

Agency Purpose

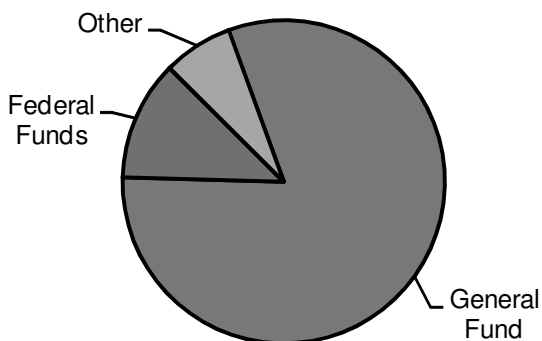
Minnesota's Supreme Court is the state's court of last resort, serving as the final guardian of the Minnesota Constitution and interpreting/applying the United States Constitution. The court is responsible for overseeing the machinery of justice in the state, for regulating the practice of law, and making recommendations for improvement of the judicial system.

- The mission of the judicial branch is to provide justice through a system that assures equal access for the fair, competent, and timely resolution of cases and controversies.
- The judicial branch vision is that the general public and those who use the court system will refer to it as accessible, fair, consistent, responsive, free of discrimination, independent, and well managed.

At a Glance

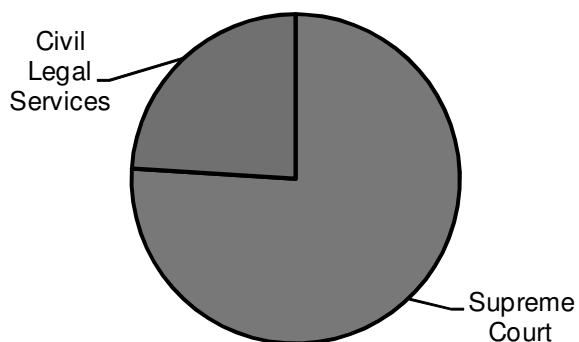
- Supreme Court reviews more than 800 cases a year.
- The judicial branch operates in a constantly changing environment.
 - Laws, case types, and legal sanctions change annually.
 - Caseload volume is determined by other branches and levels of government, and by private citizens and business entities bringing disputes for resolution.
- The Minnesota Judicial Branch contains a judicial system of 289 judges, 19 Court of Appeals judges, and seven Supreme Court Justices.
- The judiciary completed a massive transformation, moving from a county-funded to state-funded system. As of FY 2006 all ten judicial districts are state funded.
- Redesign of core court technology is underway.
 - The branch fully implemented in 2008 its new Minnesota Court Information System (MNCIS) technology application.
- The Minnesota Courts regularly review their effectiveness by monitoring
 - case filing trends;
 - case clearance rates; and
 - elapsed case time from filing to disposition.

Est. FY 2010-11 Expenditures by Fund



Source: Minnesota Accounting and Procurement System (MAPS) as of 08/26/10¹

Est. FY 2010-11 Expenditures by Program



Source: Minnesota Accounting and Procurement System (MAPS) as of 08/26/10¹

Strategies

The Supreme Court has original jurisdiction in remedial cases as prescribed by law, appellate jurisdiction over all cases, and supervisory jurisdiction over all courts in the state. The Supreme Court's supervisory jurisdiction includes the authority to prescribe, amend, and modify the rules of practice in all courts; the rules governing the examination and admission of attorneys to the state bar; and the rules governing judicial and attorney professional conduct.

The Chief Justice serves as chair for the Minnesota Judicial Council and is responsible for supervising the administrative operations of the state court system, including the financial affairs of the court system and the assignment of judges to serve in courts needing assistance.

The Supreme Court conducts its administrative functions in support of the following three strategic priority areas:

- **Access to Justice** – Ensuring the justice system is open, affordable, effective, and accountable to the people it serves.
- **Administering Justice for More Effective Results** – Working across branches of government and with other stakeholders to improve outcomes for and the delivery of services for children, families, and alcohol and other drug (AOD) addicted offenders who come into our courts.
- **Public Trust Accountability and Impartiality** – Through education, outreach to diverse communities, and a commitment to system-wide customer service and accountability, improving citizens' understanding of and confidence in the Third Branch of government.

To further the three goals contained in the branch's strategic plan – Access to Justice; Administering Justice for More Effective Results; and Public Trust Accountability and Impartiality – the strategic plan outlines future priorities. Each of these specific priorities addresses challenges facing the court system by targeting judicial branch resources in a focused manner on achievable and measurable strategies. Implementation of these priorities will take place over the life of the strategic plan with specific performance measures to evaluate their success.

Below is a link to the FY 2010-11 Judicial Branch Strategic Plan:

http://www.mncourts.gov/Documents/0/Public/Judicial_Council/FY10-11_Strategic_Plan.pdf

Operations

The adjudicative and supervisory functions of the Supreme Court have an impact on all Minnesota citizens.

Adjudicative Operations

In reviewing more than 800 cases each year, justices are assisted in their work by law clerks and the Supreme Court Commissioner's Office.

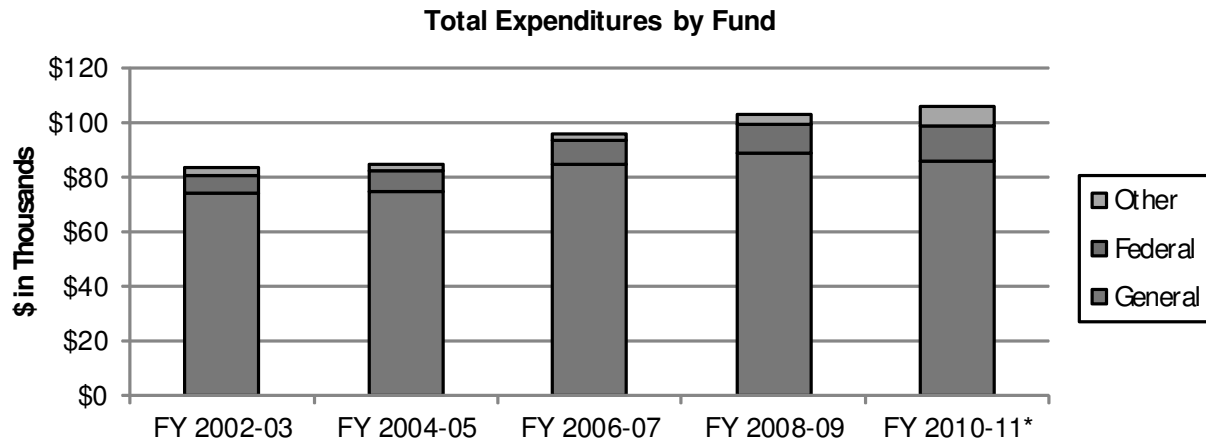
Supervisory Operations

In the Chief Justice's role as chair of The Minnesota Judicial Council and general supervisory role over the courts, she is assisted by the State Court Administrator's Office, which provides the administrative infrastructure for the judicial branch.

Working at the direction of the Judicial Council, the state court administrator is responsible for providing judicial branch finance, human resources, technology, training, communications, research/evaluation, caseload management, and cross-district judicial assignment services.

Budget Trends

Of the funding for the Supreme Court, 81% is from General Fund direct appropriations. Federal grants represent 12% of the funding for the court. The balance of the funding is from special revenue funds and other grants and gifts, representing 7% of the courts funding.



* FY 2010-11 is estimated, not actual. Source data for the previous chart is the Minnesota Accounting and Procurement System (MAPS) as of 8/26/10. The FY2010-11 General Fund projections include \$190K in MNCIS Access expenditures funded by fees collected for running MNCIS reports¹.

- Prior to FY 2011 IOLTA funding and expenditures were accounted for outside of MAPS (the state accounting system). For FY 2011 and subsequent years a policy change required IOLTA funding and expenditures to be accounted for in MAPS. IOLTA revenue is dependent on interest rates, which have been de minimis for the past two plus years and are not expected to rise in the near future. This will cause IOLTA revenue and expenditures to be significantly reduced in future years.
- Civil Legal Services dedicated revenue increased in the FY 2010/11 biennium due to a temporary 50% fee increase which expires June 30, 2011. (The attorney registration fee was increased from \$50 to \$75 to support Civil Legal Services.)

Significant external factors impacting agency operations include: Economic downturn/recession; inadequate and increasingly unstable funding base.

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¹ FY 2011 data in the “Other” category includes one-time accounting shifts for both the Interest on Lawyers Trust Accounts (IOLTA) and Civil Legal Services Dedicated programs.

Dollars in Thousands

	Current		Forecast Base		Biennium 2012-13
	FY2010	FY2011	FY2012	FY2013	
<u>Direct Appropriations by Fund</u>					
General					
Current Appropriation	43,137	42,537	42,537	42,537	85,074
Forecast Base	43,137	42,537	42,180	42,180	84,360
Change		0	(357)	(357)	(714)
% Biennial Change from 2010-11					-1.5%
<u>Expenditures by Fund</u>					
Direct Appropriations					
General	41,327	44,347	42,180	42,180	84,360
Statutory Appropriations					
General	70	50	15	15	30
Miscellaneous Special Revenue	1,692	5,050	2,542	2,527	5,069
Federal	5,484	5,855	5,949	5,959	11,908
Federal Stimulus	1,008	992	0	0	0
Gift	106	54	0	0	0
Total	49,687	56,348	50,686	50,681	101,367
<u>Expenditures by Category</u>					
Total Compensation	22,635	23,618	23,143	23,153	46,296
Other Operating Expenses	13,690	16,236	13,702	13,687	27,389
Capital Outlay & Real Property	4	0	0	0	0
Local Assistance	13,358	16,494	13,841	13,841	27,682
Total	49,687	56,348	50,686	50,681	101,367
<u>Expenditures by Program</u>					
Supreme Court Operations	36,387	42,121	37,664	37,659	75,323
Civil Legal Services	13,300	14,227	13,022	13,022	26,044
Total	49,687	56,348	50,686	50,681	101,367
Full-Time Equivalent (FTE)	254.5	246.7	237.7	236.9	

Program at a Glance

- Supreme Court has seven justices and reviews more than 800 cases a year.
- The Supreme Court is the highest court in the state.
- Supreme Court promulgates rules of practice and procedures for all courts in the state and regulates the practice of law in.

Program Description

Minnesota's Supreme Court is the state's court of last resort, serving as the final guardian of the state constitution and interpreting/applying the United States Constitution. The court is responsible for overseeing the machinery of justice in the state, for regulating the practice of law, and making recommendations for improvement of the judicial system.

Population Served

The adjudicative and supervisory functions of the Supreme

Court have an impact on all Minnesota citizens.

Services Provided

The Minnesota Supreme Court considers appeals from judgments of the Court of Appeals, the Workers Compensation Court of Appeals, and the Tax Court. It hears special term matters, motions, and petitions for extraordinary relief. The Supreme Court also hears mandatory cases. This includes first-degree murder, tax court and workers' compensation court of appeals, as well as attorney discipline.

In addition to this appellate function, the Supreme Court supervises admission to the practice of law in the state and regulates legal practice. The court also promulgates rules governing practice and procedure in the courts throughout the state, a function that involves special advisory committees and requires numerous public hearings.

In carrying out its work, the Supreme Court seeks to employ its personnel as follows:

- manage its workload so that each case receives adequate attention as its importance demands;
- decide petitions for review within 60 days;
- maintain an orderly and uniform legal process and procedure throughout the state through the promulgation of uniform rules;
- regulate the admission to and practice of law in Minnesota so that each citizen seeking legal counsel is assured of competent representation;
- ensure the financial integrity of the court system in accordance with generally accepted accounting principles and to ensure correct payment of invoices within the statutorily required 30 days; and,
- ensure the effective operation of the state court system in a way that provides access to all citizens.

Key Program Goals & Measures

It is the policy of the Minnesota Judicial Branch to establish core performance goals and to monitor key results that measure progress toward meeting these goals in order to ensure accountability of the branch, improve overall operations of the court, and enhance the public's trust and confidence in the judiciary. The six core performance goals of the Judicial Branch are as follows: Access to Justice; Timeliness; Integrity and Accountability; Excellence; Fairness and Equity; Quality Court Workplace Environment. Each of the goals is accompanied by corresponding performance measures. Regular review of these measures enables the Branch to identify what it is doing well and what it needs to improve.

The full report, entitled, "Judicial Branch 2010 Performance Measures – Key Results and Measures Report" can be found at the following link:

[http://www.mncourts.gov/Documents/0/Public/Court Information Office/Annual Report 2010 Performance Measures.pdf](http://www.mncourts.gov/Documents/0/Public/Court%20Information%20Office/Annual%20Report%202010%20Performance%20Measures.pdf).

The goal of timeliness indicates whether the Supreme Court is handling cases in a timely manner. Recent budget cuts along with underfunding have contributed to the Supreme Court lacking the resources it needs to perform its work in a timely way. As a result the Supreme Court has some areas of performance that are in need of improvement. The measure below outlines some areas of concern:

Goal: Timeliness – The Minnesota Judicial Branch will resolve cases and controversies in a timely and expeditious way without unnecessary delays.

Measure: Number of Days Elapsed at 50th Percentile of Supreme Court Cases, 2007-2009

This measure reports the number of days to accomplish an event for the case that is at the 50th percentile of all cases placed in numeric order by the number of days to accomplish the event. The case types measured are Murder 1, Civil, Professional Regulation, Writs, Review Granted, Review Denied, Child Protection and Criminal Pre-Trial. Event types measured are Filing of Petition for Further Review (PFR) to Disposition of PFR Standard, Submission (oral argument) to Circulation of Majority Standard, and Submission to Disposition without/with Dissent Standard. The event categories are generally taken from the American Bar Association (ABA) standards and the points of measurement conform to the ABA use of the 50th percentile.

Findings from 2007 to 2009:

- The time to disposition at the 50 percentile goal for all mandatory case types, except civil, increased; Murder 1 cases increased 76% from 73 to 129 days.
- For cases where discretionary review was granted, the time to disposition at the 50 percentile goal increased from 129 to 176 days.

Program Funding

The general fund primarily funds the Supreme Court Operations budget. A small amount of support from the special revenue fund is received for the State Law Library, the Court Interpreter Program, and the Attorney Registration Program. Some federal funds are received and directed towards children's initiatives.

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SUPREME COURT

Program: SUPREME COURT OPERATIONS

Program Summary

Dollars in Thousands

	Current		Forecast Base		Biennium
	FY2010	FY2011	FY2012	FY2013	2012-13
<u>Direct Appropriations by Fund</u>					
General					
Current Appropriation	31,037	30,721	30,721	30,721	61,442
Technical Adjustments					
Current Law Base Change			(323)	(323)	(646)
One-time Appropriations			(34)	(34)	(68)
Forecast Base	31,037	30,721	30,364	30,364	60,728
<u>Expenditures by Fund</u>					
Direct Appropriations					
General	29,378	32,380	30,364	30,364	60,728
Statutory Appropriations					
General	70	50	15	15	30
Miscellaneous Special Revenue	341	2,790	1,336	1,321	2,657
Federal	5,484	5,855	5,949	5,959	11,908
Federal Stimulus	1,008	992	0	0	0
Gift	106	54	0	0	0
Total	36,387	42,121	37,664	37,659	75,323
<u>Expenditures by Category</u>					
Total Compensation	22,593	23,575	23,100	23,110	46,210
Other Operating Expenses	13,688	16,197	13,663	13,648	27,311
Capital Outlay & Real Property	4	0	0	0	0
Local Assistance	102	2,349	901	901	1,802
Total	36,387	42,121	37,664	37,659	75,323
<u>Expenditures by Activity</u>					
Supreme Court Operations	5,523	8,061	6,324	6,311	12,635
State Court Administration	28,983	31,862	29,279	29,287	58,566
Law Library Operations	1,881	2,198	2,061	2,061	4,122
Total	36,387	42,121	37,664	37,659	75,323
Full-Time Equivalents (FTE)	254.0	246.2	237.2	236.4	

Program at a Glance

- Number of programs funded – 30
- Direct legal assistance – 52,852 closed cases reported statewide
- Preventive education – 70,000 (est.) attendees at legal education sessions

Program Description

Appointed by the Supreme Court, the Legal Services Advisory Committee (LSAC) distributes funds to civil legal services programs to provide legal assistance to low-income persons meeting statutory income eligibility guidelines. By statute, 85% of the funding is distributed on a poverty population basis to six regional legal services programs (Coalition Programs) with offices and projects serving every county in Minnesota.

The remaining 15% of the funding is awarded by LSAC on a competitive basis to nonprofit organizations providing legal or alternative dispute resolution services. In FY 2009-2010, 24 programs received grants to provide or support legal services to the poor.

Population Served

According to the 2008 Census estimates, 668,000 people, or approximately 13% of Minnesota's population, with incomes at or below 125% the federal poverty level qualify for civil legal services through the Coalition Programs. Another approximately 586,000 people are between 125% and 200% of federal poverty guidelines and could qualify under the statutory guidelines of this program. (M.S. 480.24-480.244). In the fall of 2009, the federal Legal Services Corporation issued an updated report entitled Documenting the Justice Gap in America. This national study, which included Minnesota data, established that for every client who received legal aid services, one eligible applicant was turned away for lack of resources.

LSAC collects demographic data on clients served by grant recipients. Because of the nature of poverty, nearly 65% of persons served by legal services programs are women and their children. Approximately 45% of clients are persons of color and 13% are ages 60 and over. Over 30% of clients are persons with physical or mental disabilities and 21% have limited English proficiency.

Services Provided

Through representation, negotiation, conciliation, community education, and preventive law work, lawyers in these programs constructively resolve the legal problems of low-income residents of Minnesota. Most of the legal problems handled by these programs directly and significantly affect the day-to-day lives of persons in critical need: their homes, family, health, income, support for their children, and personal safety.

As a result of the current economic difficulties, requests for services have increased, as have the number of persons who are financially eligible.

Historical Perspective

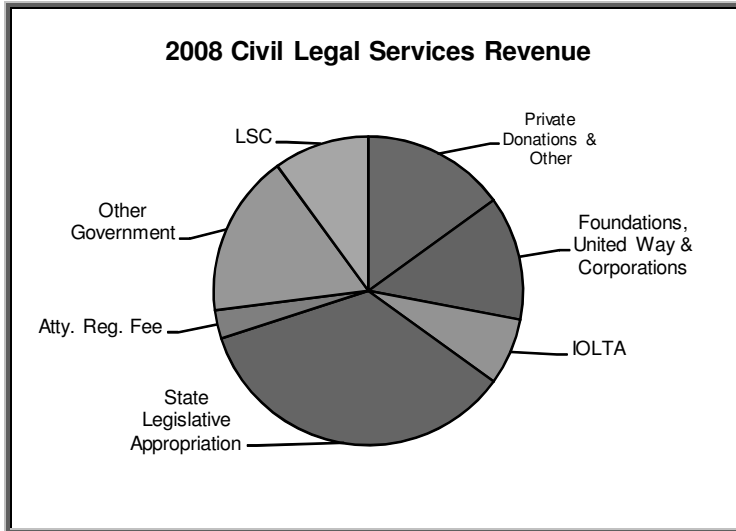
Funding for civil legal services in Minnesota is a combination of state, federal, local, foundation, and private funding. State funding for civil legal services has been reduced 11% from \$13.3 million in 2008 to \$11.8 million in 2011, making Civil Legal Services the only part of Minnesota's Justice System that is being funded below 2006 levels.

Interest on Lawyers Trust Accounts (IOLTA) has been a significant funding source for legal services in Minnesota since 1984. In the last three years, with interest rates at historic lows, IOLTA revenue has declined more than 80% (from \$3.8 million per year to less than \$600,000 per year). IOLTA reserves were depleted in the FY2010-11 grant cycle, so grants are expected to be reduced by approximately 69%, a total cut of \$3 million for the FY2012-2013 biennium.

While the Supreme Court added \$25 to the existing \$50 attorney registration fee to raise approximately \$600,000 annually in FY2010-2011 to support civil legal services, the \$25 fee which is set to expire in July, 2011 has produced less revenue than initially projected, and the temporary fee's renewal is uncertain.

Statewide, volunteer attorneys continue to generously donate their time and legal skills. Pro bono and judicare attorneys have contributed service valued in excess of \$15 million annually, an amount well in excess of the state appropriation.

In 2008, the funding reported for all the legal services programs in the state totaled approximately \$38,400,000 from the following sources:



Key Program Goals & Measures

Funding civil legal services supports the goals of both the Minnesota Milestones and the Minnesota Judicial Branch Strategic Plan.

Minnesota Milestones Statewide Goals

- “Families will provide a stable, supportive environment for children.” “Our communities will be safe.” “Our children will not live in poverty.” – Civil Legal Services breaks the cycle of domestic violence for many families, helping them restructure their lives to be safe and stable for children, thereby increasing their chances to also break the cycle of poverty. Research has shown that the availability of civil legal services is one of only two statistically significant factors in reducing

local rates and the resulting harm of domestic violence.

- “All Minnesotans will have decent, safe, and affordable housing.” – Civil Legal Services prevents homelessness for thousands of families each year; obtains needed repairs; helps eligible families access public or subsidized housing; and is helping families respond to the mortgage foreclosure crisis. Civil legal services saves \$4 million annually in tax-supported shelter costs by preventing homelessness in over 2,650 cases. Studies show civil legal services helps reduce local crime and school truancy by reducing the impact of homelessness, particularly for youth.
- “Government in Minnesota will be cost-efficient, and services will be designed to meet the needs of the people who use them.” – Civil Legal Services helps the Judicial Branch be more efficient by keeping over 3,000 non-meritorious cases out of court and by settling thousands of meritorious cases before trial, which by some estimates reduces annual court costs by approximately \$5.1 million.
- “People in need will receive support that helps them live as independently as they can.” – Civil Legal Services helps families get the training and education they need to make the transition from welfare to work, and assists seniors and persons with disabilities. It helps those unable to work to access benefits that enable them to meet their basic needs such as access to health care. Civil Legal Services helps Minnesotans secure \$5 million annually in new federal disability benefits that produces a cumulative impact of \$275 million over ten years.

Minnesota Judicial Branch Strategic Plan Goals

- “Strategic Goal 1: Access to Justice – A justice system that is open, affordable, understandable and provides appropriate levels of service to all users.” – Civil Legal Services gives the poorest and most vulnerable Minnesotans, including non-English speakers, access to the courts. One of the strategic priorities under this goal is the expansion of resources for pro se (self-representing) litigants. Civil legal services providers have been an important partner with the courts and law libraries to provide self-help services around the state.
- “Strategic Goal 3: Public Trust, Accountability and Impartiality – A justice system that engenders public trust and confidence through impartial decision making and accountability for the use of public resources.” – One of the strategic priorities under this goal is to assure equitable treatment of all people in the court system regardless of race or ethnicity. **Civil Legal Services clients, like the poor in general, are disproportionately people of color. Access to an attorney is an important part of assuring equitable treatment regardless of race or ethnicity.**

Civil legal services programs provided services to 52,825 Minnesotans in 2009. The services delivered include advice, brief service and extended [full] representation.

Civil legal services program staff provided extended [full] representation to 9,939 Minnesotans in 2009, which includes assistance with administrative or court proceedings. This reflects approximately a 9.8% drop in extended representation services from 2007 to 2009, corresponding to a reduction in civil legal services attorney positions during the same time period.

Program Funding

The Judicial Branch coordinates funding for civil legal services from a General Fund appropriation, a dedicated portion of the attorney registration fee and Interest on Lawyers Trust Account (IOLTA) revenue. The legal services organizations are also funded by other federal, state and local government sources as well as United Ways, foundations and other private sources. These funding sources are described in the above chart.

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SUPREME COURT

Program: CIVIL LEGAL SERVICES

Program Summary

<i>Dollars in Thousands</i>					
	Current		Forecast Base		Biennium 2012-13
	FY2010	FY2011	FY2012	FY2013	
<u>Direct Appropriations by Fund</u>					
General					
Current Appropriation	12,100	11,816	11,816	11,816	23,632
Forecast Base	12,100	11,816	11,816	11,816	23,632
<u>Expenditures by Fund</u>					
Direct Appropriations					
General	11,949	11,967	11,816	11,816	23,632
Statutory Appropriations					
Miscellaneous Special Revenue	1,351	2,260	1,206	1,206	2,412
Total	13,300	14,227	13,022	13,022	26,044
<u>Expenditures by Category</u>					
Total Compensation	42	43	43	43	86
Other Operating Expenses	2	39	39	39	78
Local Assistance	13,256	14,145	12,940	12,940	25,880
Total	13,300	14,227	13,022	13,022	26,044
<u>Expenditures by Activity</u>					
Legal Services	13,300	14,227	13,022	13,022	26,044
Total	13,300	14,227	13,022	13,022	26,044
Full-Time Equivalents (FTE)	0.5	0.5	0.5	0.5	

SUPREME COURT

Change Item: Unavoidable Cost Increases

Preliminary Budget Option

Fiscal Impact (\$000s)	FY 2012	FY 2013	FY 2014	FY 2015
General Fund				
Expenditures	84	247	247	247
Revenues	0	0	0	0
Other Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Net Fiscal Impact	84	247	247	247

Recommendation

The Supreme Court requests \$331,000 in the FY 2012-13 biennium for unavoidable health insurance and statutorily mandated employer pension contribution increases to maintain core justice operations. This request represents a 0.55% increase to the Supreme Court biennial base budget.

Rationale

Currently, the Supreme Court has 240 employee FTE's and 7 Supreme Court justices. The Supreme Court, State Court Administration and Law Library employees are paid within the Supreme Court appropriation. All employees within these units are compensated under the judicial branch compensation plan administered by the State Court Administrator's Office (SCAO) under the direction of the Judicial Council.

The judicial branch employee compensation plan consists of the same four basic components as the executive branch: across the board adjustments to the salary range, merit or step increases, employer retirement contributions, and insurance programs negotiated by Minnesota Management and Budget for all state employees.

For the FY 2010-11 biennium, the judicial branch negotiated a zero across-the-board adjustment to the salary range and zero merit and step increases for its employees. Judges did not receive salary increases. For the FY 2012-13 biennium, the judicial branch requests no additional salary funding, but requests funding for statutorily mandated increases in employer paid retirement plan contributions and for health insurance costs which are estimated to increase by 6.6% in FY 2011, by 0.3% in FY 2012 and by 12.5% in FY 2013. This request is made to avoid further lay-offs and reductions to our workforce, which is already unable to keep up with the incoming workload.

The Supreme Court and SCAO also face a base cut of \$323,000 going into the FY 2012-13 biennium that will place added pressure on an already inadequately funded base budget.

Key Goals and Measures

Failure to fund unavoidable health insurance and statutorily mandated employer pension contribution increases will result in staffing reductions, which will negatively impact the ability of the courts to accomplish its constitutional role of adjudicating disputes. MN Const., art I, Sec. 8.

Statutory Change: Not Applicable.

SUPREME COURT

Agency Revenue Summary

Dollars in Thousands

	Actual FY2010	Budgeted FY2011	Current Law		Biennium 2012-13
			FY2012	FY2013	
<u>Non Dedicated Revenue:</u>					
Departmental Earnings:					
General	613	600	600	600	1,200
Total Non-Dedicated Receipts	613	600	600	600	1,200
<u>Dedicated Receipts:</u>					
Departmental Earnings:					
General	86	15	15	15	30
Miscellaneous Special Revenue	3,127	4,102	1,629	1,529	3,158
Grants:					
Federal	880	850	950	950	1,900
Federal Stimulus	1,008	992	0	0	0
Other Revenues:					
Miscellaneous Special Revenue	6	2,327	910	910	1,820
Federal	4,645	4,809	4,809	4,819	9,628
Gift	114	0	0	0	0
Other Sources:					
Miscellaneous Agency	0	-4	0	0	0
Total Dedicated Receipts	9,866	13,091	8,313	8,223	16,536
Agency Total Revenue	10,479	13,691	8,913	8,823	17,736