

Q00A00
Office of the Secretary
Department of Public Safety and Correctional Services

Operating Budget Data

(\$ in Thousands)

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Operations	\$44,543	\$37,741	\$43,635	-\$908	\$45,198	\$1,563
Contractual Services	18,961	13,472	14,801	-4,160	12,906	-1,895
Grants	34,211	31,335	35,731	1,519	44,731	9,000
FY 2004 Deficiencies	0	0	399	399	0	-399
Contingent & Back of Bill Reductions	0	0	0	0	-141	-141
Adjusted Grand Total	\$97,716	\$82,547	\$94,566	-\$3,150	\$102,694	\$8,128
General Funds	53,588	38,877	44,141	-\$9,447	50,404	6,263
FY 2004 Deficiencies	0	0	399	399	0	-399
Contingent & Back of Bill Reductions	0	0	0	0	-141	-141
Adjusted General Funds	\$53,588	\$38,877	\$44,540	-\$9,048	\$50,263	\$5,723
Special Funds	40,984	39,263	42,790	1,807	49,581	6,791
Federal Funds	212	1,720	1,857	1,644	908	-949
Reimbursable Funds	2,931	2,687	5,379	2,448	1,943	-3,436
Adjusted Grand Total	\$97,716	\$82,547	\$94,566	-\$3,150	\$102,694	\$8,128
Annual % Change		-15.5%	14.6%		8.6%	

- During fiscal 2002 through 2005, the Office of the Secretary has absorbed over \$1.1 million in cost containment reductions by allocating them to communications, facilities maintenance, wages and salary, and supplies.
- The office has received a \$339,200 general fund deficiency for information technology.
- The 12.8% general fund increase is attributable to lower turnover expectancy and the replacement of decreases in federal, reimbursable, and special funds.

Note: Numbers may not sum to total due to rounding.

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Personnel Data

	<u>FY 02</u>	<u>FY 03</u>	<u>FY 04</u>	<u>FY 02-04</u> <u>Change</u>	<u>FY 05</u>	<u>FY 04-05</u> <u>Change</u>
Regular Positions	474.0	474.0	486.0	12.0	491.0	5.0
Contractual FTEs	67.8	103.4	139.4	71.6	139.9	0.4
Total Personnel	541.8	577.4	625.4	83.6	630.9	5.5

Vacancy Data: Regular Positions

Turnover Expectancy	27.10	5.52%
Positions Vacant as of 12/31/03	48.00	9.88%

- Despite the hiring freeze and other cost containment measures, the office has increased its staffing complement by 17 regular and 72 contractual staff members between fiscal 2002 and 2005.
- The fiscal 2005 allowance provides an increase of five regular positions in the Information Technology and Communications Division to maintain critical systems.

The department should be prepared to discuss the reduction of the turnover expectancy from 10.04% in fiscal 2002 to 5.52% in the fiscal 2005 allowance.

Analysis in Brief

Issues

General Administration: With a new departmental focus, the Office of the Secretary has modified its organizational structure and proposes additional changes. While the reorganization may be helpful, it may have long-term fiscal implications. **The department should be prepared to discuss the impact of the transition to the Division of Police Services and any budgetary implications.**

Inmate Medical Care: In response to a 2003 *Joint Chairmen's Report* request, the department submitted a response outlining the available alternatives for the provision of inmate medical services. The State has only one optional year left on the current medical services contract. The new contract must address issues of cost, quality and responsiveness of service, equitable business relationships, and public health. **The department should be prepared to discuss how the new contract will address issues of cost, quality and responsiveness of service, equitable business relationships, and public health. The department should also be prepared to discuss its current policies on HIV/AIDS treatment and its position on mandatory HIV testing, segregation of HIV positive inmates, and reprioritization of funding streams to target resources to HIV prevention and treatment in the correctional setting.**

Information Technology (IT): The department's IT systems are critically understaffed and antiquated. The department has had to reduce service and technical support due to this limitation. **The department should be prepared to discuss its current IT needs relative to staffing and hardware. The department should also be prepared to discuss why vendor contracts, especially with the University of Maryland College Park, are better sources of technical support than increasing institutional capacity with additional staff.**

Recommended Actions

	<u>Funds</u>
1. Reduce funds to increase turnover rate.	\$1,268,815
Total Reductions	\$1,268,815

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Office of the Secretary
Department of Public Safety and Correctional Services

Operating Budget Analysis

Program Description

The Office of the Secretary provides overall policy and operational direction and coordination for the activities of the operating units of the department. It establishes policy, sets priorities, and provides central support services and oversight for the constituent agencies. It further administers the State's emergency numbers program and plans, develops, and implements the capital program for the department's custody facilities. Additionally, it is responsible for maintaining the Criminal Justice Information System which State, local, and federal law enforcement rely on for accurate and timely information.

Performance Analysis: Managing for Results

The primary function of the Office of the Secretary does not lend itself to the methods of performance measures that are expected for other programmatic units of the department. By its very nature, it is task oriented and subject to analysis of its efficiency of producing outputs. For example, the office is responsible for responding to public information requests. Therefore, the number of requests received and the time taken to respond to them are measurable outputs. Additionally, there are forms and reports that the office is required to submit to various federal, State, and local agencies. Its ability to provide the required information in a timely manner is certainly an effective method to measure its ability to complete its primary tasks efficiently. However, the responsiveness and quality of the work produced are more subjective measurements and require a different type of analysis. **The department should be prepared to discuss how accurately the current Managing for Results measures reflect the tasks accomplished and primary function of the Office of the Secretary.**

Fiscal 2004 Actions

Proposed Deficiency

The Governor's allowance includes a deficiency appropriation of \$399,200. This deficiency appropriation is necessary to supplement the appropriation for fiscal 2004 to provide funds to replace the department's e-mail system.

Governor's Proposed Budget

As shown in **Exhibit 1**, the Governor's fiscal 2005 allowance provides an increase of approximately \$8.1 million, or 8.6%, over the fiscal 2004 working appropriation. General fund expenditures increase by \$5.7 million. The primary drivers of this increase are healthcare and communications costs, lower turnover, and capital lease payments for equipment financed through the State Treasurer's office. The increase of \$6.8 million in special funds is primarily due to statutory changes which increase the fees to support the Emergency Number System Board and the State's 9-1-1 programs. The decrease of \$3.4 million in reimbursable funds is primarily driven by reductions in support for information technology (IT) services from grants from the Governor's Office of Crime Control and Prevention (GOCCP) and the Maryland State Police.

Exhibit 1

Governor's Proposed Budget DPSCS Office of the Secretary (\$ in Thousands)

	<u>FY 03</u> <u>Actual</u>	<u>FY 04</u> <u>Approp.</u>	<u>FY 05</u> <u>Allowance</u>	<u>FY 04-05</u> <u>Change</u>	<u>FY 04-05</u> <u>% Change</u>
General Funds	\$38,877	\$44,141	\$50,404	\$6,263	14.2%
FY 2004 Deficiencies	0	399	0	-399	
Contingent & Back of Bill Reductions	0	0	-141	-141	
Adjusted General Funds	\$38,877	\$44,540	\$50,263	\$5,723	12.8%
Special Funds	39,263	42,790	49,581	6,791	15.9%
Federal Funds	1,720	1,857	908	-949	-51.1%
Reimbursable Funds	2,687	5,379	1,943	-3,436	-63.9%
Adjusted Grand Total	\$82,547	\$94,566	\$102,694	\$8,128	8.6%

Where It Goes:

Personnel Expenses

New positions	\$217
Increments and other compensation	377
Employee and retiree health insurance	-264
Turnover adjustments	2,017

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Where It Goes:

Other fringe benefit adjustments 5

Other Changes

Communications.....	1,051
Maryland State Police (federal grant funding from the Patriot Act).....	-2,830
Various State agencies (relating to background checks)	-655
Supplies and materials	-1,701
9-1-1 (related to changes in the law increasing fees)	9,000
Capital leases.....	1,102
Other	-191
Total	\$8,128

Note: Numbers may not sum to total due to rounding.

Personnel

The fiscal 2005 allowance provides for an increase of five regular positions in the Information Technology and Communications Division. The positions are to support some of the mission critical systems. Many of the systems are written in antiquated programming languages. In some cases, the staff members who support them are either contractual employees or regular employees who are nearing retirement. The department indicates that the positions are necessary to maintain operations of the critical systems 24 hours per day, seven days per week and to support data security measures, including backup and removal of data.

Impact of Cost Containment

The fiscal 2005 allowance reflects the elimination of \$140,871, the appropriation for matching employee deferred compensation contributions up to \$600, contingent upon enactment of a provision in the budget reconciliation legislation. The office also absorbed approximately \$81,000 in cost containment reductions as part of the Board of Public Works action in July 2003.

Issues

1. General Administration

The current departmental leadership has undertaken a new emphasis. Their plan is to focus on quality of services provided to internal and external customers and professional accountability. To that end, the Office of the Secretary has made a significant organizational change relating to its management of inmate and detainee mental and medical health. The Office of Treatment Services has been created within the Office of the Secretary. The Department of Public Safety and Correctional Services (DPSCS) praises this move as a step in helping to release a better adjusted inmate back into the community.

The Office of Treatment Services encompasses all of the offender treatment disciplines: medical, mental health, substance abuse, and social services. It also provides oversight to the Patuxent Institution program. It is, in part, a re-alignment of existing services to afford more direct supervision and control. For example, greater oversight of medical contract management can be attained by assigning the function to a separate Assistant Secretary dedicated to this integrated mission. Mental Health can be separated from Patuxent to eliminate confusion between the Patuxent program and the problem of the mentally ill across the department. Social Work can come out from within inmate medical services and engage in the type of cognitive programs that can affect recidivism in addition to doing the discharge planning of the special populations.

The department's leadership has also considered plans to transform the Internal Investigation Unit into the Division of Police Services. While the department has not provided a plan for this transition, it is believed that this conversion will give the department greater investigatory ability for administrative and criminal complaints. The transition may be costly given the disparity in salaries and retirement benefits between correctional officers and sworn police officers. **The department should be prepared to discuss the impact of the transition to the Division of Police Services and any budgetary implications.**

2. Inmate Medical Care

Joint Chairmen's Report – Departmental Response

In the 2003 *Joint Chairmen's Report* (JCR), the budget committees requested that DPSCS and the Department of Budget and Management submit a report on the options for providing medical services to inmates and detainees in custody. The committees specifically instructed:

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Report on Inmate Medical Contract Options: Inmate medical and mental healthcare is a significant drain on the State's resources. The current inmate medical contract ends on June 30, 2003, but the State may extend the contract until June 30, 2005. The committees direct the Department of Public Safety and Correctional Services (DPSCS) and the Department of Budget and Management (DBM) to submit by November 1, 2003, a report to the General Assembly on the available options for providing inmate medical services. The report should include models from other government entities, partnerships, and the creation of a dedicated organization. The report should also include operational impacts, service delivery changes, accountability and control mechanisms, the use of catastrophic inmate medical insurance, Medicaid reimbursements, and cost impacts of each alternative. Additionally, the report shall analyze the impact of the current level of funding on the health care services provided to the inmate population, plans for caring for elderly inmates, and the working partnership with the current medical care contractors, including steps taken to address operational, treatment, and protocol concerns.

At the appropriate time, the department submitted a report entitled "An Analysis of Inmate Health Care in the State of Maryland." The report reviewed the following options for providing inmate medical services:

- Self-operation
- Privatization
- State as General Contractor
- Combination of Privatization and Self-operation
- Partnership with University/Other Governmental Agencies
- Creation of a Dedicated Organization

In preparation of the report, the department conducted a national survey to identify best practices and obtain cost information. The survey found that the average annual expenditure on medical services in 2002 was \$69.3 million and an average per capita expenditure of \$2,722. Maryland's expenditure for 2002 was \$61.9 million for the year and \$2,293 per capita. The department also found that the factors that influence the cost of medical care nationwide include population, geography, cost of living, supply and demand, and the rural and urban mix. The number of influencing variables makes a direct comparison of jurisdictions virtually impossible. However, the department was able to identify four states with similar inmate population compositions as Maryland:

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Alabama, Arizona, Missouri, and New Jersey. Three of the states spend at least \$284 more per capita than Maryland. Alabama actually spends \$497 less per inmate, but the state is responsible for the inmates' mental healthcare and must share the costs for certain inmate treatments.

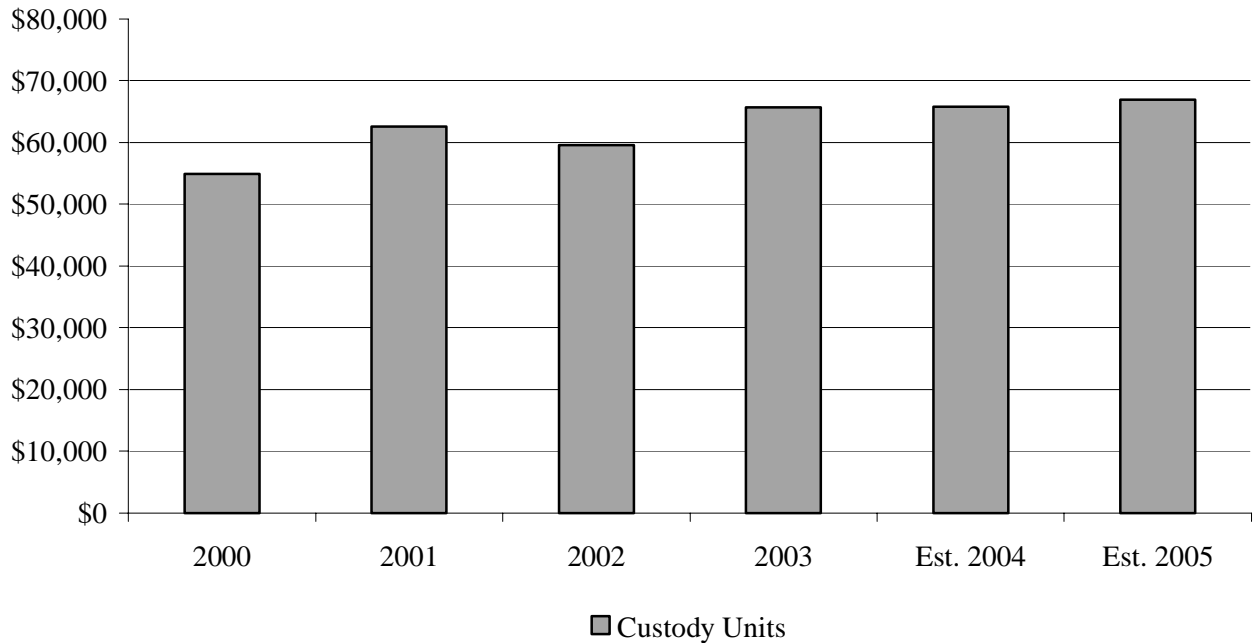
Of the options reviewed, DPSCS indicates that continued privatization is the only viable alternative for the State. The corporations that provide correctional healthcare services are able to take advantage of volume discounts for which the State cannot. Further, the vendors have institutional knowledge and expertise that reduces the risks of loss and poor quality. While the vendors are vulnerable to market forces that affect the entire healthcare market, they have the personnel and budgetary flexibility to adapt to the changing landscape and to take advantage of new opportunities. Since provision of medical care is not the department's primary mission, it believes that switching to a system of self-operation is cost prohibitive and would not guarantee the successful provision of services to inmates. **Exhibit 2** shows the expenditures for inmate medical services since this contract began in 2000. The contract expense has grown from about \$55 million in 2000 to an estimated \$67 million in fiscal 2005, or by 21.8%. Preliminary estimates suggest that Maryland's new inmate medical contract may exceed \$90 million annually. **The department should be prepared to discuss how the new contract will address issues of cost, quality and responsiveness of service, equitable business relationships, and public health.**

Public Health – HIV/AIDS

As of June 2003, an estimated 25,424 Marylanders were living with HIV or AIDS, with nearly 10% of those individuals in the custody of DPSCS. These statistics represent known cases only; therefore, actual infection rates may be higher. A recent report by the Department of Health and Mental Hygiene (DHMH) and DPSCS found that 4.6% of Maryland inmates are HIV positive. Furthermore, prisoners are disproportionately HIV infected, representing less than 1% of Maryland's population, but more than 13% of HIV cases. This high prevalence makes correctional facilities increasingly important in the control of HIV.

At intake, the only mandatory medical testing of inmates/detainees in State facilities are for tuberculosis (TB) and syphilis. HIV testing is voluntary and inmates/detainees are encouraged to be screened based on certain risk factors. If an inmate/detainee tests positive for HIV, they are also screened for hepatitis, and a treatment plan is created.

Exhibit 2
Inmate Medical Contract Expenditures
Fiscal 2000 – 2005
(\$ in Thousands)



Source: Department of Public Safety and Correctional Services

DPSCS partners with the Baltimore City Health Department and local healthcare organizations to provide educational programs and services to inmates/detainees. HIV positive inmates/detainees are counseled on HIV and their treatment regimen by social workers. The social work department has built working relationships with community service providers to arrange medical care, housing, transportation, pastoral counseling, and other services.

With respect to discharge planning, the Division of Correction has an interagency agreement with the Baltimore Department of Social Services to complete applications for Medicaid benefits for inmates/detainees 30 days prior to release. DPSCS helps inmates/detainees apply for federal Social Security and Supplemental Security Income (SSI) benefits for income assistance and for the Maryland Pharmacy Assistance Program (MPAP) or Maryland AIDS Drug Assistance Program (MADAP) for medications. Inmates are provided with up to a 30-day supply of medications upon release.

Maryland currently provides voluntary HIV testing for inmates/detainees, basic education and prevention programs, and discharge planning. Approximately 40 to 50% of inmates/detainees volunteer to be tested each year. With 4.7% of those inmates HIV positive, a growing inmate population, and rising correctional medical costs, policymakers may question whether Maryland should be doing more to address HIV in the correctional system and, if so, determine what options are available for consideration. There are three readily available options: (1) mandatory HIV testing; (2) segregation of HIV positive inmates; and (3) reprioritization of funding to target resources to HIV prevention and treatment in the correctional setting. **The department should be prepared to discuss its current policies on HIV/AIDS treatment and its position on mandatory HIV testing, segregation of HIV positive inmates, and reprioritization of funding to target resources to HIV prevention and treatment in the correctional setting.**

3. Information Technology

The department has identified 21 Mission Critical Systems that are maintained and supported by the Information Technology & Communications Division. Of the 21 Mission Critical Systems, there are areas that need immediate attention to ensure the ongoing operations and maintenance of these systems. These systems must be maintained in a manner that will provide high availability. The department has requested funding to ensure these systems continue to be available at all times. The focus of the funding is divided between vendor contracts and staffing.

Vendor contracts are needed as a contingency for areas where the department does not have depth in the current staffing and skills, to provide 24 hours, 7 days a week service, and to provide technical training in specific areas. The funding will provide the resources needed to take backup media off-site daily for improved data integrity and reduced time to restore business continuity.

Staffing is needed to replace soon-to-retire and contract personnel supporting the Arrest Disposition Reporting (ADR) System, the Maryland Interagency Law Enforcement System (MILES), and the JAIL system. The allowance provides for five regular positions. This will provide some redundancy in support and provide staff to administer UNIX distributed servers, for which the department is currently dependent on vendor personnel. **Exhibit 3** shows that the allowance provides for a transfer of approximately \$5.2 million from the Major IT Fund for the DPSCS critical systems. Additionally, the allowance provides five regular positions to support the critical systems. **The department should be prepared to discuss its current IT needs relative to staffing and hardware. The department should also be prepared to discuss why vendor contracts, especially with the University of Maryland College Park, are better sources of technical support than increasing institutional capacity with additional staff.**

Exhibit 3
DPSCS Projects Funded through the Major IT Fund

	<u>2004</u> <u>Estimated</u>	<u>2005</u> <u>Estimated</u>
FY 2004 – Revenue Transfers for Approved Projects		
2003 Commitments		
DPSCS – NCIC 2000 Switch	\$1,976,858	
Total	\$1,976,858	
2004 Approved projects		
DPSCS – NCIC 2000 Switch	\$534,548	\$1,511,341
Total	\$534,548	
FY 2005 – Requested Projects		
DPSCS – Infrastructure Stabilization		\$1,200,000
DPSCS – Network LiveScan		942,367
DPSCS – NCIC 2000		1,569,305
Total 2005 Estimated Revenue Transfers for Approved Projects		\$5,223,013

NCIC = National Crime Information Center

Source: Department of Public Safety and Correctional Services

Recommended Actions

	<u>Amount Reduction</u>	
1. Reduce funds to increase budgeted turnover to fiscal 2004 level of 9.56%.	\$1,268,815	GF
Total General Fund Reductions	\$1,268,815	

Current and Prior Year Budgets

**Current and Prior Year Budgets
Office of the Secretary
(\$ in Thousands)**

	<u>General Fund</u>	<u>Special Fund</u>	<u>Federal Fund</u>	<u>Reimb. Fund</u>	<u>Total</u>
Fiscal 2003					
Legislative Appropriation	\$40,420	\$37,168	\$231	\$4,189	\$82,008
Deficiency Appropriation	0	0	0	0	0
Budget Amendments	201	4,585	1,753	244	6,783
Cost Containment	-852	0	0	0	-852
Reversions and Cancellations	-892	-2,490	-264	-1,746	-5,392
Actual Expenditures	\$38,877	\$39,263	\$1,720	\$2,687	\$82,547
Fiscal 2004					
Legislative Appropriation	\$43,770	\$40,278	\$938	\$2,093	\$87,079
Cost Containment	-81	0	0	0	-81
Budget Amendments	452	2,512	919	3,286	7,169
Working Appropriation	\$44,141	\$42,790	\$1,857	\$5,379	\$94,167

Note: Numbers may not sum to total due to rounding.

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Fiscal 2003

- The department received \$4.5 million in special funds for major IT projects, including the department's network rollout, wide area network, telephone upgrades, and NCIC 2000.
- The department received approximately \$1.8 million in unanticipated federal grant funds to support the Criminal Justice Information System.
- Approximately \$1.8 million in special funds from Major IT Development Project Fund and criminal record check fees were cancelled.
- Reimbursable funds of \$1.3 million from the Governor's Office of Crime Control and Prevention were cancelled.

Fiscal 2004

- The Office of the Secretary received \$2.5 million from the Major IT Projects Development Fund.
- The department received \$2.8 million in reimbursable funds from the Maryland State Police to assist with information technology enhancements related to the Patriot Act.

**Object/Fund Difference Report
DPSCS - Office of the Secretary**

<u>Object/Fund</u>	<u>FY03 Actual</u>	<u>FY04 Working Appropriation</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 Amount Change</u>	<u>Percent Change</u>
Positions					
01 Regular	474.00	486.00	491.00	5.00	1.0%
02 Contractual	103.40	139.44	139.85	0.41	0.3%
Total Positions	577.40	625.44	630.85	5.41	0.9%
Objects					
01 Salaries and Wages	\$ 24,445,112	\$ 26,653,218	\$ 29,146,538	\$ 2,493,320	9.4%
02 Technical & Spec Fees	4,205,489	4,501,831	4,405,645	-96,186	-2.1%
03 Communication	2,101,693	2,482,950	3,534,756	1,051,806	42.4%
04 Travel	141,306	103,767	138,526	34,759	33.5%
06 Fuel & Utilities	74,018	122,500	123,500	1,000	0.8%
07 Motor Vehicles	155,371	84,306	103,505	19,199	22.8%
08 Contractual Services	13,471,671	14,800,783	12,906,052	-1,894,731	-12.8%
09 Supplies & Materials	1,247,281	2,811,425	1,109,982	-1,701,443	-60.5%
10 Equip - Replacement	1,121,236	1,119,822	1,126,315	6,493	0.6%
11 Equip - Additional	2,888,478	4,367,978	4,105,955	-262,023	-6.0%
12 Grants, Subsidies, Contr.	31,334,533	35,730,640	44,730,640	9,000,000	25.2%
13 Fixed Charges	1,361,167	1,387,620	1,403,383	15,763	1.1%
Total Objects	\$ 82,547,355	\$ 94,166,840	\$ 102,834,797	\$ 8,667,957	9.2%
Funds					
01 General Fund	\$ 38,876,530	\$ 44,141,211	\$ 50,403,848	\$ 6,262,637	14.2%
03 Special Fund	39,263,259	42,790,241	49,580,754	6,790,513	15.9%
05 Federal Fund	1,720,465	1,856,624	907,500	-949,124	-51.1%
09 Reimbursable Fund	2,687,101	5,378,764	1,942,695	-3,436,069	-63.9%
Total Funds	\$ 82,547,355	\$ 94,166,840	\$ 102,834,797	\$ 8,667,957	9.2%

Note: Fiscal 2004 appropriations and fiscal 2005 allowance do not include deficiencies, cost containment, and contingent reductions.

**Fiscal Summary
DPSCS - Office of the Secretary**

<u>Unit/Program</u>	<u>FY03 Actual</u>	<u>FY04 Legislative Appropriation</u>	<u>FY04 Working Appropriation</u>	<u>FY03 - FY04 % Change</u>	<u>FY05 Allowance</u>	<u>FY04 - FY05 % Change</u>
01 General Administration	\$ 12,389,376	\$ 16,649,010	\$ 13,817,382	11.5%	\$ 15,053,913	8.9%
02 Information Technology and Communications Division	30,112,752	30,900,091	33,252,647	10.4%	35,721,165	7.4%
03 Internal Investigation Unit	1,590,803	1,517,580	1,517,580	-4.6%	1,683,208	10.9%
04 911 Emergency Number Systems	31,387,118	35,634,924	35,634,924	13.5%	44,633,303	25.3%
06 Division of Capital Construction and Facilities Maintenance	2,003,645	2,062,177	2,062,177	2.9%	2,049,654	-0.6%
07 Division Of Facilities Maintenance	2,727,774	316,444	4,643,006	70.2%	0	-100.0%
08 Office of Treatment Services	2,335,887	0	3,239,124	38.7%	3,693,554	14.0%
Total Expenditures	\$ 82,547,355	\$ 87,080,226	\$ 94,166,840	14.1%	\$ 102,834,797	9.2%
General Fund	\$ 38,876,530	\$ 43,769,714	\$ 44,141,211	13.5%	\$ 50,403,848	14.2%
Special Fund	39,263,259	40,278,834	42,790,241	9.0%	49,580,754	15.9%
Federal Fund	1,720,465	938,911	1,856,624	7.9%	907,500	-51.1%
Total Appropriations	\$ 79,860,254	\$ 84,987,462	\$ 88,788,076	11.2%	\$ 100,892,102	13.6%
Reimbursable Fund	\$ 2,687,101	\$ 2,092,764	\$ 5,378,764	100.2%	\$ 1,942,695	-63.9%
Total Funds	\$ 82,547,355	\$ 87,080,226	\$ 94,166,840	14.1%	\$ 102,834,797	9.2%

Note: Fiscal 2004 appropriations and fiscal 2005 allowance do not include deficiencies, cost containment, and contingent reductions.