$165 per hour. (Subsequently, Mr. Schuman withdrew from consideration for appointment as Receiver due to picketing at the cemetery with which he is associated.)

After Mr. Schuman withdrew, this office and the office of the Milwaukee County corporation counsel informally contacted persons who might serve as receiver. It was critical that the Receiver have professional experience recognized by the community. As we have discussed, Mr. Cubbie's experience makes him particularly well suited. Mr. Cubbie agreed to undertake this assignment at his customary rate of \$200 per hour.

I am advised by the office of the Milwaukee County corporation counsel and others that Mr. Cubbie's hourly rate is reasonable. (I understand defendant's attorney charges this amount as well.)

It is important to note that Mr. Cubbie's compensation is to be paid by the defendants and is subject to court review and approval.

DJG:kh



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

JAMES E. DOYLE
ATTORNEY GENERAL

Burneatta L. Bridge
Deputy Attorney General

123 West Washington Avenue
P.O. Box 7857
Madison, WI 53707-7857

David J. Gilles
Assistant Attorney General
gillesdj@doj.state.wi.us
608/266-1792
FAX 608/267-2778
TTY 608/267-8902

November 25, 1998

Mr. William L. Dusso
Department of Regulation & Licensing
1400 East Washington Avenue, #173
Madison, WI 53702

Re: State v. Cemeteries, Inc., et al.,
Milwaukee County Circuit Court Case No. 98CV007472

Dear Mr. Dusso:

This letter is to confirm our recent telephone conversation regarding Mr. Schuman's statement for professional services as court appointed Special Master. I recommend that the statement be paid in full.

As I indicated, Mr. Schuman's work as Special Master has been extremely valuable in the prosecution of this action. Mr. Schuman agreed to provide professional services in a very controversial matter at a rate considerably less than his customary fee for professional services. I have reviewed Mr. Schuman's statement and believe that it understates the time he has spent in carrying out his duties as Special Master.


I appreciate that the time reflected in Mr. Schuman's statement is more than the time, which I estimated, would be necessary when the order was entered on September 28, 1998. If I had realized that my estimate had been exceeded I would have contacted you to seek an extension.

In addition, the payment should be made inasmuch as the court's order of appointment did not limit the time for completion of the assigned duties. Please note that the court's order of November 23, 1998 obligates Mr. Schuman to provide continued assistance with the transition to the Receiver. Consequently, I recommend that you budget an additional twenty-five hours to cover transition issues. Please keep in mind that we will seek to recover these expenses in the course of the litigation in accordance with the orders of the court.

Mr. William L. Dusso
November 25, 1998
Page 2

Please contact me if you have any questions regarding this matter.

Sincerely yours,



David J. Gilles
Assistant Attorney General

DJG:kh

h:\gillesdj\evergree\duosso.doc

Date: January 19, 1998

To: Mark D. Bugher, Secretary

From: Brian Pahnke, Executive Budget and Policy Analyst

Subject: 16.515 Request for the Department of Public Instruction (DPI)

REQUEST

The DPI requests approval of \$6,999,500 in additional spending authority in FY99 and thereafter under s. 20.255 (1) (jg), School Lunch Handling Charges. Revenues from this appropriation are derived from storing and handling charges paid by participating agencies, which include public/private schools, residential day care centers, soup kitchen food banks, summer camps, and emergency food assistance banks. Additional revenue is generated from DPI contracts with food processors for the processing of federal commodities into ready-to-serve food products, which are then purchased by schools and participating agencies. Current expenditure authority in this appropriation in FY99 is \$3,000,500.

BACKGROUND

Under s. 115.34, the DPI is the state agency responsible for operating the state's school lunch handling program, which includes the warehousing, shipping, processing and insuring of food products (commodities) provided by the United States Department of Agriculture (USDA) to Wisconsin.

According to DPI, the USDA purchases commodities through open commodities markets and provides the commodities to states as part of the federal school lunch program. The USDA annually determines Wisconsin's commodity "entitlement" by multiplying the number of meals consumed by the state's pupils in the previous year by a USDA-determined figure. In FY97, the latest year for which information is available, over 87 million meals were consumed by Wisconsin pupils.

DPI is charged on a per unit basis by vendors for the storage and handling of various commodities received from the USDA. These charges, which are a result of negotiated contracts with trucking and warehouse industries for storage and transportation, are then assessed to schools and participating agencies (currently \$.07 per pound) to recover costs associated with handling, storing, and transporting commodities. For the FY97 school year, according to the department, DPI provided 19.9 million pounds of processed and bulk commodities valued at \$13.4 million to the following participating agencies:

Table 1

Participating Agency	Number
Public Schools	412
Private Schools	448
Residential Child Caring Institutions	51
Summer Camps	90
Summer food service programs	37
Emergency food assistance agencies	52
Soup kitchen food banks	69
Participating Agency Total	1,159

In addition, the department also participates in the USDA's State Option Contract (SOC) program. SOC commodities are optional commodities not included in the state's entitlement. Participating agencies choosing to purchase SOC commodities must pay the actual per pound cost for processing the product, in addition to storage and handling charges. Under the SOC, the USDA processes raw commodities into finished products, which are then offered to state agencies for distribution to schools and participating agencies.

In its request, DPI notes the Commodity Task Force (convened in 1997) endorsed a processed food distribution program to reflect increased demand from schools and participating agencies in processed commodities. DPI states school districts in particular have increasingly preferred processed products for reasons related to student preferences, costs, safety, efficiency and convenience.

The DPI notes that the task force's recommendations included a desire for:

- More nutritious food items that reflect student food preferences;
- Statewide processing of commodities to obtain the lowest possible price;
- Safer food products that are pre-cooked and pre-packaged;
- Using state commodity entitlement funds in the most cost-effective manner;
- Processing of bonus commodities into preferred "end products" to lower costs for participating agencies;
- Delivering commodities earlier in the school year and providing a more even distribution of these commodities throughout the school year; and,
- Lower labor and equipment costs related to food preparation.

As a result of increased demand for processed commodities, the DPI also enters into contracts with food processors to make processed commodities directly available to schools and participating agencies. Similar to the SOC program, the DPI charges recipients the actual per pound cost for processing raw commodities, which is paid to food processors for performing this service.

In addition, DPI staff note the department will soon be rebidding its current shipping and warehousing contracts and expects these contracts to increase to reflect inflationary adjustments and a greater volume (i.e. weight) of commodities being transported and warehoused.

Current revenues derived from schools and participating agencies for school lunch handling charges also fund DPI's 2.90 FTE, who administer the state's

school lunch handling program. The department is not requesting any additional position authority as a part of this request.

A summary of the department's anticipated FY99 costs for the school lunch handling program follows below:

Table 2

Item	FY99 Costs
Current shipping/warehousing contract costs	\$1,500,000
Anticipated SOC processed commodities costs	\$1,000,000
Anticipated additional costs for shipping processed commodities	\$225,000
Data processing costs for commodities program	\$167,000
Salary/Fringe costs for existing 2.90 FTE's	\$114,500
Total Existing Expenditure Authority	\$3,006,500

ANALYSIS

The department's request to increase its expenditure authority related to the School Lunch Handling Program is primarily due to current and expected increased costs related to processing commodities and additional storage and transportation costs anticipated with a new contract(s). The Department's anticipates the following additional (itemized) costs below for FY99:

Table 3

Item	Additional Expenditure Authority Requested
FY99 costs estimated to be in excess of Ch.20 authority	\$6,000
FY99 contract for processing cherries and peaches into individual fruit pies	\$628,000
FY99 contract for processing peaches into fruit cups	\$35,000
FY99 contract for processing chicken nuggets	\$785,000
FY99 contract for processing cooked beef/pork crumbles/pork sausage patties	\$554,500
FY99 contract for processing cooked chunked turkey	\$339,700
FY99 contract for processing cooked pork crumbles	\$259,800
FY99 contract for processing cooked beef patties	\$891,500
Anticipated FY99 contract(s) for processing orange juice in FY00 school year	\$750,000
Anticipated FY99 contract(s) for processing eggs in FY00 school year	\$750,000
Anticipated FY99 contract(s) for processing fruit in FY00 school year	\$250,000
Anticipated FY99 contract(s) for processing cheese in FY00 school year	\$1,500,000
Anticipated increase related to new shipping/warehousing contracts	\$250,000
Total Estimated Additional Costs in FY99	\$6,999,500

According to the DPI, due to increased demand of processed commodities by school districts, the department has entered into seven contracts so far in FY99 to process bulk food products made available from the USDA this year. In addition, the DPI requests further additional expenditure authority at this time to take advantage of potentially reduced costs for future bulk commodities (i.e., eggs, cheese and orange juice) to be offered by the USDA for the FY00 school year.

DPI staff note some of the following reasons for the increased demand related specifically to processed commodities:

Student Preference-High quality, nutritious pre-packaged food products are popular among students.

Safety-Pre-cooked, pre-packaged food products reduce sanitary concerns and are safer to use (i.e. less likelihood of food-borne illnesses).

Overall Costs-Purchasing processed food products on a statewide basis results in school districts receiving the lowest possible price. In addition, having DPI contract with food processors to process bulk products before they are sent to recipients results in cost savings for schools and participating agencies who do not have to "backhaul" or pay to transport the commodities back to food processors after they have received the product.

Labor/Equipment Costs-Less food service staff time needs to be dedicated to preparing school lunches for pre-cooked, pre-packaged products. In addition, use of processed products reduces the need for certain food service equipment.

Convenience/Efficiency-Statewide coordination of storing/transporting processed commodities provides more timely and even distribution of such products to school districts. Furthermore, processed, pre-packaged products are easier to store and serve to students.

Excess Capacity/Waste-Less waste is incurred with pre-cooked, pre-packaged food products, which can be prepared more quickly than raw commodities.

As noted earlier, DPI functions as the state agency responsible for administering the state's school lunch handling program, passing on associated processing, storage, handling and administrative overhead charges to participating schools and agencies. Nearly all revenues raised as a part of the department's request for additional expenditure authority will be paid to various vendors to provide commodities to the school districts and other participating agencies noted above.

RECOMMENDATION

Approve the department's request for additional expenditure authority of \$6,999,500 for s. 20.255 (1)(jg).

Memorandum

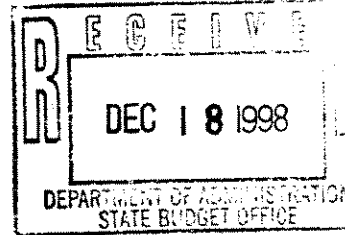
STATE OF WISCONSIN
DEPARTMENT OF PUBLIC INSTRUCTION



DATE: December 15, 1998

TO: Richard Chandler
Director
State Budget Office

FROM: John T. Benson
State Superintendent



SUBJECT: s.16.515 Request Related to the School Lunch Handling Charges Program

Agency Request:

The department requests an increase of \$6,999,500 in the school lunch handling charges PR annual appropriation under s.20.255 (1) (jg).

Revenue Source:

Revenue for this program comes from payments made to the department by local school districts and other participating agencies for the warehousing, shipping and purchase of processed commodities made available from the federal government via the United States Department of Agriculture (USDA) commodities program. Additional revenue is generated from contracts signed by the DPI with food processors for the processing of federal commodities into ready-to-serve/eat food products which are then purchased by school districts and participating agencies. Expenditure authority in fiscal year 1998-99 in the school lunch handling charges appropriation under s.20.255 (1) (jg), is \$3,000,500.

Background:

The department is charged per unit (e.g. case, bag, bale, etc.) for the storage and handling of various commodities received from the USDA. This charge is a result of negotiated contracts with trucking and warehouse concerns for the storage and transportation of the commodities. The department assesses a per pound handling fee (currently \$.07 per pound) to participating agencies (schools, charitable agencies, summer youth camps, summer food service programs, soup kitchens/food banks and emergency food assistance program agencies) to recover the costs for the storage, handling and transportation incurred in the donated food distribution program. The department also participates in the USDA State Option Contract (SOC) program in which the USDA processes raw commodities into finished products which are offered to state agencies for distribution to schools and other recipient agencies.

For the 1996-97 school year (the most recent year for which complete distribution data are available), the department provided 19,877,000 pounds of processed and bulk commodities valued at \$13,379,000 to:

- 412 Public schools
- 448 Private schools
- 51 Residential Child Caring Institutions (RCCIs)
- 90 Summer camps

- 37 Summer food service programs
- 52 Emergency food assistance agencies
- 69 Soup kitchen food banks

Analysis:

The following are the current and anticipated FY99 costs for the school lunch handling charge program:

\$1,500,000	Contract costs for shipping and warehousing
\$1,000,000	Anticipated SOC processed commodities costs based on previous participation in the SOC program
\$114,500	Salaries and fringe for 2.9 FTEs attached to the commodities program
\$167,000	Data processing analysis, development, testing, implementation and recurring operating costs associated with the commodities program
\$225,000	Anticipated additional costs for shipping processed commodities (over the current cost for shipping and warehousing)
\$3,006,500	Total FY99 costs

The Commodity Task Force, convened in 1997, has endorsed a processed food distribution program which would provide for the following:

- High quality nutritious food items that reflect student food preferences
- Processing of commodities on a statewide basis to obtain the lowest possible price and minimize costs for "backhauling".
- Sanitary and safe precooked/prepackaged food products
- Spending of the state commodity entitlement funds in the most cost-effective manner
- Processing of bonus commodities into more preferable end products to lower costs for schools
- Delivering commodities earlier in the school year and providing a more even distribution of these commodities throughout the school year
- Commercial equivalent products that are reasonably priced in the event that statewide processed commodities are insufficient in quantity to meet the needs of schools
- Reduced labor costs and cash outlays for food preparation

The department contracts with food processors to make processed commodities directly available to schools and participating agencies, and charges schools and other recipients the actual cost per pound for this processing. While the cost of processed foods is considerably higher (e.g. \$.78 to \$1.35 per pound) than the bulk commodities available from the USDA (\$.07 per pound for shipping), school districts are showing an increased interest and demand for these processed products. However, with this increased demand will come an increase in the amount of pass-through program revenue received by the agency and paid to the various vendors to provide these commodities to schools and other eligible agencies.

Due to the heightened demand for processed commodities, the department has entered into a number of contracts to process bulk food products made available from the USDA for the 1998-99 school year. Further, in an effort to take advantage of potential reduced costs for future bulk commodities (i.e. eggs, cheese and orange juice), the department anticipates there will be additional contracts signed in FY99 for processing these commodities for the 1999-2000 school year. Therefore, the department has or anticipates the following additional costs in FY99:

\$6,000	FY99 costs in excess of the Chapt. 20 appropriation of \$3,000,500
\$628,000	FY99 contract with "Cutie Pie" for processing currently warehoused cherries and peaches into individual fruit pies
\$35,000	FY99 contract with "Clover Valley" for processing currently warehoused peaches into fruit cups
\$785,000	FY99 contract with "Gold Kist" for processed chicken nuggets
\$554,500	FY99 contract with "Gorges/Quick-to-Fix" for processed cooked beef and pork crumbles and pork sausage patties
\$339,700	FY99 contract with "House of Raeford" for processed cooked chunked turkey
\$259,800	FY99 contract with "JTM Provisions" for processed cooked pork crumbles
\$891,500	FY99 contract with "Pierre Foods" for processed cooked beef patties
\$750,000	Anticipated FY99 contract(s) for processing orange juice for 1999-2000 school year
\$750,000	Anticipated FY99 contract(s) for processing eggs for 1999-2000 school year
\$250,000	Anticipated FY99 contract(s) for processing fruit for 1999-2000 school year
\$1,500,000	Anticipated FY99 contract(s) for processing cheese for 1999-2000 school year
\$250,000	Estimated increase over current costs for renewal of shipping and warehousing contracts
\$6,999,500	Total additional actual and estimated costs in FY99

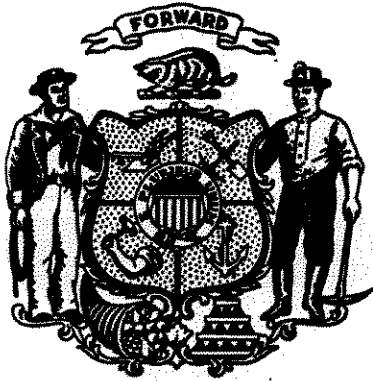
Summary:

Based on the above information, I request an increase in the existing expenditure authority of \$6,999,500 to enable the agency to spend the anticipated additional revenues generated from school lunch handling charges and processing fees. Should you have any questions regarding this request, please feel free to contact Gina Frank-Reece, Policy and Budget Director, at 266-2804.

JTB:rab

cc: Steve Dold
 Faye Stark
 Gina Frank-Reece
 Bob Hanle - SBO
 Brian Pahnke - SBO

END

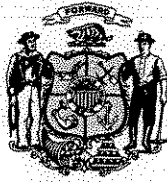


END

STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316 South, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: 266-8535



ASSEMBLY CHAIR
JOHN GARD

315 North, State Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: 266-2343

JOINT COMMITTEE ON FINANCE

March 11, 1999

Secretary Mark Bugher
Department of Administration
101 E. Wilson Street, 10th Floor
Madison, WI 53702


Dear Secretary Bugher:

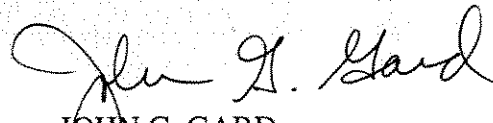
We are writing to inform you that the Joint Committee on Finance has reviewed your request, dated February 19, 1999, pursuant to s. 16.515/16.505(2) Stats., pertaining to requests from the University of Wisconsin System, the State Historical Society and the Department of Corrections.

The requests from the State Historical Society and the Department of Corrections are approved.

With regard to the University of Wisconsin System request, an objection has been raised and therefore, the Committee will meet formally to discuss it.

Sincerely,


BRIAN BURKE
Senate Chair


JOHN G. GARD
Assembly Chair

BB:JG:dh

cc: Members, Joint Committee on Finance
President Katharine Lyall, UW System
Director George Voght, State Historical Society
Secretary Jon Litscher, Department of Corrections
Robert Lang, Legislative Fiscal Bureau
Vicky LaBelle, Department of Administration



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

March 4, 1999

TO: Members
Joint Committee on Finance

FROM: Bob Lang, Director

SUBJECT: Request Under Section 16.515: University of Wisconsin-Madison Intercollegiate Athletics

INTRODUCTION

The Department of Administration (DOA) has approved a request under s. 16.515 that would supplement three appropriations related to the UW-Madison Division of Intercollegiate Athletics (Division). The first item would provide \$5,062,800 PR to the s. 20.285(5)(h) appropriation for UW-Madison Intercollegiate Athletics auxiliaries in 1998-99, which is used to fund the operations of the Division. If approved, total funding would be \$36,049,400 PR in 1998-99, excluding carry-over funds. The second recommended item would increase the s. 20.285(5)(i) appropriation by \$67,400 PR for non-income sports, which funds parking expenses and student scholarships. If approved, non-income sports spending authority would be \$395,000 PR in 1998-99. Lastly, DOA's recommendation would decrease the s. 20.285(5)(j) gifts and grants appropriation by \$1,956,000 PR. If approved, the total gifts and grants appropriation would be \$3,958,800 PR in 1998-99.

As provided under s. 16.515, the Committee's 14 working day review period runs through March 11, and this request will be approved on March 12, 1999, unless the Committee notifies DOA that it wishes to meet on the request.

BACKGROUND

Expenditure and position authority for the Division's budget is typically provided through the s. 16.515/505 process rather than the biennial budget. While the Division initially approves its budget in the spring of each year, it submits its allotment requests to DOA at the end of the football season, when it has information about revenues and expenditures for the fiscal year. At its June

1991, s. 13.10 meeting the Joint Committee on Finance approved a motion to require that any allotment increases requested by the Division be submitted to DOA no later than December of the fiscal year for which the request is being made. DOA then reviews the request and forwards its recommendation to the Joint Committee on Finance, which reviews the request under a 14-day passive review.

The Division submitted the above 1998-99 budget request to DOA on November 23, 1998. In addition, in July of 1998, the Division submitted a s. 16.505/515 request for additional positions and associated expenditure authority in 1998-99. Staff from the Division indicated that it sought approval for these positions and funding at that time because the annual budget approval process in December would not provide the Division with sufficient time to hire the positions for the 1998-99 academic year. The Joint Committee on Finance approved DOA's recommendations for additional expenditure authority of \$247,400 PR and 15.0 PR positions for the Division in September of 1998.

SUMMARY OF REQUEST

As a part of the UW-Madison Intercollegiate Athletics s. 16.515 request, expenditure authority is requested for the following purposes identified below by each appropriation. These budget increases include a 4.5% pay plan increase for unclassified staff and a 3.5% pay plan increase for classified staff.

Athletics Division Operations. The appropriation for UW-Madison athletics auxiliary enterprises is currently \$30,986,600 PR for 1998-99, excluding carry-over funds from the previous fiscal year. The increase of \$5,062,800 PR in 1998-99 recommended by DOA would bring the Division's funding for operations to \$36,049,400. The Division's budget provides for total increases under this appropriation of \$6,146,300; however, funds already provided by the Legislature this year reduces the additional funding needed to \$5,062,800. The major components of the total proposed expenditure increase for Division operations include:

Clinics and Special Events (\$1,905,600). Includes funding increases due to the Hockey Showcase and Hockey Hall of Fame game expenses, projected enrollment increases in UW athletic camps, projected increases in costs for special events including costs for concessions and catering, and increased costs of events and parking at the Kohl Center.

Event Management (\$1,799,100). Provides increased expenditure authority to reflect additional costs associated with men's and women's basketball and hockey games held at the Kohl Center and concessions and catering costs.

Other Sports -- Increases (\$720,900). Provides additional expenditure authority for men's and women's track, cross-country, tennis, golf, soccer, basketball and swimming/diving; women's crew, light crew, volleyball, spirit squad and hockey; and men's wrestling.

Other Sports -- Decreases (-\$309,900). Reduces expenditure authority for men's hockey, football and men's crew.

Support Services (\$715,400). Includes increased expenditure authority for video services, sports medicine and medical payments, Kohl Center operations, the compliance office, mail room, budget and finance, administration, facilities maintenance, academic and student services, equipment room, strength and conditioning, sports information, marketing and the ticket office.

Unitwide Overhead Costs (\$628,400). Provides additional expenditure authority primarily for the Coliseum annual payment, credit card processing fees, taxes, utilities and insurance, certain capital projects including the McClain Center roof and stadium repairs.

University Ridge Golf Course (\$491,100). Provides additional expenditure authority for the University Ridge Golf Course clubhouse improvements.

Computer Services (\$195,700). Includes additional expenditure authority for salary and fringe benefits based on demand requirements and funding for computer replacement and upgrades.

Non-Income Sports Expenditure Increases. The non-income sports expenditure authority request of \$67,400 PR would fund parking related expenses for games and special events, such as supplies, contract costs and salaries. If approved, the allotment would total \$395,000; \$100,800 would fund parking related expenses and \$294,200 would fund scholarships for women's and men's swimming/diving, men's wrestling and women's soccer.

Gifts and Grants. In 1996-97 and 1997-98, the Division received a one-time allotment increase of \$31,729,200 PR, over its base of \$5,914,800 excluding carryover funds, for a total gifts and grants allotment of \$37,644,000 to fund the construction costs of the Kohl Center. The Division's current request and DOA's recommendations would delete an additional \$1,956,000 PR in 1998-99. Under DOA's recommendation, the total allotment for the gifts and grants appropriation would be \$3,958,800 PR in 1998-99. The reduced expenditure authority reflects the completion of the construction of the Kohl Center.

Athletics Department Revenues

Revenues received by the Division are from a variety of sources. Revenues for auxiliary enterprises are primarily from sports ticket sales, radio and television contracts, NCAA revenue sharing, marketing, promotions, licensing and concessions. Non-income sports revenues are generated from parking fees assessed during sporting events. Revenues for the gifts and grant appropriation are raised through Division fundraisers, anonymous donations and pledges from basketball fans who purchase premium season tickets. In addition, the Division receives approximately \$629,700 GPR annually. In its 1998-99 budget, the Division estimated total revenues from all funds would be approximately \$43,681,100 and expenditures would be approximately \$43,977,800. Excluding expenditures of \$500,000, from restricted funds, for

improvements to the University Golf Course clubhouse, the Division estimated a positive ending balance of \$203,300 for 1998-99.

However, in February, 1999, the Division projected an overall deficit in 1998-99 of approximately \$1.1 million. Although operating revenues are now projected to be higher than originally anticipated, this will be offset by higher than anticipated capital expenditures and fundraising shortfalls. Specifically, the Division cites the additional one-time capital costs associated with the: (a) McClain Center artificial turf (\$300,000); (b) Goodman Softball field expansion project (\$200,000); (c) McClain Center chiller temporary replacement (\$150,000); and (d) additional Kohl Center construction costs (\$300,000). In addition, fundraising for the Goodman Softball field was approximately \$550,000 less than projected. The Division has indicated that it will fund the \$1.1 million shortfall from its reserve fund.

Reserve Balance

In response to the financial difficulties of the Athletics Department in the late 1980s, UW System and UW-Madison policies required that the Division maintain an adequate unencumbered reserve balance to be held against operating expenses, debt service and deferred repairs and maintenance/capital assets requirements. Actual reserve levels are determined by annual NCAA audits. If the Division falls short of reserve targets, it must submit a reserve restoration plan to the Athletics Board. The actual reserve total for 1997-98 was \$3.9 million. The budgeted reserve balance for 1998-99, taking into account the recent deficit projections, is estimated to be \$2.8 million. The Division's 1998-99 budget includes a target reserve level, once the Kohl Center is fully operational, of approximately \$7.6 million.

1999-00 Budget

On February 26, 1999, the Athletics Board approved the Division's 1999-00 budget. The budget as approved projects a \$600,000 deficit for 1999-00 that would be funded from the reserve balance. If there are no variances to the most recent 1998-99 and 1999-00 budget projections, the reserve balance at the close of 1999-00 would be approximately \$2.2 million.

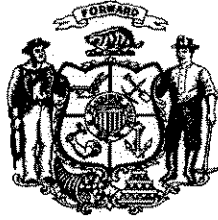
If you have any questions about this request, please contact this office.

Prepared by: Tricia Collins

THE STATE OF WISCONSIN

SENATE CHAIR
BRIAN BURKE

316-S Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-8535



ASSEMBLY CHAIR
JOHN GARD

315-N Capitol
P.O. Box 8952
Madison, WI 53708-8952
Phone: (608) 266-2343

JOINT COMMITTEE ON FINANCE

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Brian Burke
Representative John Gard
Co-Chairs, Joint Committee on Finance

Date: February 22, 1999

Re: s. 16.515/16/505, Stats. Request

Attached is a copy of a request from the Department of Administration, dated February 19, 1999, pursuant to s. 16.515/16.505(2), Stats., pertaining to requests from the University of Wisconsin System, the State Historical Society, and the Department of Corrections.

Please review the material and notify Senator Burke or Representative Gard, no later Wednesday, March 10, 1999, if you have any concerns about the request or if you would like to meet formally to consider it.

Also, please feel free to contact us if you need further information.

Attachment

BB:JG:js



TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

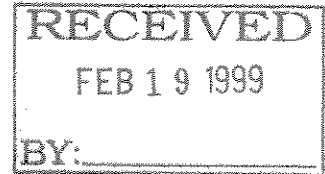
Date: February 19, 1999

To: The Honorable Brian Burke, Co-Chair
Joint Committee on Finance

The Honorable John Gard, Co-Chair
Joint Committee on Finance

From: Mark D. Bugher, Secretary
Department of Administration

Subject: S. 16.515/16.505(2) Requests



Enclosed are requests that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

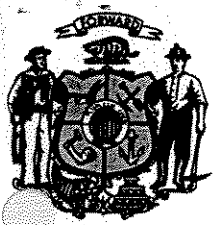
<u>AGENCY</u>	<u>DESCRIPTION</u>	<u>1997-98</u>		<u>1998-99</u>	
		<u>AMOUNT</u>	<u>FTE</u>	<u>AMOUNT</u>	<u>FTE</u>
UWS 20.285(5)(h)	UW-Madison intercollegiate athletics			\$5,062,778	
UWS 20.285(5)(i)	UW-Madison intercollegiate athletics			67,400	
UWS 20.285(5)(j)	UW-Madison intercollegiate athletics			-1,955,978	
SHS 20.245(1)(h)	Gifts and grants				1.25* 2.50*
DOC 20.410(kx)	Interagency and intra- agency programs				0.50

* 1.25 FTE PR-O project positions to end 2/28/01; 2.50 FTE PR-O project positions to end 2/28/02.

As provided in s. 16.515, the requests will be approved on March 12, 1999, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Vicky LaBelle at 266-1072, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



Date: February 16, 1999

To: Mark D. Bugher, Secretary
Department of Administration

From: Peter Maternowski *M*
Executive Policy and Budget Analyst

Subject: Request Under s. 16.515 from the University of Wisconsin System for UW-Madison Intercollegiate Athletics

REQUEST:

The UW System requests approval of \$5,062,778 additional expenditure authority for the appropriation under s. 20.285 (5) (h), *Intercollegiate Athletics Auxiliary Enterprises*; \$67,400 for the appropriation under s. 20.285 (5) (i), *Nonincome sports*; and a reduction of \$1,955,978 in the appropriation under s. 20.285 (5) (j), *Gifts and grants*.

REVENUE SOURCES FOR APPROPRIATION(S):

Revenues in the appropriation under s. 20.285 (5) (h) are generated from UW-Madison athletic events, golf course receipts, concerts and other special events. Revenues under s. 20.285 (5) (i), are generated from parking fees for events held at athletics facilities. Gifts, grants, donations and athletic booster club contributions received by the UW-Madison Division of Intercollegiate Athletics are deposited as revenues under s. 20.285 (5) (j).

BACKGROUND/ANALYSIS:

Historically, the Division of Intercollegiate Athletics' annual budget is set through the s. 16.515 process. Due to the fluctuation of athletic team expenses, and divisional revenues, it is difficult to accurately establish the division's budget during the regular biennial budget process.

The major components of the request are:

Pay plan: The 1998-99 pay plan costs, based on actual payroll and approved compensation increases, totals \$476,400. This increase reflects a 4.5% increase in unclassified salary and a 3.5% increase for classified staff. Current DOA policy allows program revenue pay plan increases to be included with s. 16.515 requests rather than the pay plan supplement process. Of the total, \$376,600 is a component of the increase requested for the appropriation under s. 20.285 (5) (h), *Intercollegiate Athletics Auxiliary Enterprises*. The remainder, \$99,800, is included in the reduction of \$1,955,978 requested for the appropriation under s. 20.285 (5) (j), *Gifts and grants*. The request appears reasonable.

Program-Related Increases (Athletics Auxiliaries and Non-Income Sports): The request includes a total of \$5,062,778 in program-related cost increases for *Intercollegiate Athletics Auxiliary Enterprises*, and a total increase of \$67,400 for *Nonincome sports* related to changes in special event parking and student-athlete grant-in-aid expenditures. These changes were approved by the Athletic Board and the Board of Regents prior to the beginning of the fiscal year. Major items accounting for the overall increase in *Intercollegiate Athletics Auxiliary Enterprises* expenditures, excluding the pay plan adjustments described above, are:

- **Event management:** Increases of \$1,799,100 include additional expenses from sports concessions and catering costs, as well as additional costs associated with hosting basketball and hockey events at the Kohl Center. This increase is primarily related to budgeting for a full year of operations at the Kohl Center.
- **Clinics and Special Events:** Total increases of \$1,831,900 include additional expenses associated with Kohl Center events such as concerts and the Hockey Hall of Fame game and increased attendance at UW sponsored sports clinics and camps. As with the preceding item, this expenditure increase is associated with the year round operation of the Kohl Center.
- **Gender Equity:** Additional expenses to meet gender equity requirements including \$100,000 placed in reserve for the development of the women's hockey program, and five additional scholarships for the women's crew program.
- **Academic and student services:** Increases of \$85,900 to reflect expanded academic counseling and tutoring services provided to student athletes.
- **Equipment room:** Salary and fringe benefit increases of \$88,800 to reflect expanded equipment room staffing.
- **Administration:** Total increases of \$478,000 include general administrative increases of \$216,500, computer services related increases of \$195,700 and marketing, promotion and licensing increases totaling \$65,800.

The remainder of the request is for minor increases and decreases to the various athletic team budgets to cover such items as increased team travel, post season play and grants to student athletes. All of these components appear reasonable.

Capital Budget Projects (Gifts and Grants): Budgeted gift and grant revenue of \$4,464,600 will support team budgets and fund \$1.28 million in capital projects including the turf replacement at Camp Randall and construction of the Goodman Softball Diamond complex. The division's request for reduced expenditure authority in the appropriation under s. 20.285 (5) (j), *Gifts and grants*, (- \$1,955,978), reflects the completion of the Kohl Center construction project.

As of January 31, 1999, capital budget expenditures are projected to exceed budgeted expenditures by \$1.75 million. Materials prepared by Athletic Division indicate that four projects have contributed to the unanticipated increase in expenditures.

1. Replacement of artificial turf in the McClain Center was required because the turf was deteriorating and presented a safety hazard. The replacement of the McClain

Center turf was undertaken as part of the turf replacement in Camp Randall resulting in increased expenditures of \$300,000.

2. An expansion of the Goodman Softball complex project to include 500 additional seats added \$193,000 to the overall cost of that project. In addition, fundraising for that project has fallen short of the original projections by \$550,000.
3. The mechanical failure of a McClain Center chiller (air conditioning system component) has resulted in \$150,000 in unanticipated expenditures.
4. Approximately \$300,000 in Kohl Center costs that were not included in the FY99 budget were incurred during the current fiscal year.

Revenues: The UW's budgeted revenue for *Intercollegiate Athletics Auxiliary Enterprises* is \$38,373,100. Budgeted expenditures exceed revenue by \$326,778. This negative margin includes a \$500,000 expenditure from restricted funds for a University Ridge Golf Course capital project. If the golf course expenditure is removed, the *Intercollegiate Athletics Auxiliary Enterprises* appropriation is budgeted to end the fiscal year with a positive balance of \$173,222. In addition, the division's *Gifts and grants* appropriation is budgeted to have a positive year ending balance of \$30,078. Hence, the budgeted net margin for the division as a whole will total \$203,300.

Based on financial data as reported through January 31, 1999, the Athletics Division is projecting a net operating balance of \$1,134,322. The net operating margin is higher than budgeted because of higher than anticipated Big Ten bowl revenue (\$413,000), increased sponsorship revenues (\$530,000), increased radio contract revenue (\$230,000), higher than anticipated merchandizing revenue (\$395,000) and endowment interest earnings that exceed budgeted levels by \$220,000. These positive variances to operating revenue are balanced by several negative variances including reduced catering revenue (-\$600,000) and lower than anticipated concert and special event revenues (-\$680,000).

Taking into account both the higher than anticipated projected operating budget net margin of \$1,134,332 and the projected capital project funding shortfall, the division is currently projecting a \$1.1 million negative net margin. Division staff have indicated that receipt of gifts, which have been pledged but not yet received, during the remainder of the fiscal year would reduce the size of the shortfall. The division's operating reserve is adequate to cover the projected shortfall.

Accumulated Deficit / Reserve Fund Status: The division has accumulated an operating reserve of \$3,915,792 as of the close of FY98. The reserve was budgeted to grow to \$4,119,092 at the close of FY99. Based on the latest financial data, the division projects that the reserve balance will total \$2,811,519 at the close of FY99.

The division retains its goal of accumulating a reserve balance of approximately \$7.6 million, a level which takes into account the debt service obligations associated with the Kohl Center. However, the unanticipated capital expenses that it has incurred during the current fiscal year have reversed the recent progress the division has made towards achieving that goal. While the division has the reserves needed to cover the

Mark D. Bugher
February 16, 1999
Page 4

current negative margin, the unanticipated capital expenditures and their impact on the division's budget underscore the importance of reaching and maintaining a prudent reserve level. It appears that some of the division's budget shortfall can also be attributed to the difficulty of accurately budgeting and managing operations at the Kohl Center.

Since revenues in the *Intercollegiate Athletics Auxiliary Enterprises* appropriation will exceed budgeted expenditures, it is reasonable to approve the division's request for increased expenditure authority. However, as the division develops its FY00 operating and capital budgets it will need to address how it will achieve its operating reserve goal. The Athletic Board will be addressing this issue in the coming months.

RECOMMENDATION:

Approve the request.

Department of Administration
Office of the Secretary

Date: 11-23

From: GF

To: 1 MDB _____ Blasko _____
_____ George _____ Brandheim _____
_____ Linda _____ 2 Chandler _____
_____ Ed _____ Housing _____
_____ Mark S. _____ Johnson _____
_____ Tom _____ King _____
_____ Jeanette _____ Marx _____
_____ Trudie _____ McDowell _____
_____ Kelli _____ Remert _____
_____ Donna _____ Robinson _____
_____ Patricia _____ Scepaniak _____
_____ Rob _____

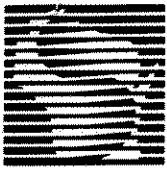
Comments: Routine

FYI

File

Prepare Analysis/Recommendations

Draft Response for Secy's Signature



The University of Wisconsin System

Financial Administration

780 Regent Street
P.O. Box 8010
Madison, Wisconsin 53708-8010
(608) 262-1313 FAX (608) 262-5316

RECEIVED

20

DATE: November 20, 1998
TO: Mark D. Bugher
Secretary, Department of Administration
FROM: Marcia W. Bromberg
Vice President for Finance
Marcia W. Bromberg
RE: S. 16.515 Request for Intercollegiate Athletics

CC: BH
PM

The purpose of this letter is to comply with the policy of the Joint Committee on Finance that any request for increase in the allotment authority for Intercollegiate Athletics at UW-Madison must be submitted by December 1. This request is for increased expenditure authority for the Program Revenue appropriations under s.20.285(5)(h), s.20.285(5)(i) and s.20.285(5)(j). The request increases allotment authority to the spending levels approved by the Board of Regents in the 1998-99 Redbook budget and by the Athletic Board, subject to approval by the Department of Administration and the Joint Committee on Finance.

The following is a table detailing the requested increases by appropriation:

<u>Appropriation</u>	<u>Current Allotment</u>	<u>Requested Authority</u>	<u>Increase</u>
s.20.285(5)(h)	\$31,210,765	\$36,273,543	\$ 5,062,778
s.20.285(5)(i)	\$ 327,600	\$ 395,000	\$ 67,400
s.20.285(5)(j)	\$ 5,914,800	\$ 3,958,822	\$(1,955,978)

The increase in the allotment for s.20.285(5)(h) of \$5,062,778 in 1998-99 expenditure authority is needed to cover: a full year of operating expenses (concessions, catering and event management) for the Kohl Center; the addition of men's hockey at the Kohl Center; the buyout of the contract with the Dane County Coliseum; and remodeling costs for the University Ridge Golf Course Clubhouse. The increase of \$67,400 in s.20.285(5)(i) covers inflationary and general equity increases, funded by parking revenue, for student aid for female athletes. The decrease of \$1,955,978 in s.20.285(5)(j) is the result of the completion of the Kohl Center, which significantly reduced the capital budget.

The "Current Authority" numbers include allotment increases for: 1997-98 year-end encumbrances carried forward; last year's allotment increases as approved by the Joint Committee on Finance in January of 1998; increases approved as part of the 1997-99 biennial budget; and a base budget increase approved by the Joint Committee on Finance in September 1998. The amounts requested for s.20.285(5)(h) and s.20.285(5)(i) require on-going funding. Questions regarding this request may be directed to Jeff Arnold (265-5792).


c:	Katharine Lyall	Chancellor David Ward
	John Torphy	Pat Richter
	Ruth Hardy	Peter Maternowski
	Debbie Durcan	Kathi Sell
	George Ketterer	Freda Harris
	Doug Hendrix	Jeff Arnold

CORRESPONDENCE MEMORANDUM
Department of Administration

STATE OF WISCONSIN

Date: February 10, 1999

To: Mark D. Bugher, Secretary
Department of Administration

From: Joshua Hummert 
Executive Policy and Budget Analyst

Subject: Request Under s. 16.505 From State Historical Society

REQUEST:

The State Historical Society (SHS) requests 3.75 FTE PR-O project positions in the agency's PR-O appropriation under s. 20.245 (1)(h).

REVENUE SOURCES FOR APPROPRIATION(S):

Funds to support these positions will come from the gifts and grants appropriation in the Division of Archives, Research, and Library Services. The Society indicates that there will be sufficient revenues in the appropriation to support the request. To fund these positions, the SHS will receive \$75,000 in grants, \$25,000 from a private donor, and \$200,000 from the Wisconsin History Foundation. In addition to these one time funds, this appropriation receives approximately \$100,000 in revenues. The SHS also maintains a reserve of \$35,000 to \$50,000 in this appropriation for unforeseen expenses.

BACKGROUND:

The SHS's rare book collection includes 20,000 titles relating to Wisconsin, American and Canadian history. Information on 6,000 to 7,000 is only available in a paper cataloging system. SHS is requesting 1.25 FTE PR-O project positions to convert this information to a more complete and universal electronic format. These project will take approximately two years.

The Society is also requesting 2.5 FTE PR-O project positions to convert frequently requested items into an electronic format. Converting records in areas such as genealogy, U.S. history and local history into electronic records would make them more accessible as well as aiding in the preservation of the original records. This project will take approximately three years.

ANALYSIS:

To complete the electronic cataloging of the SHS's rare book collection, the SHS will receive three \$25,000 grants from a foundation and a \$25,000 donation from an individual. After the receipt of the first grant in February 1997, the library used LTE hours for work on the electronic catalog. The Society is requesting the creation of 1.25 PRO FTE to be funded from the remaining \$75,000 due to the fact that more difficult conversion issues will arise in the future. The electronic catalog is approximately two years from completion.

Mark D. Bugher, Secretary

2/10/99

Page 2

To fund the remaining 2.5 PRO FTE project positions, the SHS plans to use a \$200,000 contribution from an individual to the Wisconsin History Foundation. The donor has been informed of the plan and approves SHS using the funds for these activities. The project will last approximately three years. During this time, the positions will be used to convert monographic and serials records into an electronic format as well as creating original serials records in an electronic format.

RECOMMENDATION:

Approve 1.25 FTE PR-O project positions to end 2/28/01. Approve 2.50 FTE PR-O project positions to end 2/28/02.

cc: Bob Hanle

John Montgomery

Rick Chandler



State Historical Society of Wisconsin

816 State Street ♦ Madison, Wisconsin 53706-1488 ♦ 608/264-6400 ♦ Fax: 264-6404

December 28, 1998

TO: Josh Hummert
State Budget Office
Department of Administration

FROM: Bob Thomasgard, Associate Director
State Historical Society

SUBJECT: Request to Create 3.75 FTE PRO-Funded Project Positions

The Society requests the creation of five PRO-funded project positions (representing 3.75 FTE positions) for the Society's Library as described below. Both projects are important as the Society prepares to create an electronic circulation system (as most libraries already have). **From our perspective, there is some urgency to both requests but, especially, the first one.** The reason is the two individuals now doing the work relating to the first project are expected to exhaust their LTE hours in early February of 1999. Unless project positions are created and filled by then, important momentum on that retrospective conversion work could be lost.

Rare Books Retrospective Conversion

Recently, the Society received the second of three \$25,000 checks from a foundation and \$25,000 from an individual to complete the electronic cataloging of the Library's rare book collection. Following the receipt of the foundation's first \$25,000 in February, 1997, the Library hired two LTEs to begin the conversion from paper to electronic records. At the time, it was thought project position approval would be initiated immediately but a series of set-backs delayed that plan. Since remaining work is expected to require another two years, the Society would like to create two .625 FTE project positions.

The Library's rare book collection includes 20,000 titles relating to Wisconsin, American and Canadian history. Information about 6,000 to 7,000 of the titles is only available in a paper catalog using an antiquated classification system. This information would be converted to a more complete and universally used electronic format through the project.

The Society would like to create and fill two librarian positions for this purpose — a Librarian Objective and a Library Services Assistant Senior. Each would work 25 hours a week. One librarian would catalog monographs and the other serials using current standards. The Librarian Objective position would be responsible for doing most of the "original" cataloging and resolving more difficult conversion issues for material already cataloged.

Other Retrospective Conversion

Recently, the Society "redirected" \$200,000 previously received from an individual to the retrospective conversion of paper records to electronic records for selected key areas in the Library's collections — genealogy, U. S. history and local history.

In order to accomplish this retrospective conversion, the Society would like to create and fill three librarian positions — two full-time Librarian Objective positions and a half-time Library Services Assistant Senior position. The Librarian Objective positions would, respectively, convert monographic and serial records into an electronic format. The other position would create original serials records in electronic format.

cc: Kevin Graffagnino
Jonathan Cooper
Jane Richard
Maija Salo-Cravens
Sandy Nelson
George Vogt
John Singer

CORRESPONDENCE MEMORANDUM**STATE OF WISCONSIN
Department of Administration****Date:** February 9, 1999**To:** Mark D. Bugher, Secretary
Department of Administration**From:** Doug Percy, Budget and Policy Analyst ^{DP}
Division of Executive Budget and Finance**Subject:** Request Under s. 16.505 from the Department of Corrections (DOC) for a 0.5 FTE Teacher at Taycheedah Correctional Institution**REQUEST:**

The Department of Corrections (DOC) requests the creation of a 0.5 FTE teacher for Taycheedah Correctional Institution (TCI) funded from appropriation s.20.410(kx), interagency and intra-agency programs. DOC originally requested creation of a 1.0 FTE teacher for TCI, but subsequently modified the request to a 0.5 FTE teacher.

REVENUE SOURCES FOR APPROPRIATION(S):

The source of revenue deposited in the appropriation under s.20.410(kx), interagency and intra-agency programs, is funding received from other state agencies. For this particular position, funding will be provided by a federal grant (Title I Project for Neglected and Delinquent Students) allocated through the Department of Public Instruction (DPI).

BACKGROUND:

Since 1985, DOC has received funding for the education of neglected and delinquent students who are 20 years of age or younger from a federal grant allocated through DPI. Currently, 14.85 DOC positions are funded from this grant. Of these positions, 12.0 FTE positions are teachers and the remainder are administrative and clerical staff. Teachers are currently located at the following juvenile and adult correctional facilities: Ethan Allen, Lincoln Hills, Kettle Moraine, Green Bay, and Black River. Grant funds are also utilized for instructional supplies, computers and software and other special projects.

Mark D. Bugher, Secretary
February 9, 1999
Page 2

ANALYSIS:

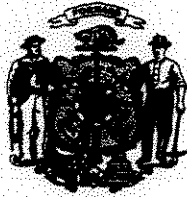
The requested 0.5 FTE teacher will be utilized to educate neglected and delinquent students 20 years of age or younger. DOC estimates that Taycheedah currently has 15 students who meet this criteria. It is expected that the additional 0.5 FTE teacher will supplement current educational programming by providing this particular group of students with additional instruction in remedial skills. It is expected that sufficient grant funds will exist to support this position on an ongoing basis.

RECOMMENDATION:

Approve a 0.5 FTE teacher for Taycheedah Correctional Institution.

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Mailing Address
149 East Wilson Street
Post Office Box 7925
Madison, WI 53707-7925
Telephone (608) 266-2471

State of Wisconsin Department of Corrections

October 23, 1998

MEMORANDUM

TO: Mark Bugher, Secretary
Department of Administration

FROM: Michael J. Sullivan, Secretary
Department of Corrections

RE: S. 16.505 Request for Appropriation 20.410(1)(kx)
Numeric Appropriation 167, Inter/intra Agency Programs

RECEIVED
28
DEPT. OF ADMINISTRATION
CC CA
DP

The Department of Corrections receives yearly Title 1 grant funds. The FY 99 grant is \$1,178,582 from the Wisconsin Department of Instruction. The Department has consistently received this funding since 1985 and expects to continue to receive the funding.

Grant funds provide educational services for neglected or delinquent offenders throughout the Wisconsin correctional system.

The Department of Corrections requests 1.0 permanent Teacher FTE for the Taycheedah Correctional Institution to provide education for the increasing number of women enrolled in the program. There are sufficient grant funds to support the position.

cc: . Cindy O'Donnell - Dpty Sec.
Dick Verhagen - DAI
Tracy Bredeson - OE
Lucie Widzinski-Pollock - BoB
Cathy Halpin - BoB
Phil Flanagan - Fiscal

Jessica O'Donnell- Ex. Asst.
Cindy Schoenike - DAI
Mary Cassady - BoB
Dan Steeger - Fiscal
Marge Attaway - BPHR