

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON INSTITUTIONS & CULTURAL EDUCATION

Call to Order: By WM. "RED" MENAHAN, on February 8, 1991, at 8:00 A.M.

ROLL CALL

Members Present:

Rep. Wm. "Red" Menahan, Chairman (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Rep. Dorothy Cody (D)
Rep. Chuck Swysgood (R)
Sen. Eleanor Vaughn (D)

Members Excused: Sen. Dick Manning

Staff Present: Sandra Whitney, Associate Fiscal Analyst (LFA)
Mary LaFond, Budget Analyst (OBPP)
Mary Lou Schmitz, Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON SUPPLEMENTALS

Ms. LaFond said the last time the Supplementals were brought up the original amounts were not in the budget. The increases have now been included so the total amount is approved by the Budget office. **Ms. Whitney** said all the Supplementals for Institutions total \$1,571,331.

Tape No. 1;A;18

Motion/Vote: SEN. BECK moved to accept the Montana State Prison Supplemental; \$719,417 general fund for variable costs and security for an increased inmate population. This supplemental request includes \$355,114 in personal services and \$364,303 in operating expenses. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. VAUGHN moved to accept the Swan River Forest Camp Supplemental; \$48,775 general fund for personal services and operating expenses as a result of expanding correctional populations. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. BECK moved to accept the Community Corrections Supplemental of \$25,742, general fund for 15 additional beds at three privately operated pre-release centers to alleviate the over-crowding at the prison. **MOTION CARRIED UNANIMOUSLY.**

HOUSE INSTITUTIONS & CULTURAL EDUCATION SUBCOMMITTEE

February 8, 1991

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Motion/Vote: SEN. VAUGHN moved to accept Women's Corrections Supplemental of \$78,040 for personal services and operating expenses. The personal services increase is primarily for increased pay needed. Increases in operating expenses are due to costs of counseling, treatment, medical services, and other costs related to population increases. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. AKLESTAD moved not to accept the Board of Pardons Supplemental. **MOTION FAILED WITH SENS. AKLESTAD AND BECK VOTING AYE AND SEN. VAUGHN, REPS. CODY AND MENAHAN VOTING NO.**

Motion/Vote: SEN. AKLESTAD moved to accept \$38,000 for the Board of Pardons Supplemental. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. BECK moved to accept \$565,357 Corrections Medical Supplemental, general fund, for increased medical expenses resulting from inmate population expansion. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. VAUGHN moved to accept the Montana State Hospital Supplemental of \$96,000 for unanticipated expenditures for the drug, Clozaril, and projected expenditures for repairs. **MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON CENTRAL OPERATIONS

Jim Currie, Administrator, Management Services Division, said the Central Operations program is made up of the Director's Office, the Management Services Division, the Board of Pardons and the Operations Component Services Division. There are three Modifications, one of which was acted upon with the Board of Pardons. The Mod he presented has to do with the information system enhancement. Prior to 1985 the Department had very limited information system capabilities. There were no personal computers in the department at that time. They consolidated the information systems budget within the department and purchased their own mainframe computer, an IBM system 38, plus one or two personal computers. There is a need to upgrade this system and need an IBM 400 which will provide more processing power, more storage capabilities and give the department a local area networking capability which they don't have now.

The second Mod is an upgrade of the telecommunication line they currently have. This line ties together Montana Development Center, Montana State Prison, Montana State Hospital, the Board of Pardons and the Ranch Industry Program.

Tape No.1:B:18

Motion/Vote: REP. SWYSGOOD moved to accept the executive budget for \$1,670,982 FY92 and \$1,671,507 FY93. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: SEN. VAUGHN moved to accept special services

HOUSE INSTITUTIONS & CULTURAL EDUCATION SUBCOMMITTEE

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Page 3 of 3

executive budget modification \$94,950 FY92 and 89,562 FY 93.
MOTION FAILED WITH SENS. AKLESTAD AND BECK AND REP. SWYSGOOD VOTING NO.

Motion/Vote: REP. CODY moved to accept \$31,683 ongoing computer expense and maintenance as described in executive budget modification #3. **MOTION CARRIED UNANIMOUSLY.**

Motion/Vote: REP. CODY moved to accept the information system enhancement; mainframe computer replacement, multi-user computers and repair/maintenance. **MOTION FAILED WITH SENS. BECK AND AKLESTAD AND REP. SWYSGOOD VOTING NO.**

Motion/Vote: REP. SWYSGOOD moved to accept Audit Fees D of A computer charges as approved by the General Government Subcommittee. **MOTION CARRIED UNANIMOUSLY.**

Motion: SEN. AKLESTAD moved to give the Department the latitude to manage their monies within the programs. **VOTE LEFT OPEN UNTIL FULL SUBCOMMITTEE MEETS.**

Motion/Vote: SEN. AKLESTAD moved to use contracted services in those areas where FTE personnel cannot be hired. **MOTION CARRIED UNANIMOUSLY.**

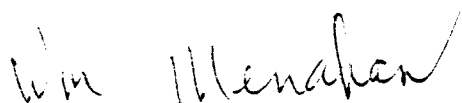
EXECUTIVE ACTION ON TARGETED CASE MANAGERS - MONTANA STATE PRISON

Tape No. 2;A;382

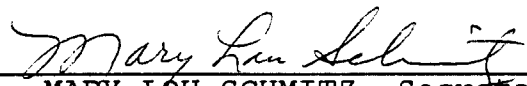
Motion/Vote: REP. CODY moved to eliminate the vehicle and give the prison 2.0 FTE, targeted case managers, Grade 13/2, \$55,276 FY92 and \$55,158 FY93 and hold these positions out of the base and review next session. **MOTION CARRIED WITH SEN. AKLESTAD AND REP. SWYSGOOD VOTING NO.**

ADJOURNMENT

Adjournment: 10:45 A.M.



WM. "RED" MENAHAN, Chair



MARY LOU SCHMITZ, Secretary

HOUSE OF REPRESENTATIVES
INSTITUTIONS AND CULTURAL EDUCATION SUBCOMMITTEE

ROLL CALL

DATE 2-8-91

NAME	PRESENT	ABSENT	EXCUSED
REP. WM. "RED" MENAHAN, CHAIRMAN	✓		
SEN. DICK MANNING, VICE-CHAIRMAN			✓
REP. DOROTHY CODY	✓		✓
SEN. ELEANOR VAUGHN	✓		
REP. CHUCK SWYSGOOD	✓		
SEN. GARY AKLESTAD	✓		
SEN. TOM BECK	✓		

HR:1991
CS10DLRLCALIN&C.MAN

Instit Subcomm.

COMMITTEE PROXY

Date: 2-8-91

Mr. Chairman:

Please vote me on bills and
amendments as follows:

yes to Exec Budget on no pass

yes to Mod #3 on no pass

yes to Mod #1 on do pass

yes to Motion to Line Item

Mental Health Budget - Community Services

Rep. Dorothy Craig

(Name)

COMMITTEE PROXY

Date: 2-8-91

Mr. Chairman:

Please vote me on bills and
amendments as follows:

yes on Motion to Budget

yes Program

yes on motion to replace

sub. with one ITE for

Targeted Case Managers

Rep. Dorothy A. Craig

(Name)

COMMITTEE PROXY

Date: 2-3-91

Mr. Chairman:

Please vote me on bills and
amendments as follows:

no to motion for
Corrections MPR, NCC
Chemical Councilors
Continue sending to Gov.

Rep. Cody
(Name)

COMMITTEE PROXY

Date: _____

Mr. Chairman:

Please vote me on bills and
amendments as follows:

(Name)

MEMORANDUM: Feb. 5, 1991

TO: Subcommittee on Institutions
Representative Chuck Swysgood

FROM: Jim Currie, Administrator
Management Services Division

RE: Financial Compliance Audit Recommendations; Biennium ending
6/30/88. Concerning the Reimbursement Bureau

Recommendation #1 (Potential Medicaid Recoveries; General Fund Match
Documentation; Facility Reclassification)

A. Document its General Fund expenditures as additional state matching
funds to maximize Medicaid reimbursements.

C. Work with SRS personnel to recover per diem costs from Medicaid for past
services to the extent possible.

Medicaid funding is comprised of state/federal matching dollars. Through 6/30/89, SRS was appropriated the General Fund dollars required to draw the federal matching in sufficient amounts to fund the state institutions' Medicaid program as mandated under the State Medicaid Plan and prescribed within the SRS Administrative Rules for Nursing Home Reimbursement. The Legislative Auditors determined that for MDC and Eastmont, (ICF's-MR) the amount of the SRS state matching was not sufficient to provide for cost based Medicaid participation as allowed by federal regulation. They determined that these institutions could not recover the full cost-based rate because SRS limited increases in rates, through the administrative rules process, to nine percent a year for cost based facilities. "This was done to limit the amount of state matching funds SRS expended. As a result, the per diem rate paid was less than that to which the institutions were entitled under federal Medicaid regulations." The auditors determined that the department of institutions made "sufficient General Fund expenditure effort at each institution to match the additional federal funds that" would otherwise be available. Beginning with the 1991 biennium, the institutions' General Fund expenditures were routinely treated as state matching funds for purposes of drawing federal Medicaid Reimbursements. The federal share was transferred by SRS to the department as revenue which then was deposited into the state General Fund. The recommendation that the department could recover federal matching funds retroactive to FY 86 by documenting MDC and EHSC General Fund expenditures as the state match, was determined not permissible under the Medicaid State Plan in effect at that time. Julia Robinson, SRS Director, responded in detail to Representative John Cobb, concerning this issue on 5/19/90. The State Plan was subsequently amended for cost based facilities, and FY 89 was established in Rule as a new "base year", eliminating the 9% cap on rate increases. Beginning with FY 91, SRS will annually amend Administrative Rules to essentially provide that each year is a new "base year" for Medicaid cost based facilities. The department is anticipating substantial rate increases for MDC, EHSC, MSH (W.S., IMD Nursing Facility) from Medicaid, retroactive to 7/1/88.

Ex. 1
2-8-91
Instit. Subcomm.

B. Seek reclassification of the level of care at institutions to maximize Medicaid reimbursements.

The Long Term Care Unit (nursing home) at MSH has always been considered by the department as being apart of an "institution for mental disease". As such, federal regulations limit Medicaid participation to those persons who are over age 65 or under 22, who are residing in Medicaid certified beds. An institution or nursing home is considered an IMD if the overall character of the facility is such that more than 50 percent of the patients served have mental diseases which require inpatient treatment, regardless as to how the facility is licensed. Department personnel initiated contacts with SRS in 1988 concerning reclassification of the Warm Springs nursing home to that of an Institution for Mental Disease. By formally reclassifying to IMD status, Medicaid rates for this unit could be cost based rather than continuing as formula based under the general nursing home rules for reimbursement. Before this could be accomplished, SRS needed to amend their Administrative Rules by establishing the IMD classification. This was accomplished and became effective 7/1/90.

Recommendation # 2 Unreported Services

Direct care patient service costs in addition to the per diem are available for reimbursements to the General Fund. Legislative auditors determined that there were a number of physician visits to patients which went unreported to the Reimbursement Bureau. Because the services went unreported, the revenue potential for those services was lost. Since this audit review, the level of reported physician visit services increased to a level that is considered stable. A review of the numbers of visits reported is periodically made in order to determine consistency in reporting. Service documents continue to be received at stable levels with no substantive decline since February, 1989. The department continues its effort to ensure all documents for billing use are obtained in a timely manner. (Within 5 working days of each month) Each month, some documents must be returned for correction, while others are corrected at central office after phone discussion with medical records or the appropriate medical department personnel. All of these problems in combination, cause delays in the extremely detailed billing processes. Contacts are routinely made with appropriate persons at the institutions concerning problem areas relative to service documents. In an effort to improve this situation, Reimbursement orientation and diagnosis coding workshops were held at MSH in April, 1990.

Recommendation # 3 Insurance Billing Procedures

Late into the 1988 biennium audit, auditors identified a problem with regard to a backlog of delinquent, pending insurance claims. The Reimbursement Bureau had established procedures to correct the problem and had begun work on cleaning up the backlog when the auditors identified the problem. A Status Inquiry form had been developed and procedures written. The Bureau completed work on the insurance resubmissions backlog by January, 1989. Procedures also included that if an insurance company requests additional information after receiving the claim, or if the insurance company denies payment due to place of service, or the receipted payment amount is questioned, the account is responded to within 15 days. The bureau continues to monitor outstanding

COMPARISON/ISSUES 1993 BIENNIUM

AGENCY/PROGRAM
 -----EXECUTIVE-----
 FTE '93 BIENNIUM
 -----LFA C/L-----
 FTE '93 BIENNIUM
 -----EXEC OVER (UNDER) LFA-
 FTE 93 BIENNIUM
 -----MAJOR ISSUES-----

DEPARTMENT OF INSTITUTIONS

Central Operations 44.00 \$3,342,489 45.00 \$3,410,159 (1.00) (\$67,670) HPI Contract
 Corrections 563.84 \$52,428,533 563.84 \$51,877,610 0.00 \$550,923 MSP Canteen
 Mental Health 647.18 \$53,956,451 783.53 \$61,185,387 (136.35) (\$7,228,936) MSP Industries
 642.69 783.53 (140.84) Closure of Galen
 Chemical Dependency 6.00 \$4,878,910 57.65 \$7,689,084 (51.65) (\$2,810,174) Closure of Galen
 Dev. Disabilities 465.98 \$26,336,461 504.79 \$30,313,449 (38.81) (\$3,976,988) Downsize MDC
 424.93 503.79 (78.86)
 Veteran's Home 84.89 \$5,264,811 85.89 \$5,275,899 (1.00) (\$11,088)

Totals

1,766.35 \$146,207,655 2,039.70 \$159,751,588 (273.35) (\$13,543,933)

MONTANA STATE LIBRARY

Operations 24.50 \$4,220,762 24.50 \$3,185,079 0.00 \$1,035,683
 NRIS 4.00 \$507,000 4.00 \$511,721 0.00 (\$4,721) Approp. RIT Funds

Totals

28.50 \$4,727,762 28.50 \$3,696,800 0.00 \$1,030,962

MONTANA HISTORICAL SOCIETY

Administration 13.50 \$1,294,538 12.00 \$1,154,999 1.50 \$139,539
 Library 13.50 \$889,012 13.50 \$865,900 0.00 \$23,112
 Museum 6.90 \$486,173 6.90 \$446,760 0.00 \$39,413
 Magazine 6.88 \$1,052,946 6.88 \$992,966 0.00 \$59,980
 Historical Sites Pres. 7.50 \$1,288,890 7.50 \$975,265 0.00 \$313,625

Totals

48.28 5,011,559.00 46.78 4,435,890.00 1.50 575,669.00

MONTANA ARTS COUNCIL

7.97 \$1,194,311 7.97 \$1,165,992 0.00 \$28,319

0001 DEPARTMENT OF INSTITUTIONS
10 CENTRAL OPERATIONS
0000 CENTRAL OPERATIONS

DATE : 01/08/91
TIME : 21/29/24
CURRENT LEVEL COMPARISONS

Exhibit # 2 2/8/91
Instit. Subcomm.

CENTRAL OPERATIONS WORKSHEET

Budget Item	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
IE	39.00	44.00	45.00	1.00-	44.00	45.00	1.00-
Personal Services	1,054,172	1,356,185	1,375,741	19,556-	1,354,944	1,374,499	19,555-
Operating Expenses	271,209	311,034	328,997	17,963-	313,504	330,218	16,714-
Equipment	17,134	3,059	0	3,059	3,059	0	3,059
Net Service	3,053	704	704	0	0	0	0
Total Expend.	\$1,345,568	\$1,670,982	\$1,705,442	\$34,460-	\$1,671,507	\$1,704,717	\$33,210-
und Sources							
General Fund	1,327,588	1,642,712	1,619,283	23,429	1,643,277	1,618,728	24,549
State Revenue Fund	4,296	20,595	78,484	57,889-	20,555	78,314	57,759-
Federal Revenue Fund	7,637	4,256	4,256	0	4,256	4,256	0
Proprietary Fund	6,047	3,419	3,419	0	3,419	3,419	0
Total Funds	\$1,345,568	\$1,670,982	\$1,705,442	\$34,460-	\$1,671,507	\$1,704,717	\$33,210-

---Executive Action---

OBPP - '91 LFA - '90

EXPENDITURE BASE

CURRENT LEVEL DIFFERENCES

Personal Services

Exec. removed 1.0 FTE secretary in Management Services - Grade 7 Step 2
In current level this FTE is funded with earmarked alcohol funds

Board of Pardons Per Diem - Exec. 1991 Approp. - LFA 1990 Actual for increased case load

Operating Expenses

Messenger Fees - OBPP included in Mgmt. Services - LFA in Corr. Admin. (deadhead mail)

Audit Fees - OBPP higher fees based on mod. - will be considered globally by Approp. Com.

Cost of a computer charges - Considered globally by Appropriations Com.

Software & Multi-user computers - LFA at 1990 actual - OBPP included in mod

Base and inflation differences - Central Operations excluding Board of Pardons

Total Central Operations operating differences excluding Board of Pardons

---Personal Services---

Yes No

Yes No

---Base---
Cent. OP Corr. OP

No Action Required

"

Yes No

No Action Required

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Funding

2.	Federal & Proprietary Revenue - Used in both budgets to fund audits	0	0	0
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ISSUES

Dept. calculations assuming Galen continues to operate - FY 92, \$463,915 - FY 93 \$486,653

22-16-8-8

784952-59562

2.- Board of Pardons Staff - 1.0 FTE pre-parole programmer, Grade 13, Step 2 and operating expenses for increased caseload

mainframe computer replacement, multi-user computers and repair/maintenance (If LFA current level was approved \$31,083 each year must be subtracted from this mod)

OTHER BILLS - None

DATE : 01/09/91
 TIME : 16/31/00
 CURRENT LEVEL COMPARISONS

6401 DEPARTMENT OF INSTITUTIONS
 10 CENTRAL OPERATIONS
 10000

Budget Item	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
FTE	35.00	40.00	41.00	1.00-	40.00	41.00	1.00-
Personal Services	914,865	1,221,888	1,239,844	17,956-	1,220,902	1,238,857	17,955-
Operating Expenses	229,903	273,445	284,880	11,435-	275,598	285,927	10,329-
Equipment	3,059	3,059	0	3,059	3,059	0	3,059
Debt Service	1,997	0	0	0	0	0	0
Total Expend.	\$1,149,824	\$1,498,392	\$1,524,724	\$26,332-	\$1,499,559	\$1,524,784	\$25,225-
<u>Fund Sources</u>							
General Fund	1,131,844	1,470,122	1,438,565	31,557	1,471,329	1,438,795	32,534
State Revenue Fund	4,296	20,595	78,484	57,889-	20,555	78,314	57,759-
Federal Revenue Fund	7,637	4,256	4,256	0	4,256	4,256	0
Proprietary Fund	6,947	3,419	3,419	0	3,419	3,419	0
Total Funds	\$1,149,824	\$1,498,392	\$1,524,724	\$26,332-	\$1,499,559	\$1,524,784	\$25,225-

DATE : 01/09/91
 TIME : 16/31/00
 CURRENT LEVEL COMPARISONS

6401 DEPARTMENT OF INSTITUTIONS
 10 CENTRAL OPERATIONS
 01300 BOARD OF PARDONS

Budget Item	Actual Fiscal 1990	Executive Fiscal 1992	LFA Fiscal 1992	Difference Fiscal 1992	Executive Fiscal 1993	LFA Fiscal 1993	Difference Fiscal 1993
FTE	4.00	4.00	4.00	.00	4.00	4.00	.00
Personal Services	139,307	134,297	135,897	1,600-	134,042	135,642	1,600-
Operating Expenses	41,306	37,589	44,117	6,528-	37,906	44,291	6,385-
Equipment	14,075	0	0	0	0	0	0
Debt Service	1,056	704	704	0	0	0	0
Total Expend.	\$195,744	\$172,590	\$180,718	\$8,128-	\$171,948	\$179,933	\$7,985-
Fund Sources							
General Fund	195,744	172,590	180,718	8,128-	171,948	179,933	7,985-
Total Funds	\$195,744	\$172,590	\$180,718	\$8,128-	\$171,948	\$179,933	\$7,985-

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Institute SUBCOMMITTEE DATE 2-8-91
DEPARTMENT(S) _____ DIVISION _____

PLEASE PRINT

PLEASE PRINT

NAME	REPRESENTING	
Jag Evans	MFSE	
Todd Thune	'' ''	
Robb G. Ford	AFSCME	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT
FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.