

FISCAL UPDATE

Fiscal Services Division

December 23, 2011



DECEMBER REVENUE ESTIMATING CONFERENCE

The Revenue Estimating Conference (REC) met on December 15, 2011, and increased the estimated FY 2012 General Fund receipts by \$25.4 million compared to the FY 2012 October REC estimate. The December REC estimate for FY 2012 net General Fund receipts, including transfers, totals \$6,000.3 million, an increase of \$101.3 (1.7%) million compared to actual FY 2011. Estimated FY 2012 changes from the FY 2011 amounts include:

- An increase of \$122.3 million (3.5%) in gross income tax receipts. Through December 14, gross income tax receipts were up 4.0%.
- An increase of \$64.1million (2.7%) in gross sales/use tax revenues. Through December 14, gross sales/use tax receipts were up 3.6%.
- An increase of \$56.2 million (14.2%) in gross corporate tax receipts. Through December 14, gross corporate tax receipts were up 25.8%.
- A decrease of \$98.5 million (-49.2%) in cigarette tax receipts. Nearly all of the reduction is due to a
 law change that altered the destination of \$106.0 million in cigarette and tobacco tax revenue.

FY 2012 Revenue Estimating Conference Projection Dollars in Millions								
	Actual _FY 2011_	October FY 2012 Estimate	December FY 2012 Estimate	Increase (Decrease) to October Estimate	Increase (Decrease) to Actual FY 2011	Percentage Change to Actual FY 2011		
Income Tax	\$3,461.7	\$3,590.2	\$3,584.0	\$-6.2	\$122.3	3.5%		
Sales/Use Tax	2,381.4	2,433.0	2,445.5	12.5	64.1	2.7%		
Corporate Tax	394.5	432.7	450.7	18.0	56.2	14.2%		
Insurance Tax	97.1	99.1	98.2	-0.9	1.1	1.1%		
Cigarette Tax	200.1	103.1	101.6	-1.5	-98.5	-49.2%		
Other Taxes	145.3	136.4	138.6	2.2	-6.7	-4.6%		
Total Taxes	\$6,680.1	\$6,794.5	\$6,818.6	\$24.1	\$138.5	2.1%		
Other Receipts	338.4	342.6	339.9	-2.7	1.5	0.4%		
Gross Tax & Other Receipts	\$7,018.5	\$7,137.1	\$7,158.5	\$21.4	\$140.0	2.0%		
Accruals (Net)	15.0	16.6	16.6	0.0	1.6	10.7%		
Refund (Accrual Basis)	-826.0	-851.0	-847.0	4.0	-21.0	2.5%		
Schl. Infras. Refunds (Accrual)	-394.1	-407.5	-407.5	0.0	-13.4	3.4%		
Total Net Receipts	\$5,813.4	\$5,895.2	\$5,920.6	\$25.4	\$107.2	1.8%		
Transfers (Accrual Basis)	85.6	79.7	79.7	0.0	-5.9	-6.9%		
Net Receipts Plus Transfers	\$5,899.0	\$5,974.9	\$6,000.3	\$25.4	\$101.3	1.7%		

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The December REC estimate for FY 2013 net General Fund receipts, including transfers, totals \$6,251.6 million, an increase of \$41.7million compared to the October estimate for FY 2013. The new estimate also represents an increase of \$251.3 million (4.2%) compared to the REC's December estimate for FY 2012. Growth is predicted in gross income tax receipts (4.3%), gross sales/use tax (3.7%), gross corporate tax receipts (7.5%) and insurance tax receipts (4.8%), while a decrease in cigarette tax (-3.4%) is projected. The following table provides a comparison for the new REC FY 2013 estimates.

FY 2013 Revenue Estimating Conference Projection Dollars in Millions								
_	Estimate FY 2012	October FY 2013 Estimate	December FY 2013 Estimate	Increase (Decrease) to October Estimate	Increase (Decrease) to Estimated FY 2012	Percentage Change to Estimated FY 2012		
Income Tax	\$3,584.0	\$3,731.4	\$3,739.3	\$7.9	\$155.3	4.3%		
Sales/Use Tax	2,445.5	2,503.8	2,535.8	32.0	90.3	3.7%		
Corporate Tax	450.7	479.8	484.5	4.7	33.8	7.5%		
Insurance Tax	98.2	102.7	102.9	0.2	4.7	4.8%		
Cigarette Tax	101.6	99.5	98.1	-1.4	-3.5	-3.4%		
Other Taxes	138.6	142.3	144.3	2.0	5.7	4.1%		
Total Taxes	\$6,818.6	\$7,059.5	\$7,104.9	\$45.4	\$286.3	4.2%		
Other Receipts	339.9	338.3	336.7	-1.6	-3.2	-0.9%		
Gross Tax & Other Receipts	\$7,158.5	\$7,397.8	\$7,441.6	\$43.8	\$283.1	4.0%		
Accruals (Net)	16.6	18.1	22.0	3.9	5.4	32.5%		
Refund (Accrual Basis)	-847.0	-865.0	-870.6	-5.6	-23.6	2.8%		
Schl. Infras. Refunds (Accrual)	-407.5	-422.2	-422.6	-0.4	-15.1	3.7%		
Total Net Receipts	\$5,920.6	\$6,128.7	\$6,170.4	\$41.7	\$249.8	4.2%		
Transfers (Accrual Basis)	79.7	81.2	81.2	0.0	1.5	1.9%		
Net Receipts Plus Transfers	\$6,000.3	\$6,209.9	\$6,251.6	\$41.7	\$251.3	4.2%		

Next Meeting. The next REC meeting has not yet been scheduled. Additional detail regarding the REC estimates is available at: http://www.legis.iowa.gov/LSAReports/quarterlyReview.aspx

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UPDATED SCHOOL AID ESTIMATES

Enrollment Data Updated. Enrollments and weighting data collected in October 2011 by the Department of Education are used to calculate school aid formula funding amounts for FY 2013. The certified enrollment data collected from this past fall was significantly less than anticipated and has resulted in a State aid estimate decrease when compared to previous school aid estimates for FY 2013. The current December estimate (as of December 20, 2011) for FY 2013 State school aid is \$2,666.6 million which includes \$7.4 million from the Property Tax Equity and Relief (PTER) Fund. The estimated General Fund school aid appropriation amount is \$2,659.2 million, which is \$47.3 less than the October estimate of FY 2013 State school aid and an estimated increase of \$34.7 million compared to the FY 2012 State school aid amount.

Updated Funding Estimates. The following table provides statewide totals for regular school aid, the State categorical supplements, preschool formula aid, school aid property tax relief, and the combined district cost. The FY 2013 allowable growth rate was established at 2.0% for both regular school aid and the State categorical supplements. The General Assembly will be required to establish the FY 2014 allowable growth rates during the 2012 Legislative Session. The table provides estimates for 0.0%, 2.0%, and 4.0% allowable growth rates for comparison purposes.

					FY 2014 Estimates											
								0.0%				2.0%				4.0%
						0.0%	-	Allowable		2.0%		Allowable		4.0%	Α	llowable
				FY 2013		Allowable	Gr	owth Rate -		Allowable	Gı	rowth Rate -		Allowable	Gro	owth Rate -
	E	stimated	С	hange from	9	Frowth Rate	Cł	nange from		Growth	С	hange from	ľ	Growth Rate	Ch	ange from
School Aid Funding		FY 2013		FY 2012	L	Totals	_E	st. FY 2013	Ŀ	Rate Totals		st. FY 2013	L	Totals	Es	t. FY 2013
Regular School Aid	\$	2,287.3	\$	30.3	\$	2,289.2	\$	2.0	5	\$ 2,349.5	\$	62.3		\$ 2,409.8	\$	122.5
State Categorical Supplements		319.6		3.8		324.2		4.6		328.7		9.0		334.2		14.6
Preschool Formula		59.7		1.3		62.7		3.0		63.9		4.2		65.2		5.5
Est. Total School Aid Amount	\$	2,666.6	\$	35.4	\$	2,676.1	\$	9.5	3	2,734.8	\$	75.5	3	\$ 2,809.2	\$	142.6
PTER Fund	\$	7.4	\$	0.7	\$	7.4	\$	0.7	\$	7.4	\$	0.0	ļ	\$ 7.4	\$	0.0
Est. General Fund School Aid Amount	\$	2,659.2	\$	34.7	\$	2,668.8	\$	8.9	3	\$ 2,727.4	\$	75.5	3	\$ 2,801.9	\$	142.6
Est. School Aid Property Tax	\$	1,320.6	\$	6.1	\$	1,387.7	\$	67.1	5	1,376.4	\$	55.8	:	\$ 1,379.6	\$	59.0
Est. Combined District Cost	\$	3,927.5	\$	40.2	\$	4,001.1	\$	73.6	9	4,054.6	\$	127.1	9	\$ 4,123.7	\$	196.2

Estimated FY 2013 and FY 2014 School Aid Amounts (Dollars in Millions)

State Categorical Supplement Funding. The FY 2013 allowable growth rate for each of the State categorical supplements (Teacher Compensation, Professional Development, and Early Intervention) was established at 2.0%. The estimated FY 2013 State categorical supplement amount totals \$319.6 million, an increase of \$3.8 million (1.2%) compared to the FY 2012 amount. Funding amounts for each initiative include:

- Teacher Compensation Supplement is estimated at \$259.9 million, an increase of \$3.0 million (1.2%) compared to FY 2012.
- Professional Development Supplement is estimated at \$29.5 million, an increase of \$0.4 million (1.4%) million compared to FY 2012.
- Early Intervention Supplement is estimated at \$30.3 million, an increase of \$0.4 million (1.3%) compared to FY 2012.

Preschool Formula Funding. Preliminary enrollments for students eligible to receive preschool formula weighting totaled 19,900 and generated a weighting totaling 9,950 for preschool formula funding purposes in FY 2013. The current estimated preschool formula funding for FY 2013 totals \$59.7 million, an increase of \$1.3 million (2.2%) compared to FY 2012.

Property Tax Equity and Relief Funds. The Department of Revenue has finalized the amount of State sales/use tax for school infrastructure that will be transferred to the Property Tax Equity and Relief (PTER) Fund to be used for targeted property tax relief through the school aid formula in FY 2013. The total PTER funding will be approximately \$7.4 million and combined with the \$24.0 million appropriation in the school aid formula will provide \$31.4 million in targeted property tax relief. Current estimates indicate that 83 (23.6%) school districts will receive property tax relief through PTER Funds.

Additional School Aid Information. Additional school aid information including estimates by school district is available from the Legislative Services Agency (LSA). The following link will have data pertaining to FY 2013 and FY 2014 school aid estimates available to download by January 4, 2012: https://www.legis.iowa.gov/LSAReports/k12Estimates.aspx

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LEGISLATIVE TAX EXPENDITURE COMMITTEE

Committee Meeting. The Legislative Tax Expenditure Committee is a committee of the Legislative Council. The Committee's first meeting was held on November 16, 2011, in Des Moines. The Committee elected permanent chairpersons and adopted rules. Presentations included:

 Michael Duster, LSA Legal Services Division, presented background information concerning the creation and purpose of the Committee (see <u>SF 2380</u>, 2010 Session and Iowa Code sections <u>2.45</u> and <u>2.48</u>.)

- Jeff Robinson, LSA Fiscal Services Division, provided the background, purpose, and history of the State Contingent Liabilities report that is issued three to four times each year by the Department of Revenue. See: http://www.iowa.gov/tax/taxlaw/creditstudy.html
- Tim Whipple, Iowa Economic Development Authority, discussed the operation and impact of the maximum annual aggregate tax credit limit available for specific economic development programs. The aggregate annual impact was enacted in 2010 as part of SF 2380. See Iowa Code section 115.119. Vicky Clinkscales and Tina Hoffman of the Authority presented information on the webbased, searchable tax incentive database maintained by the Authority. See: http://www.iowalifechanging.com/annualrpt/?cmd=default&rptyear=2010

Background Presentations. The Committee received detailed background on several existing tax credit programs. Those programs and the presenters included:

- Earned Income Tax Credit (Iowa Code section 422.12B) Zhong Jin Iowa Department of Revenue
- Franchise Tax Credit (Iowa Code sections <u>422.11</u> and <u>422.33</u>) Angela Gullickson Iowa Department of Revenue
- High Quality Jobs Program (Iowa Code chapter <u>15</u>, subchapter II, part 13) Tim Whipple, Iowa Economic Development Authority
- Research Activities Tax Credit (Iowa Code sections <u>15.335</u>, <u>15A.9</u>, 422.1, and 422.33) Amy Rehder Harris – Iowa Department of Revenue

Committee Discussion. The Committee discussed the presentations made during the meeting and discussed the need for further evaluation of each credit. The Committee also discussed the possibility of holding a joint Ways and Means Standing Committee meeting during the 2012 Legislative Session to further evaluate the specific tax credits.

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CHILD CARE ASSISTANCE AND ADOPTION SUBSIDY PROGRAMS FY 2012 AND FY 2013 PROJECTIONS

Projections Workgroup

As directed in Iowa Code section <u>234.47</u>, staff of the Department of Human Services (DHS), Department of Management, and Fiscal Services Division of the Legislative Services Agency meet regularly to update program projections for the current and subsequent fiscal years. The agencies met December 1, 2011, to discuss the Child Care Assistance (CCA) Program and December 13, 2011, to discuss the Adoption Subsidy Program. The agreed upon estimates of need are outlined below.

Child Care Assistance Program

FY 2012 and FY 2013 Appropriations: House File 649 (FY 2012 and FY 2013 Health and Human Services Appropriations Act) appropriated \$53.2 million from the General Fund for the CCA Program. This appropriation is an increase of \$21.6 million compared to FY 2011. In addition, approximately \$3.3 million was carried forward from a surplus in FY 2011 to be used for the Program in FY 2012. House File 649 also included a General Fund appropriation of \$26.6 million for CCA for FY 2013. For projection purposes, the workgroup assumed a status quo General Fund appropriation of \$53.2 million for FY 2013.

FY 2012 Range: For FY 2012, the workgroup agreed to an estimated range of need of \$662,000 to \$3.3 million, with a midpoint need of \$2.0 million. Section 13, paragraph 7, of HF 649 specifies that it is the intent of the General Assembly to provide sufficient funding for CCA for FY 2012 to avoid establishment of a waiting list. The DHS is exploring options to manage the projected need.

FY 2013 Range: For FY 2013, the workgroup agreed to an estimated range of need of \$8.0 million to \$12.8 million, with a midpoint need of \$10.4 million. In addition, it is possible that the DHS may be required to pay back \$2.5 million in federal funds as a result of an FY 2004 re-obligation issue noted in an audit by the Office of Inspector General (OIG). The DHS intends to appeal the audit finding and the workgroup has not included it in the estimated range at this time.

Child Care Assistance Program Estimate of Need - FY 2012 & FY 2013							
		FY 2012		FY 2013			
Low Projection	\$	662,176	\$	7,969,021			
High Projection		3,251,751		12,796,782			
Midpoint (Estimate of Need)		1,956,964		10,382,902			
FY 2012 Appropriation		53,237,662		53,237,662			
Total Projected State Need	\$	55,194,626	\$	63,620,564			

Adoption Subsidy Program

FY 2012 and FY 2013 Appropriations: House File 649 included a General Fund appropriation of \$33.3 million for the Adoption Subsidy Program for FY 2012. This is an increase of \$1.4 million compared to FY 2011. In addition, \$400,000 was carried forward from a surplus in FY 2011. House File 649 also included a General Fund appropriation of \$16.6 million for the Adoption Subsidy Program for FY 2013. For projection purposes, the workgroup assumed a status quo General Fund appropriation of \$33.3 million for FY 2013.

FY 2012 Range: For FY 2012, the workgroup agreed to an estimated range of need of \$1.9 million to \$2.2 million, with a midpoint need of \$2.0 million. Increases in costs are resulting primarily from an increase in cases, a 1.66% decrease in the average FY 2012 federal Medicaid assistance percentage (FMAP) for lowa, and the expiration of FMAP increases at the end of FY 2011 that resulted from the American Recovery and Reinvestment Act of 2009 (6.2% FMAP increase from October 2008 to December 2010, 3.2% FMAP increase January to March 2011, and 1.2% FMAP increase April to June 2011).

FY 2013 Range: For FY 2013, the workgroup agreed to an estimated range of need of \$3.6 million to \$4.0 million, with a midpoint need of \$3.8 million. The DHS submitted an increase of \$3.6 million in the FY 2013 budget request for the Adoption Subsidy Program, and it was agreed by the workgroup to hold the FY 2013 need at that value. Increases in costs are resulting primarily from an increase in cases and a 1.32% decrease in the average FMAP for lowa in FY 2013.

Adoption Subsidy Program Estimate of Need - FY 2012 & FY 2013							
		FY 2012		FY 2013			
Low Projection	\$	1,874,600	\$	3,643,538			
High Projection		2,194,442		3,992,828			
Midpoint (Estimate of Need)		2,034,521		3,818,183			
FY 2012 Appropriation		33,266,591		33,266,591			
DHS FY 2013 Request		n/a		3,550,252			
Total Projected State Need	\$	35,301,112	\$	36,816,843			

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GOVERNOR'S BUDGET HEARINGS

Budget Hearings. Governor Branstad held budget hearings during November and December to review department budget requests for FY 2013. The schedule of budget hearing dates is shown below. The LSA Fiscal Services staff attended and monitored these hearings. Following the schedule are brief summaries of each hearing organized by appropriations subcommittee area. For more information about department requests, see the <u>LSA summary document</u> of department budget requests.

November 23:

- Department of Inspections and Appeals (Administration and Regulation)
- Iowa Public Employment Retirement System (Administration and Regulation)
- Department of Transportation (Transportation, Infrastructure, and Capitals)
- Treasurer of State (Administration and Regulation)
- Department for the Blind (Education)
- Iowa Communications Network (Administration and Regulation)
- Vocational Rehabilitation Services (Education)

December 5:

• Board of Regents (Education)

December 12:

- Iowa Law Enforcement Academy (Justice)
- Parole Board (Justice)
- Iowa Civil Rights Commission (Justice)
- Workforce Development (Economic Development)

December 15:

- Public Defender and Indigent Defense (Justice)
- Department of Public Safety (Justice)
- Department of Corrections (Justice)

December 16:

- Iowa Finance Authority (Economic Development)
- Public Employment Relations Board (Economic Development)
- Lottery Authority (Administration and Regulation)
- Department of Cultural Affairs (Economic Development)
- Homeland Security/Emergency Management (Justice)
- Department of Revenue (Administration and Regulation)
- Iowa Ethics and Campaign Finance Disclosure Board (Administration and Regulation)
- Department of Commerce (Administration and Regulation)
- Department of Administrative Services (Administration and Regulation)
- Department of Human Rights (Administration and Regulation)
- College Student Aid Commission (Education)
- Office of Drug Control Policy (Administration and Regulation)

December 19:

- Department of Natural Resources (Agriculture and Natural Resources)
- Iowa Economic Development Authority (Economic Development)
- Iowa Public Television (Education)
- Iowa Department of Veterans Affairs (Health and Human Services)
- Iowa Veterans Home (Health and Human Services)
- Department of Aging (Health and Human Services)
- Department of Public Health (Health and Human Services)
- Department of Human Services (Health and Human Services)
- Department of Education (Education)
- Secretary of State (Administration and Regulation)

December 20:

- Auditor of State (Administration and Regulation)
- Iowa Department of Agriculture and Land Stewardship (Agriculture and Natural Resources)
- Attorney General (Justice)

December 21:

Department of Public Defense

BUDGET HEARING SUMMARIES BY SUBCOMMITTEE AREA

ADMINISTRATION AND REGULATION SUBCOMMITTEE

Lottery Authority. Terry Rich, Chief Executive Officer for the Lottery Authority, presented the agency's budget request to the Governor and Lt. Governor. The Lottery is a self-supporting operation with budgeted FY 2013 revenues of \$277.6 million including transfer of \$57.7 million to the General Fund and \$2.8 million to the Veterans Trust Fund. Of the remaining budgeted FY 2013 expenses, \$163.1 million will go to prizes, \$17.6 million for retailer compensation, \$11.1 million for advertising, \$12.3 million for Lottery operations, and the remainder for various other expenses.

Since its beginning in FY 1986, the Iowa Lottery has had sales totaling \$5.1 billion with \$2.7 billion in prize payouts. Lottery profits have been distributed for State uses:

- \$1,072.4 million to the General Fund.
- \$170.3 million to the Iowa Plan.
- \$35.9 million to the CLEAN Fund.
- \$15.7 million to the Gambling Treatment Fund.
- \$13.8 million for special appropriations.
- \$8.6 million to the Veterans Trust Fund.

Issues and concerns identified include increasing gas prices which drive down sales, continued business creativity, increased electronic point-of-sale displays to drive purchases, a \$2 Powerball ticket, declining pull-tab sales, a potential for a new national lottery game, and updating vending machines.

Department of Revenue. Director Courtney Kay-Decker presented the Department of Revenue's (DR) budget request to the Governor and Lt. Governor. The Department is requesting a status quo budget of \$17.7 million. Highlights of the discussion included:

- Increased costs for cigarette stamps because the vendor is implementing technical improvements to prevent theft and fraud.
- The appropriation cap on Homestead Property Tax Credits at 62.0% of the projected demand and Agricultural Land Tax Credits at 83.0%.
- Increased use of electronic filing which costs \$0.19 per return as compared to \$2.52 for processing paper returns.
- Closing field offices and having regional auditors telecommute from home offices.
- Process improvements through creating a culture of constant re-evaluation and incorporation of LEAN Strategies.
- Use of educational programs to improve compliance in tax filings.

Department of Administrative Services. Director Mike Carroll presented the Department of Administrative Services (DAS) budget request to the Governor and Lt. Governor. The Department is requesting \$11.4 million from the General Fund, which is an increase of \$93,000 to transfer two housekeeping positions from Terrace Hill to DAS. Highlights of the presentation include:

- A discussion of the strategic initiative to reduce expenditures by the Governor's targeted minimum of 15.0% through consolidation of State services, review and improvement of health insurance benefits, comprehensive review of services, improved labor relations, negotiations, and contracts, restructuring for efficiency, and minimization of the General Fund appropriation.
- Establishing a one-call/one-source point of contact for State agencies with a senior resource manager for each enterprise area.
- Standardizing a teleworking policy for all State departments.
- Consolidation within the Information Technology Enterprise, with the Department of Human Services and Department of Revenue joining in the near future.
- Space management, including building energy management projects funded through a revolving fund, lease management, design and construction with 130 individual projects and a \$470.0 million total construction budget, fleet analysis, and merging of print and mail functions.
- A total operating budget of \$227.1 million, an increase of \$5.4 million, with \$11.4 million from General Fund appropriations and the remainder from fees for services.

Office of Drug Control Policy (ODCP). Dale Woolery, Associate Director of the ODCP, presented the Office's budget request to the Governor and Lt. Governor. The Office is requesting \$346,000, an increase of \$56,000. The increase, along with \$44,000 in federal funding, is for an Executive Officer 2 position to administer lowa's Pseudoephedrine Tracking System to control illegal manufacturing of methamphetamine, and to produce of ODCP's statutorily required Annual Report (including the annual Statewide lowa Drug Control Strategy).

In addition to the budget, Mr. Woolery discussed trends in drug use and abuse:

- Youth are showing a decrease in use of alcohol and tobacco; use of illegal drugs declined through 2005 and rebounded to the 1999 level.
- Meth lab incidents declined dramatically after the implementation of pseudoephedrine controls, but have increased slowly in recent years as criminals developed new manufacturing techniques.
- Abuse of prescription medications has increased, particularly for pain killers.
- Synthetic designer drugs are emerging and are difficult to control as formulations change faster than the legislative and legal system can update laws.

Department of Human Rights. Director San Wong summarized the Department of Human Rights' (DHR) functions and responsibilities. The Department is requesting status quo funding from the General Fund of \$2.3 million for FY 2013. Highlights of the presentation included:

- Identification of the four divisions: Central Administration, Community Advocacy and Services, Criminal and Juvenile Justice Planning, and Community Action Agencies.
- In addition to the General Fund appropriation, DHR receives a total of \$105.8 million in federal funding for grants and programs it administers. Significant cuts are expected for the federal Low-Income Energy Assistance Program (25.0% cut) and for the Weatherization Assistance Program (50.0% cut).

Office of the Auditor of State. On December 20, 2011, the Governor held a budget hearing for the Office of the lowa Auditor of State. The Office did not request any changes compared to estimated FY 2012. The Office requested \$905,000 from the General Fund and 103.0 FTE positions. At the hearing it was suggested that changes should be made to the timing and frequency of local government audits and the bonding requirements be increased for local government employees that work with local government funds.

Office of the Secretary of State. The Office has requested \$2,896,000 from the General Fund. This is no change compared to estimated FY 2012. The Office has requested 34.0 FTE positions. This is a decrease of 1.0 FTE position for this appropriation compared to estimated FY 2012. The Office is not requesting the continuation of the one-time \$75,000 and 1.0 FTE position FY 2012 appropriation from

other funds for redistricting. Secretary Schultz reviewed his goals for voter identification, an in-house statewide voter registration system, electronic poll books, and online mechanics liens.

Department of Commerce. The Department of Commerce consists of six divisions responsible for regulating specific industries. They are the Alcoholic Beverages, Banking, Credit Union, and Insurance Divisions, the Professional Licensing Bureau, and the Utilities Board. The total funding request is equal to the FY 2012 budget with \$1.8 million being requested from the General Fund, \$23.8 million from other funds, and 341.0 FTE positions (a reduction of 3.52 FTE positions). Some of the major items discussed by the division directors include:

- Alcoholic Beverages Revenues are projected to remain strong. In 2011, liquor sales totaled \$221.1 million. The Division is proposing installation of a new storage system for better space utilization and more efficient use of staff.
- Banking Division The Division is anticipating an increased workload from charter banks converting
 from federal charters to State charters and from new regulation of nonbank mortgage closing
 companies. Complicating the workload increase, 25.0% of the current examiners plan to retire within
 the next four years leading to a need to train new examiners when hired.
- Professional Licensing Bureau The Bureau is in a several year process to convert to a new automated online registration system. Comments indicated that with recent budget reductions, the Bureau may not be able to absorb the costs of the conversion.
- Credit Union Division The Division is supported by fees based on credit unions' asset sizes. The
 costs for hiring and training an auditor and the transfer of information technology functions to the
 Department of Administrative Services were discussed.
- Insurance Division Director Voss discussed the difficulty of covering salary increases and early
 retirement costs with a status quo budget. The Division may need to add examiners because it is
 more expensive to hire consultants when existing staff cannot cover the required examinations.
 Insurance companies pay the additional expense when consultants are hired. Cooperation among
 states to examine international insurance companies was also discussed.
- Utilities Board The Division has an \$8.2 million budget funded through the revolving fund. In addition the Division has federal grants and carry forward funding from the American Recover and Reinvestment Act (ARRA). The ARRA funding will last until 2014 and will be used for training. Regulatory responsibilities and upcoming rate cases were identified.

Ethics and Campaign Disclosure Board. Executive Director Megan Tooker presented the FY 2013 budget request for the Ethics and Campaign Disclosure Board to the Governor and Lt. Governor. The agency is requesting \$475,000 and 5.0 FTE positions. This is no change compared to FY 2012. Highlights of the presentation include:

- Ms. Tooker became director in December 2010. Three new auditors were hired to replace those that
 took early retirement in 2010, leaving only an administrative assistant position that had remained
 filled. Approximately 10.0% of the budget is used to pay for the early retirement benefits. The
 savings from new staff having lower salaries helps pay these costs.
- County and city redistricting can be problematic. The Board believes the LSA should handle local redistricting in the same manner it does for State and federal districts. The Governor commented favorably on the idea.
- Most filings are handled electronically, reducing error and creating the foundation for a searchable data base. Information technology is a significant cost for the Board since programming is contracted out.

lowa Public Employees Retirement System (IPERS). Donna Mueller, IPERS CEO, made the budget presentation with an FY 2013 request of \$17.7 million and 90.1 FTE positions funded by the IPERS Trust Fund. The agency is not requesting a General Fund appropriation. The budget by type of service is as follows:

- \$1,145,246 Investment Management (oversee investments and investment policy).
- \$3,550,264 Retirement Services (paying benefits, services purchases, and disability services).
- \$2,977,641 Member Services (benefit education and estimates; retirement counseling).

- \$1,488,820 Employer Relations and Data Management (employer training, compliance reviews, employer reporting).
- \$2,290,493 Governance, Plan Design, and Financial Control (legal compliance, administrative rules, internal auditing, and actuarial services).
- \$668,205 Facilities Maintenance and Improvement.
- \$5,566,299 IPERS Quest for Excellence (I-Que) Project.

IPERS Trust Fund has grown from \$4.7 billion in FY 1980 to an estimated \$22.1 billion in FY 2011 with administrative expenses averaging 0.04% of the Fund balance and investment expenses averaging 0.21%. Benefits paid have increased from \$167.9 million to \$1.5 billion over the same period. IPERS current cost is \$35 per annuitant which is below its peers' \$106 per annuitant cost.

IPERS has approximately 329,000 members: 164,000 are active; 90,000 are retired; 8,000 are reemployed retired (mostly substitute teachers); 32,000 are inactive vested; and 34,000 are inactive nonvested. IPERS active members are employees of the State (15%), counties (16%), cities (15%), school districts (51%), and other government-related entities (3%).

Ms. Mueller closed commenting that the System is well funded with a 79.9% funded ratio. IPERS pays a "November Dividend" and a "Favorable Experience Dividend (FED)" in lieu of making cost-of-living adjustments. Both payments are made from available funds rather than being guaranteed or automatically determined so they are not actuarially included as a liability.

Department of Inspections and Appeals. Director Rod Roberts presented the FY 2013 budget request. The Department is requesting a General Fund increase of \$2.7 million for the Administrative Hearings Division, the Investigations Division, and the Health Facilities Division to replace FY 2012 funding from the Medicaid Fraud Fund. The Department is also requesting a new separate appropriation for Food and Consumer Safety by shifting \$1.3 million from the Administration Division. The Department is requesting to shift \$270,000 from the Pari-Mutuel Regulation Fund to the Riverboat Regulation Fund to match demand and costs.

Director Roberts discussed:

- Efficiencies from LEAN events, including Value-Stream Mapping for health facilities and opportunities for improvement through crosstraining, technology efficiencies, going paperless, and other changes.
- Reducing regulation.
- Benefit program fraud reduction.
- Efforts to create efficiencies and cost reductions.
- Planning for the new federally required nursing home survey process.

Director Roberts closed by noting this is the 25th anniversary of DIA and invited the Governor and Lt. Governor to visit the Department.

lowa Communications Network (ICN). The ICN is requesting the same level of appropriation, \$2.2 million, for FY 2013 as compared to estimated FY 2012. The appropriation is for equipment upgrades and replacement, including voice equipment for State agencies and updating equipment to provide Internet Protocol video technology for education, government, and medical service providers. The voice equipment upgrade is the final part of a nine-year project. The appropriation also provides the State match to receive federal funds from the Universal Service Fund (estimated at \$1.4 million) that benefit schools and libraries.

Appropriations for ICN equipment are typically provided from the Technology Reinvestment Fund (TRF). For FY 2009 through FY 2012, the TRF has received its funding from the Rebuild Iowa Infrastructure Fund, but statutorily the TRF is a standing limited appropriation from the General Fund. The funding is slated to resume from the General Fund for FY 2013, unless legislative action is taken.

Salaries and other operations budgetary items are paid for by ICN revenues and not by appropriations from the General Assembly.

Office of the Treasurer of State. The Office is requesting a status quo budget of \$854,000 from the General Fund and 29.0 FTE positions for FY 2013.

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AGRICULTURE AND NATURAL RESOURCES SUBCOMMITTEE

Department of Agriculture and Land Stewardship (DALS). The DALS requested \$18.5 million from the General Fund for FY 2013. This is an increase of \$1.7 million compared to FY 2012. New program funding includes:

- An increase of \$950,000 for increased employee costs such as cost of living salary increases, merit
 increases, and increased expense for health and dental insurance.
- An increase \$118,000 in the Weights and Measures Bureau to hire two inspectors.
- An increase of \$170,000 for the Pesticide Bureau for a pesticide investigator and a certification coordinator.
- An increase of \$210,000 for the Animal Industry Bureau for two State Veterinarians.

The DALS is requesting \$19.8 million in other funds, an increase of \$6.9 million for:

- \$1.0 million for an Urban Conservation Program.
- \$1.0 million for the Agricultural Drainage Wells Program.
- \$1.0 million for the Watershed Protection Fund Program.
- \$2.0 million for the Conservation Cost Share Program.
- \$1.0 million for the Conservation Reserve Program.
- \$860,000 for nine Secretarial II positions and six State Technician positions. These positions will
 assist landowners that apply for Conservation Cost Share Program.

Department of Natural Resources (DNR). The DNR requested \$12.3 million from the General Fund for FY 2013. This is no change in DNR compared to FY 2012.

Department Director Roger Lande highlighted several budget challenges including:

- Future salary adjustment expenditures for the DNR. The Department is continuing to prioritize and evaluate positions, and streamlines processes.
- Continuing uncertainty of federal funding.
- Defeasance of the Honey Creek Resort Bonds was discussed. The Director and the Governor both acknowledged the desirability of paying off the balance of these bonds.
- Identifying opportunities to create a sustainable State Park system.

Director Lande highlighted several other continuing initiatives:

- LEAN events that streamline processes within the Department's operations.
- Improved Customer Service and Business growth.
- Continued assistance to small communities that do not have adequate sewer systems.
- Collaboration with other State Agencies, including the Economic Development Authority, Department of Transportation, and the Iowa Lottery.

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ECONOMIC DEVELOPMENT SUBCOMMITTEE

lowa Economic Development Authority (IEDA). The IEDA is seeking the same level of funding for FY 2013 as it received in FY 2012. Director Debi Durham presented on the reorganizing steps that have taken place within the IEDA to date, the implementation of the Iowa Partnership for Economic Progress, and policies and grants that the IEDA is pursuing. The IEDA will also be seeking a \$25.0 million incentive program to replace the Grow Iowa Values Fund that is scheduled to sunset.

Department of Cultural Affairs (DCA). The DCA is requesting a status quo budget for FY 2013. Director Mary Cownie presented on the reorganization and restructuring endeavors that have taken place or are under consideration as well as the cost-saving measures that have been completed.

lowa Workforce Development (IWD). The IWD is not requesting any changes in General Funds or other funds for FY 2013 compared to estimated FY 2012. Director Teresa Wahlert presented the IWD's estimate that there would be no interest available from the lowa's Unemployment Compensation Reserve Fund for Field Offices and that this would lead to a projected funding shortfall of \$3.0 million in FY 2013. Additionally there will be less federal funds available due to lowa's lower unemployment rate compared to the rest of the nation. Director Wahlert also reviewed the steps that IWD has been taking to reduce costs and the new service delivery model that utilizes virtual access points that the agency has been implementing.

lowa Public Employment Relations Board (PERB). Chairman Riordan presented the PERB's FY 2013 status quo budget request (no change compared to estimated FY 2012). The PERB currently has 8.0 FTEs and one Board member vacancy. Chairman Riordan indicated that adding this Board member is very important, but the budget would then be a problem due to a previous funding reduction. The PERB has seen an increase in requests for impasse services due to fewer multi-year agreements being negotiated by public employers. However, the number of bargaining impasses proceeding to arbitration has remained low.

Iowa Finance Authority (IFA). Director Jamison presented information on the accomplishments of the IFA over the past fiscal year and the FY 2013 department budget request. The IFA does not rely on General Fund dollars for operations, with the majority of its financing coming from the sale of tax exempt conduit bonds. Two programs, the Rent Subsidy Program and the State Housing Trust Fund, receive appropriations from the General Fund and the Rebuild Iowa Infrastructure Fund respectively. The IFA is requesting no increase in funding for FY 2013 compared to FY 2012.

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EDUCATION SUBCOMMITTEE

Department of Education. The Department submitted a budget request that netted to a status quo based on estimated FY 2012 appropriation levels. Director Jason Glass requested the following increases for FY 2013:

- \$1,000,000 (FY 2012 \$600,000) to cover the ongoing annual licensing and maintenance of the Department's data warehouse. The data warehouse is the repository of all data, including student and district data. Director Glass noted the department has been supplementing the existing appropriation with federal grant funds that are set to expire.
- \$3,639,829 (FY 2012 \$2,727,000) to cover the costs of the ICN Part III leases that serves to connect schools to the ICN System. The Department has been using federal e-rate funds to supplement the gap in funding.
- \$5,195,157 (FY 2012 \$4,785,000) to cover the costs of Teacher Mentoring and reinstatement of funding for new Administrator Mentoring.
- \$1,128,847 (FY 2012 \$1,000,000) for support of implementation of the Iowa Core Curriculum.

Director Glass noted part of the strategy to cover the loss of state funds over the last few years was to move some staff from state to federal funds to ensure continuity of service. In a Department review, he noted some of the staff members should be moved back onto state funding because the functions they support are state roles. An increase in appropriations of \$600,000 would be needed to cover staff costs and this amount was not reflected in the budget request. Director Glass concluded his remarks noting all other budget requests were submitted as status quo to the FY 2012 appropriation level.

lowa Public Television (IPTV). IPTV is requesting a status quo budget of \$7.6 million in General Funds for FY 2013. Executive Director Dan Miller highlighted three 21st Century Learning Tools used by teachers available through IPTV and on-line:

- PBS Learning Media Over 20,000 high quality, curriculum-based digital assets including: videos, images, interactive activities, audio, and documents. PBS Learning Media includes a robust search engine, ability to save, organize and download content, and alignment to national standards and Common Core Curriculum.
- PBS TeacherLine Professional development graduate level courses delivered online to prekindergarten through high school educators in subjects of reading/language arts, mathematics, science, instructional strategies, and instructional technology.
- IPTV Education Production Unit Director Miller noted more funding could be used to expand
 coverage state-wide of critical education issues. Programing could be developed to inform lowans
 about education needs and foster civic discussion. Sample topics include: charter schools, teacher
 preparation, parental involvement, length of school day and/or year, teacher quality, role of
 technology, district consolidation, and curriculum standards.

Director Miller concluded the hearing noting 71.0% of Iowa teachers use IPTV content in their classrooms and 9 of 10 Iowans watch IPTV or use their services at least once each month.

College Student Aid Commission. In October, the Commission had officially submitted a status quo budget for FY 2013, as directed by the Governor. At the December hearing, Commission members reviewed the impact of budget reductions over the past few years on State-funded student aid programs and asked the Governor to consider changes in funding as follows:

- Administration An increase of \$242,000 (103.9%)
- lowa Grants A decrease of \$791,000 to eliminate the program and shift funds to the All lowa Opportunity Scholarship
- National Guard Benefits Program An increase of \$339,000 (10.6%)
- All Iowa Opportunity Scholarship Program An increase of \$791,000 (35.3%)
- Tuition Grant for Non-Profits An increase of \$5.0 million (11.5%)
- Tuition Grant for For-Profits An increase of \$450,000 (11.3%)
- Vocational Technical Tuition Grant An increase of \$250,000 (11.1%)
- College Work Study Reinstate funding at \$1.0 million. The \$2.8 million standing appropriation for this budget unit has been notwithstood to eliminate funding in recent years.

During the budget hearing, Governor Branstad asked Karen Misjak, Director of the College Student Aid Commission, whether the agency has considered consolidating some of the aid programs. Ms. Misjak responded that administration issues related to individual programs have made it difficult to consolidate programs. The Governor expressed support for the lowa Tuition Grant Program and said he may be able to restore some funding for it, although an 11.0% increase is unlikely.

lowa Vocational Rehabilitation Services (IVRS) of the Department of Education. The Department is requesting a status quo budget for FY 2013.

Administrator David Mitchell presented the following information about IVRS to the Governor:

- In 2011, IVRS placed 2,136 lowans with disabilities in competitive employment. A total of 55 new businesses were started and in the period of 2008 through 2011 a total of 172 new successful businesses were assisted by the IVRS.
- IVRS provides services to individuals with disabilities that cross many fields including partnering with the Departments of Education, Corrections, Human Services, Veteran Affairs and Labor. Through the provision of vocational rehabilitation services, individuals with disabilities earned \$15.7 million more than was spent on the entire VR Program. A total of 102 individuals that had been on public support for living expenses are now supporting themselves, a savings of \$786,804 annually for the state.
- For those successful IVRS employment outcomes, there was an increase to their family income of \$33.5 million from their application status. This is a 338.0% increase in their income as reported at application.
- A total of 33.0% of referrals come from lowa school districts for youth in transition. In 2011, 820 students were successfully rehabilitated working an average of 35 hours a week with average earnings of \$10.78 per hour. More than \$5.5 million was spent on tuition assistance for students in

the postsecondary training programs to obtain educational and occupational skills training to help compete in today's labor market.

Mr. Matthew Coulter from IVRS was on hand to discuss their waiting list. Mr. Coulter noted Significantly Disabled individuals are on the waiting list for approximately 11 to 12 months before IVRS can provide services. Mr. Coulter concluded the meeting asking the Governor to consider increasing their General Fund allocation by \$400,000, in turn giving them approximately \$1.5 million in federal funding. This would allow IVRS to serve around 1,600 more clients.

Department for the Blind. The Department is requesting a status quo budget for FY 2013. Director Karen Keninger presented examples and success stories about some of the clients the Department serves. Mr. Bruce Snethen was available from the Department for the Blind to answer a question regarding the replacement of air handlers in the Department's building. Mr. Snethen noted the contract should be completed in the spring of 2012 and the project complete by the end of calendar year 2012.

Board of Regents. Compared to estimated FY 2012, the Board is requesting an increase of \$36.9 million (7.1%) for general education, operations, and special purpose appropriations. The request includes a 4.0% increase for the Board Office, the graduate centers, Iowa Public Radio, and the general education appropriations for the three universities. Other significant increases include:

- A new General Fund appropriation of \$1.5 million for the lowa Flood Center at the University of Iowa (UI). The Center was funded with \$1.3 million annually from the Rebuild Iowa Infrastructure Fund (RIIF) in FY 2010, FY 2011, and FY 2012.
- A new General Fund appropriation of \$7.5 million for a new collaborative project between the three universities related to renewable energy and value-added agriculture.
- An increase of \$4.0 million for general education at the University of Northern Iowa (UNI). This is in addition to a 4.0% increase requested for general education at each of the three universities. The Board is asking for \$4.0 million each year for three years to address the impact of State funding reductions that have affected UNI disproportionately due to the University's greater reliance on State funding and less revenue from non-resident tuition.
- An increase of \$2.3 million (130.6%) for the Math and Science Collaborative at UNI to restore the
 original (FY 2009) funding level and address new responsibilities related to the Governor's Science,
 Technology, Engineering, and Mathematics (STEM) Advisory Council.
- An increase of \$374,000 (17.1%) for the Oakdale Campus at UI to support rising operations and maintenance costs.
- An increase of \$856,000 (24.2%) for operations, infrastructure, and equipment replacement at the Hygienic Laboratory at UI.
- An increase of \$43,000 (9.0%) for the Iowa Online Advanced Placement Academy at UI to support 80
 additional students and 24 additional teachers, and provide a new course in AP US Government and
 Politics.

For the School for the Deaf and the Braille and Sightsaving School, the Board is requesting an increase of 2.0% to serve as allowable growth. In addition, the Board is requesting another 3.0% increase for the Braille and Sightsaving School to support a newly defined service delivery model.

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HEALTH AND HUMAN SERVICES SUBCOMMITTEE

Department of Human Services. Director Charles Palmer provided an overview of the Department's programs and funding. The Department's FY 2013 General Fund request is \$1,688.5 million, representing an increase of \$161.6 million compared to estimated FY 2012. The Department attributes approximately two-thirds of requested funding increases to a decrease in the Federal Medical Assistance Percentage (FMAP) for Iowa and Medicaid case load growth. The Department is also requesting a net decrease in non-General Fund appropriations totaling \$9.4 million compared to estimated FY 2012. Finally, Director Palmer mentioned the work of the Mental Health and Disability Services Interim Committee, noting that the Department provided recommendations to that Committee that outline a new

state and regional structure that could be operational by July 2013 and phasing-in of critical core services beginning in FY 2014.

Department of Public Health. Director Miller-Meeks provided an overview of the Department's programs and current funding. The Department's General Fund appropriation represents approximately 20.0% of the agency's total funding in FY 2012. The Department is requesting a General Fund appropriation increase of \$757,000 compared to estimated FY 2012. The increase includes a request to replace funding from the Health Care Transformation Account with General Fund appropriations, including:

- \$233,000 for the Joint Prevention and Chronic Care Management and Medical Home Advisory Council.
- \$364,000 for the State matching funds for the Iowa e-Health Initiative.
- \$134,000 for the Health and Long Term Care Access strategic plan and Advisory Council.

Additionally, the Department is requesting \$25,000 from the General Fund for the Governor's Council on Physical Fitness and Nutrition.

Department of Aging. Director Donna Harvey provided an overview of the Department's activities and budget request. The Department's FY 2013 General Fund appropriation request is unchanged from the estimated FY 2012 appropriation of \$10.3 million. Director Harvey provided a brief summary of the Department's efforts at consolidating Area Agencies on Aging (AAAs). Statute currently authorizes 13 AAAs. A statutory change will be required to reduce the number to the Department's recommendation of five.

lowa Veterans Home. The lowa Veterans Home FY 2013 General Fund request of \$9.0 million represents no change compared to the estimated FY 2012 appropriation. Updates were provided regarding the construction of two new buildings, the Fox Building and Ulery Building, with an expected opening in February 2012. Two grants have been submitted to the federal government to rehabilitate the Dack and Malloy Buildings.

Department of Veterans Affairs. The total budget for the Department is approximately \$1.0 million and approximately 90.0% is spent on salaries. The Department continues to work on outreach and connecting with veterans regarding compensation, benefits, and programs. There are currently 3.0 FTE positions in the Department of Veterans Affairs and all 99 counties have a Veterans Affairs Specialist. In addition, each county receives \$10,000 from the State to help assist local offices. For this upcoming year, the Department has asked the Department of Administrative Services for help in building another set of column burial walls at the lowa Veterans Cemetery.

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JUSTICE SYSTEM SUBCOMMITTEE

Office of the Attorney General. Attorney General Tom Miller provided the Governor with an overview of the lowa Department of Justice's budget. The Attorney General indicated the budget is reaching perilous levels and further cuts cannot be sustained. He highlighted that area prosecutions (assistance to county attorneys), criminal appeals (the Office handles all appeals to the Appellate Court), and special litigation (workers compensation and tort claims) have all had double digit reductions since FY 2009. Attorney General Miller also stated that victim services must remain a funding priority.

The Governor and Attorney General discussed the Supreme Court's changing its approach to appellate defender motions to withdraw for frivolous appeals. This will increase the workload of both the State Public Defender's Office and the Office of the Attorney General. The Governor indicated he may follow up with the Chief of the Supreme Court.

Department of Management Director Dave Roederer asked if assistance to counties is increasing or decreasing over the years. Attorney General Miller indicated it has been a fairly constant caseload dealing with homicides, sex offenders, and county corruption cases.

Mr. Roederer asked about the workload of the Consumer Protection Division. Attorney General Miller indicated the Office is assisting with the mortgage hotline and with the banking system in Iowa.

The Governor and Attorney General discussed the speed cameras that are becoming more prevalent. There is a concern that the cameras may be a new revenue stream for local governments rather than a tool to improve public safety.

Homeland Security and Emergency Management Division (Department of Public Defense). Mark Schouten, newly appointed head of Homeland Security, provided the update. There are currently 14 open Presidential disaster declarations with approximately \$1.7 billion in pending federal funds. All 99 counties had at least one Presidential disaster last year with some counties having five to seven. The 2008 flooding in Johnson and Linn Counties resulted in approximately 1,300 claims and 285 are being appealed by FEMA.

Department of Corrections. Mr. David Erickson, Chair of the Board of Corrections, remarked on Iowa's integrated corrections system and the important role Community-Based Corrections (CBCs) play in monitoring the majority of offenders. Director Baldwin recognized the CBC District Directors.

Director Baldwin reviewed a report from the Pew Center for the States that shows four of the 10 states with the greatest drop in crime were also among the top 10 states that lowered their incarceration rates. He also indicated that lowa's prison incarceration rate is higher than its crime rate. He stated the challenge was to remain within appropriated resources while increasing public safety. Director Baldwin then introduced the Deputy Directors that presented information regarding:

- Community residential facilities recently built or currently under construction.
- Construction of prison beds at Mitchellville and Fort Madison.
- Implementation of evidence-based practices to manage the offender population.
- Plans to reduce recidivism by concentrating on high-risk cases, using the validated risk assessment tool Level of Services Inventory-Revised (LSI-R). The Governor commented that using a risk assessment tool is an effective method of managing risk in communities.
- Providing opportunities for offender re-entry into the community by collaborating with Iowa Workforce Development and the Departments of Human Services, Public Health, and Inspections and Appeals.

Office of the State Public Defender (Department of Inspections and Appeals). State Public Defender Sam Langholz presented the FY 2013 budget. Mr. Langholz provided an overview of the Office structure, locations of local offices around the State, indigent defense spending (public defenders and private attorneys), and cost comparisons between public defenders and the private bar. The cost per case for public defenders is \$272 while the cost per claim for private attorneys is \$444.

In FY 2011, additional staff was added to existing offices and a new local office was opened in Ottumwa. This resulted in approximately \$599,000 in cost containment. Additional savings should occur in FY 2012, as the staff was not on board for a full year in FY 2011.

Mr. Langholz indicated the following fiscal challenges:

- Lack of control over criminal and juvenile court filings and limited control over costs of representation.
- The Supreme Court case, Simons v. State Public Defender, struck down flat fee contracts for appellate cases. This has increased costs for appeals because private attorneys are submitting itemized bills in excess of the original contract caps.
- The Supreme Court is changing its approach to appellate defender motions to withdraw for frivolous appeals. This will increase the workload of both the State Public Defender's Office and the Office of the Attorney General. The Governor indicated he may follow up with the Chief of the Supreme Court.

 The Judicial Branch is implementing the Electronic Document Management System (EDMS). In the short term, this will impact the support budget for the State Public Defender's Office (shifting some work currently performed by the Clerk of Court offices to the State Public Defender). In the long term, there should be savings as the criminal court system becomes paperless.

Mr. Langholz outlined opportunities for cost savings including:

- Implementing an online indigent defense claim submission system. The Office is in the process of issuing a Request for Proposals (RFP).
- Increasing the use of specialized contracts with attorneys and other providers.
- Evaluating targeted expansions of local public defender offices.

Department of Public Safety. Commissioner Larry Noble presented the status quo FY 2013 budget request. The Commissioner reviewed the Department of Public Safety's organization and responsibilities to maintain public safety. The FY 2013 General Fund budget request is \$85.6 million. The General Fund provides 73.0% of the Department's total resources. Of the total resources within the Department, \$93.2 million or 80.0% of the total is used for salaries. Of the total personnel, 642 or 67.0% of the total personnel is sworn personnel.

Civil Rights Commission. Beth Townsend, Civil Rights Commission Director, presented the Governor with a status quo budget request for FY 2013. Highlights included:

- The administrative unit has been reorganized.
- Three positions were reclassified and downgraded. Salary expenditures are expected to decrease in FY 2013 due to staff turnover and retirements. Work rules for the office have been established.
- The screening process for civil rights complaints has been overhauled. Attorneys for the plaintiff and the respondents are involved in an in-depth screening process so cases can be resolved quickly.
- Twenty attorneys statewide have agreed to be mediators for the Commission. Mediators are paid
 mileage but not compensation. The Governor indicated these people would be great candidates for
 his volunteer recognition award.
- The U.S. Department of Housing and Urban Development (HUD) is revising its standards for hearing cases. Agencies will be required to hear at least 10 HUD cases annually in order to be qualified by HUD. This is expected to shift cases from local civil rights commissions to the State Civil Rights Commission.
- There is a significant lack of information from both HUD and the Equal Employment Opportunity Commission (EEOC) regarding federal funding.
- Technology updates for hardware, software, scanners and WESTLAW have been implemented.

The Director stated the goal of the Commission is to complete cases within six months of filing, and to reduce litigation in State courts. She indicated more public hearings before the Civil Rights Commission may occur.

Board of Parole. Elizabeth Robinson, Chair of the Board, presented the FY 2013 budget request. She indicated:

- The Board is conducting a cost analysis of implementing a paperless system.
- Board members would need secure internet connections to vote on Parole Board decisions from mobile devices.
- The cost analysis will include scanning confidential files onto a secure network.

The Board had significant turnover in membership over the last three years. New members are scheduled to receive training in March, as well as ongoing on the job training. Parole grants from prison increased by 4.7% from FY 2010 to FY 2011. The Board is not requesting an increase for its operating budget in FY 2013. The Board may request additional funds to implement its paperless system, depending on the outcomes of the cost analysis.

lowa Law Enforcement Academy (ILEA). Director Arlen Cienchanowski presented a status quo budget for

FY 2013. In October of 2011, the ILEA received an appropriation transfer of \$105,000 from the Indigent

Defense Fund to help close the books due to a reduction in attendance by local law enforcement agencies in FY 2011. The Director indicated that decreased attendance is again an issue in FY 2012, going from 160 total students in FY 2011 to an estimated 151 students in FY 2012. This is estimated to be a reduction in revenue of approximately \$40,000. To address this shortfall, the Director is holding three FTE positions vacant – two instructors and one maintenance person. Routine maintenance is being done by the Director and Assistant Director and instruction is being done by local law enforcement in exchange for a decrease in tuition. In addition, ILEA has a surplus of ammunition which will save between \$100,000 and \$175,000 for FY 2012.

Department of Public Defense. The lowa National Guard brings in \$37 federal dollars for every State dollar spent. Due to anticipated decreases in the federal budget, the Department anticipates a reduction in military construction and a reduction in deployments over the next year. As more troops come back to lowa, the General said an increase in tuition assistance is needed. Approximately \$5.3 million is needed to fund tuition assistance at 100.0%. This equates to 1,500 unduplicated students or 2,400 semester awards for one year. The Department is requesting an increase of \$148,000 from the General Fund to fill the vacant deputy adjutant general army position.

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TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS SUBCOMMITTEE

Department of Transportation. Compared to estimated FY 2012, the Department is requesting a net increase of \$2.1 million for operations and special purpose appropriations that includes: \$1.3 million for road salt costs, \$203,000 for equipment depreciation, \$330,000 for traffic line marking paint, \$130,000 to support additional miles, \$45,000 for worker compensation payments, and \$19,000 for personnel and utility services from the Department of Administrative Services. Also reflected in the Department request is a transfer of \$251,000 and 3.0 FTE positions from the Highway budget to the Operations Division.

In addition, the FY 2013 requests include \$7.8 million, a net increase of \$2.8 million, for capital projects that were previously enacted in HF 683 (FY 2012 Transportation Appropriations Act) and no additional legislative action is required

The Department is requesting \$8.8 million for multimodal funding for various grants programs related to aviation, freight rail, public transit, and recreation trails. The funding request matches the same level as the FY 2012 appropriations. Funding for the multimodal grant programs is typically provided from the Rebuild Iowa Infrastructure Fund.

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INMATE GERIATRIC AND PSYCHIATRIC PATIENTS STUDY COMMITTEE

Study Committee Meeting. The Inmate Geriatric and Psychiatric Patients Study Committee met November 30, 2011, in Des Moines. Director John Baldwin of the Department of Corrections presented the Department's report for treatment options for geriatric and psychiatric patients. The report was based on input from the Departments of Human Services, Aging, Public Health, Inspections and Appeals, Corrections, and the Board of Parole. Director Baldwin also provided information regarding costs comparisons of nursing homes and gero-psychiatric care, care provided by the University of Iowa Hospitals and Clinics, and the forensic hospital at Oakdale. Director Baldwin also provided an overview of the DOC's interaction with the Board of Parole, data exchanges, and release recommendations. Other presentations included:

• Superintendent Mark Lund presented an overview of the Clarinda Treatment Complex, concentrating on services provided by the Department of Human Services. The Clarinda Treatment Complex houses a mental health institute, State prison, Clarinda Academy (private youth program), Zion

- Recovery Services (six-county adult male substance abuse in-patient substance abuse treatment program), and Waubonsie Mental Health Center (three county out-patient mental health center). Space is available to house more gero-psychiatric patients, but additional funds are required.
- State Medicaid Director Jennifer Vermeer and Division Administrator Rick Shults presented information regarding federal Medicaid requirements. Generally, the recipient must be at least 65 years of age and on probation or parole to receive Medicaid. Superintendent Jason Smith provided a synopsis of treatment profiles for civilly committed sex offenders.
- Board of Parole Chair Elizabeth Robinson explained the Board's risk assessment tool, as well as information considered for granting a release from prison.

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UPDATE – ELECTRONIC DOCUMENT MANAGEMENT SYSTEM (EDMS)

Plymouth County: The Plymouth County pilot project of the EDMS is complete. The pilot began on January 4, 2010. However, minor technical problems during the first week required a temporary suspension of the pilot project. These issues were resolved and the pilot resumed on February 22. All cases initiated in Plymouth County since January 1, 2010, are electronic and additional filings are being handled electronically. As of November 23, 2011, 10,687 total cases had been electronically filed or converted to an electronic case through the E-File portal and 74,493 documents were stored in EDMS for Plymouth County.

Story County: The Judicial Branch expanded the pilot of EDMS to Story County in November 2010 for civil filings and June 2011 for criminal filings. All cases initiated in Story County since June 1, 2011, are electronic and additional filings are being handled electronically. As of November 23, 2011, 20,852 total cases had been electronically filed (e-filed) or converted to an electronic case through the E-File portal and 113,204 documents were stored in EDMS for Story County. The pilot in Story County is essentially complete with some adjustments being made as more cases are filed and the system is monitored and adjusted for efficiencies.

Sioux County: The Judicial Branch implemented EDMS in Sioux County July 25, 2011, for all case filings. All cases initiated in Sioux County since July 25, 2011, are electronic and additional filings are being handled electronically. As of November 23, 2011, 4,570 total cases had been electronically filed (efiled) or converted to an electronic case through the E-File portal and 13,837 documents were stored in EDMS for Sioux County.

Woodbury County: The Judicial Branch implemented EDMS in Woodbury County on November 1, 2011, for civil filings (except juvenile cases). All civil cases initiated in Woodbury County since November 23, 2011, are electronic and additional filings are being handled electronically. As of November 23, 2011, 3,248 total cases had been electronically filed (e-filed) or converted to an electronic case through the E-File portal and 15,513 documents were stored in EDMS for Woodbury County. Woodbury County juvenile and criminal filings will be brought online on January 24, 2012.

Appellate Courts: The design and development of the Appellate courts has been delayed due to the time taken to complete pilots and adjust the product for further efficiencies for users inside and outside the Court System. The Appellate development and pilot are planned for the first half of calendar year 2012.

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PRISON POPULATION FORECAST FY 2011 - FY 2021

Population Forecast Report. The Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights released its report entitled, "lowa Prison Population Forecast FY 2011 – FY 2021". If current offender behaviors and justice system trends, policies, and practices remain unchanged, the prison population will be approximately 11,330 offenders on June 30, 2021, an increase of 29.1%

over the next decade. The forecast is not meant to be a prediction of what will happen. Rather it serves as a tool for policy makers to review current policies, practices, and procedures.

Overcrowding Estimate. By FY 2021 and without any additional prison beds, overcrowding is expected to reach 147.8% of design capacity. This figure is based on the assumption that the additional beds authorized during the 2008 Legislative Session for Fort Madison and Mitchellville will be operating by FY 2021. The overcrowding is expected to occur for male prisoners.

Infrastructure Needs. If the prison population reaches 11,330 inmates, three additional 800-bed prisons will need to be built, in addition to the expansions authorized at Fort Madison and Mitchellville. If three additional prisons are built over the next decade, projected design capacity will be 10,066 beds with a projected population of 11,330 offenders; the prison system would be operating at 112.6% of capacity. The cost of one 800-bed prison with a mix of medium and minimum custody levels is approximately \$85.0 million in construction costs; construction of three such prisons would be approximately \$255.0 million. Operating costs are estimated to be at least \$30.0 million annually per prison.

Reasons for Increase. There are several reasons for the projected increase in the prison population:

- Parole releases have increased by 5.1% when FY 2011 data is compared to FY 2010. However, parole releases decreased from FY 2007 through FY 2010. There were 1,449 parole releases in FY 2011, a significant decrease (37.2%) compared to FY 2006 (2,307 parole releases).
- There were 1,444 offenders released in FY 2011 due to expiration of sentence. These offenders served their full term in prison and are not supervised upon their release. Only parole releases exceed the number released due to expiration of sentence. This category of releases is increasing primarily due to:
 - Offenders refusing a parole grant. They may be close to final discharge of sentence and refuse early release so they can be released without supervision.
 - The Board of Parole wanting to incapacitate offenders as long as possible.
 - Offenders may have been previously released to parole or work release and failed. About 38.0% of offenders released due to expiration of sentence in FY 2011 had been previously released on supervision.
 - A lack of community resources and/or high probation and parole caseloads may also factor in to parole or work release decisions.
- The length of stay in prison has been increasing before being released to work release, parole, or final discharge of sentence. The average time served before release for sex offenders, serious misdemeanants, and Operating While Intoxicated (OWI) offenders increased from FY 2010 to FY 2011.
- The number of probation revocations to prison increased to a record high of 1,553 admissions in FY 2011. This is an increase of 11.3% compared to FY 2010 and 34.3% compared to 10 years ago.
- The number of Class B felons in prison is expected to continue increasing in the future.
- The number of sex offenders in prison is expected to increase significantly in future fiscal years. This
 is primarily due to the 2005 amendments to the Criminal Code that imposed longer sentences for
 certain sex offenses, as well as special sentences that are served after the original sentence is
 discharged. Revocation to prison from special sentences is occurring at a higher rate than originally
 predicted.

Report Online. Click on <u>lowa Prison Population Forecast</u> for more information.

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LEGAL REPRESENTATION IN CHILD WELFARE CASES

Final Meeting. The final meeting to review the issue of representation of the Department of Human Services (DHS) by county attorneys in child welfare cases was held November 14 at the Drake Law School Legal Clinic. The Workgroup is established in Section 12 of <u>SF 482</u> (Department of Human Services Technical Act) to discuss the issues relevant to <u>HF 608</u> (County Attorney Duties) that was introduced in the 2011 Session.

Recommendations. Discussion focused on potential recommendations of the final report. The Iowa County Attorney Association indicated it will pursue the legislative remedies available in HF 608. The Workgroup approved a motion that the DHS, Attorney General's Office, and the Iowa County Attorneys Association mediate their differences, with former Justice Streit serving as the mediator.

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MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA ACTUARIAL COST METHOD AND FY 2012 CITY CONTRIBUTION RATE

Retirement System Meeting. The Municipal Fire and Police Retirement System of Iowa voted at the November 17, 2011, meeting to adopt the Entry Age Normal actuarial cost method with an amortization period equal to 25 years. The Board has filed a Notice of Intended Action for the proposed amendment to administrative rule 16.1. The public comment period ends December 22, 2011. The Board also voted to adopt the city contribution rate for FY 2012 at 26.12%.

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LOSS OF FEDERAL FUNDS – SEX OFFENDER REGISTRY COMPLIANCE

Loss of Federal Funds. Iowa will lose approximately \$200,000 (or 10.0%) of Byrne – JAG (Justice Assistance Grants) federal funding for FFY 2012 due to noncompliance with the Adam Walsh Child Protection and Safety Act of 2006 (Public Law No. 109-248). This will primarily impact the Office of Drug Control Policy and the pass-through funds available to local law enforcement.

Reallocation Program. The U.S. Department of Justice has announced a reallocation program for states that are not in compliance with the Act. States can reapply for the money they are scheduled to lose. However, if a reallocation is awarded, the funds can only be used for Sex Offender Registry enhancements and improvements. If lowa receives a reallocation amount, the Department of Public Safety proposes to use some of the money to update the criminal history database and the remainder of the money would be used to purchase computers and electronic signature pads for Sheriffs' offices who are in need of new computers to be used to register offenders on the State database.

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BOARD OF CORRECTIONS MEETING

Meeting. The Board of Corrections met November 22, 2011, via conference call. Director John Baldwin informed the Board that he is working with Directors from three other states to create a workbook for performance contracting in the corrections field. Iowa already does performance-based contracts, but not all contracts are performance based.

Statutory Changes Proposed. The Board approved the following proposed amendments to lowa law:

- Grant access to confidential records to certain DOC and Community-Based Corrections (CBC) staff.
- Increase the number of days from 15 to 35 for counties to bill the State for reimbursement for holding alleged violators of parole, work release, and Operating While Intoxicated (OWI) conditions in county jails. The proposal also requires the reimbursement request to be denied if not submitted within 35 days of the end of the calendar quarter.
- Increase the penalty from an aggravated misdemeanor to a Class D felony for certain people who
 engage in sexual misconduct with offenders and juveniles.

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AUDIT REPORT: PROCUREMENT – IOWA CORRECTIONS OFFENDER NETWORK

Audit Report. The State Auditor's Office issued a report December 5, 2011, regarding the procurement process in State government. The audit was for the period July 1, 2007, through December 31, 2008. The audit focused on contracting controls and procedures. The report provides findings related to the procurement and ongoing development of the Iowa Corrections Offender Network (ICON) system:

ICON System. The ICON system is an offender management suite of programs. The programs include 10 modules: offender case management, medical/mental health, View (intelligence system), dietary, commissary, grievance, pharmacy, banking, critical incident reporting, and OMail. Examples of what the programs do include facilitating the issuance of smart cards to inmates to make services more efficient and cost effective, streamlining collections from inmates for restitution, child support, DOC sanctions, and savings plans, and reducing paper in mailrooms and the DOC office. The ICON system continues to evolve and develop. Critical modules are implemented to benefit the DOC and the criminal justice community generally. For FY 2011, some of the development included a data exchange between the Criminal Justice Information System (CJIS) with the State sex offender registry, a CJIS Statewide crime code table to be used by the entire criminal justice community, and CJIS electronic pre-sentence investigations (PSIs).

Contract Concerns. The audit report indicates the DOC improperly referenced a master agreement to procure Information Technology (IT) services and no contract was established with the provider Automated Technologies Group (ATG). From FY 2000 through FY 2010, the DOC paid the provider \$22.0 million with no contract in place. The DOC entered into a contract with ATG in FY 2011. The report indicates the Auditor's Office does not understand why it took the DOC so long to have a valid contract in place. The DOC was initially scheduled to receive 50.0% of all licensing fees that ATG generated by selling software modules developed in conjunction with the DOC. Several payments were made to the DOC totaling \$3.6 million between FY 2003 and FY 2007. However, an amendment cancelling the DOC's rights to any licensing fees was signed on July 27, 2003. This cancellation resulted in the loss of potentially millions of dollars in receipts. The Director's explanation for cancellation of the licensing fee agreement could not be documented.

Recommendations. Below are the State Auditor recommendations and the DOC's response.

- The DOC should work with the Attorney General's (AG) Office to decide if further review of the relationship between the DOC and ATG is warranted, and take any corrective action if necessary. The Auditor also recommended that DOC procurement staff and purchasing agents should continue to receive training from the DAS on documentation required for processing payments. The DOC indicated it would work with the AG's Office and the DAS on procurement activities and contracts. The DOC stated that the DAS has granted the Department advance procurement authority, and certain staff are either progressing towards or are certified in advanced procurement procedures. The Auditor accepted this response.
- The Auditor stated the DOC should ensure all future payments to ATG are based on negotiations for
 pricing that is verified to be fair and reasonable. The DOC indicated steps have been taken to
 improve documentation through the change order process. The Auditor's Office indicated that
 change orders are a good control procedure for contracting. However, it has not reviewed the
 change order process of the DOC.
- The Auditor recommended the DOC should determine if hiring staff, rather than contracting for IT services, would be financially beneficial. The DOC's response included a variety of indicators of cost avoidance, such as not building a prison, staff efficiencies, central pharmacy savings, telemedicine capability, and data sharing with the Department of Public Safety. Comparisons to other States' corrections IT costs were also made. No cost analysis of bringing the IT function in-house was provided. The Auditor's Office reiterated that this response does not address whether or not hiring IT staff would be financially beneficial.
- The Auditor recommended Department of Administrative Services (DAS) should implement control
 procedures over service contracts for all State agencies to ensure compliance with purchasing
 requirements. The Auditor also recommended the DAS should review the DOC's procurement

practices with other providers to determine if proper procedures are being followed. The DOC indicated it would continue to work with the DAS. The Auditor accepted this response.

Report Online. The report, *A Review of Statewide Procurement For the Period July 1, 2007 through December 31, 2008*, outlines findings for numerous state agencies and is available at http://publications.iowa.gov/11684/1/0960-8990-B0P3.pdf.

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MEETINGS MONITORED

The following meetings were monitored by Fiscal Services staff.

Meeting	Date	Staff Contact
ICN – RFP Implementation Team Meeting	11/14/2011	Marcia Tannian (281-7942)
HF 608 Study Group Legal Services for Child Welfare Cases	11/14/2011	Beth Lenstra (281-6301)
Environmental Protection Commission	11/14/2011	Deb Kozel (281-6767)
Iowa Electrical Examining Board	11/17/2011	Jennifer Acton (281-7846)
Criminal Justice Information System Advisory Committee	11/17/2011	Jennifer Acton (281-7846)
Municipal Fire and Police Retirement System of Iowa	11/17/2011	Jennifer Acton (281-7846)
		Estelle Montgomery (725-2261)
Iowa Telecommunications and Technology Commission	11/17/2011	Marcia Tannian (281-7942)
Iowa Economic Development Authority Board Meeting	11/18/2011	Kent Ohms (725-2200)
ICN – RFP Implementation Team Meeting	11/21/2011	Marcia Tannian (281-7942)
Board of Corrections	11/22/2011	Beth Lenstra (281-6301)
Inmate Geriatric and Psychiatric Patients Study Committee	11/30/2011	Beth Lenstra (281-6301)
Iowa Workforce Development Board Meeting	11/30/2011	Kent Ohms (725-2200)
Iowa Law Enforcement Academy Council	12/01/2011	Beth Lenstra (281-6301)
IPERS Investment Board Meeting	12/01/2011	Estelle Montgomery (725-2261)
State Soil Conservation Committee	12/02/2011	Deb Kozel (281-6767)
ICN – RFP Implementation Team Meeting	12/05/2011	Marcia Tannian (281-7942)
Department of Natural Resources Water Supply Meeting	12/06/2011	Deb Kozel (281-6767)
Criminal and Juvenile Justice Planning Advisory Council	12/07/2011	Beth Lenstra (281-6301)
Public Safety Advisory Board	12/07/2011	Beth Lenstra (281-6301)
Iowa Finance Authority Board Meeting	12/07/2011	Kent Ohms (725-2200)
Missouri River Flood Recovery Coordination Task Force	12/13/2011	Jennifer Acton (281-7846)
Water Resources Coordinating Council	12/14/2011	Deb Kozel (281-6767)
		Adam Broich (281-8223)
Missouri River Flood Recovery Coordination Task Force	12/20/2011	Jennifer Acton (281-7846)

This document is available on the LSA website: http://www.legis.state.ia.us/Fiscal/fiscupdt/