



March 4, 2011

STATUS OF APPROPRIATIONS BILLS As of March 4, 2011

Appropriation Bills		
Subcommittee Bills		
Administration and Regulation	LSB 1000	Passed House Subcommittee - 2-24
Agriculture and Natural Resources	LSB 1001	Passed House Subcommittee - 2-24
Economic Development	LSB 1002	Passed House Subcommittee - 2-24
Education	LSB 1003	Passed House Subcommittee - 2-24
Justice System	LSB 1005	Passed House Subcommittee - 2-24
Judicial Branch	LSB 1006	Passed House Subcommittee - 2-24
Transportation	LSB 1007	Passed Joint Subcommittee - 2-24
Other Bills		
Appropriation Adjustments	HF 45	House concurred - 2-21. To Governor 3-3.
Tax Changes and Supplemental Appropriations	SF 209	Passed House - 3-1

PROPOSED TUITION AND FEES INCREASES AT THE REGENTS UNIVERSITIES

Tuition and Fee Changes Proposed. The Board of Regents received recommendations for tuition and fee changes for the 2011-2012 academic year at the February 2011 meeting. The undergraduate resident base tuition is proposed to increase by 5.0% for the next academic year. Resident undergraduate mandatory fees are proposed to increase 3.1% at the University of Iowa, 20.4% at Iowa State University, and 4.0% at the University of Northern Iowa. The combined increase for resident base tuition and fees for the University of Iowa is 4.7%; Iowa State University is 7.0%; and the University of Northern Iowa is 4.9%.

Tuition and Fee Changes in Excess of 5.0%. Undergraduate divisions have varying tuition and fees depending on major. The undergraduate majors with increases greater than 5.0% are:

- University of Iowa:
 - Sophomore Engineering – a base resident tuition increase of \$1,308 (21.3%) bringing the tuition to \$7,436. Sophomore tuition is still less than the \$8,504 tuition for upper division engineering students.
 - Freshman Nursing – a base resident tuition increase of \$2,534 (41.4%) to bring the freshman tuition up to the same amount as all other nursing students.
- Iowa State University:
 - Upper Division Business – a base resident tuition increase of \$858 (12.0%) and a mandatory fee increase of \$183 (19.6%) for a combined increase of \$1,041 (12.9%).
 - Upper Division Engineering – a resident mandatory fee increase of \$183 (16.5%) yielding a combined tuition and fee increase of \$589 (6.4%).
 - Upper Division Agricultural System Technology/Industrial Technology – a resident base tuition increase of \$890 (14.6%) and mandatory fee increase of \$183 (16.5%) for a combined tuition and fee increase of \$1,073 (14.9%).

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- University of Northern Iowa: Upper Division Business – a resident base tuition increase of \$806 (11.3%).

Reclassification. Mandatory fees are being recategorized from “tuition-related” and “nontuition related miscellaneous fees” to “academic fees” and “administrative fees.” Various fees have proposed changes.

Board Action. Board action to establish the tuition and fees for the next academic year is expected at the March 2011 meeting.

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SCHOOL DISTRICT REORGANIZATIONS

Merger Agreements. As of December 31, 2010, 16 school districts have formed merger agreements for the school year beginning in the fall of 2011 (2011-2012 school year). Based on the current number of mergers, there will be 351 school districts for the 2011-2012 school year. The following school districts have approved reorganizations (FY 2011 budget enrollments in parenthesis):

- Anita (274.4) and C and M (205.2) will merge to form CAM.
- Nora Springs-Rock Falls (411.0) and North Central (504.0) will merge to form Central Springs.
- Sac (427.1) and Wall Lake View Auburn (524.6) will merge to form East Sac County.
- IKM (418.7) and Manning (385.4) will merge to form IKM-Manning.
- Greene (283.0) and Allison-Bristow (296.1) will merge to form North Butler.
- SCMT (435.8) and Rockwell-Swaledale (328.2) will merge to form West Fork.
- Nishna Valley (218.0) and Malvern (347.2) will merge to form East Mills.
- Lineville-Clio (87.2) and Wayne (532.0) will merge to form Wayne.

Levy Rate Changes. Based on the FY 2011 budget enrollments, these school districts will be eligible to receive the uniform levy rate reduction for the next three years. For FY 2012, the uniform levy rate for these districts will be reduced by \$1.00/\$1,000 of taxable valuation with State aid accounting for the difference. The Legislative Services Agency (LSA) estimates that for FY 2012, State aid will increase by approximately \$2.0 million as a result of the uniform levy rate reduction for these districts.

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FISCAL IMPACT OF THE SIMMONS CASE – SUPREME COURT DECISION

Supreme Court Ruling. The Iowa Supreme Court issued an opinion on November 24, 2010, regarding the case of *Kent A. Simmons vs. the Iowa State Public Defender*. The Supreme Court case involved fee limits and attorney contracts in relation to private attorneys appealing adult criminal indigent defense cases. There is no impact at the trial level or on juvenile cases.

Rule Changes. The State Public Defender's Office presented rules to the Administrative Rules Committee effective December 7, 2010, that brought the rules into compliance with the Supreme Court decision. The rules clarified definitions and procedures to address concerns raised by the Supreme Court while maintaining current practice.

Fiscal Impact: As of February 2011, the fiscal impact of the Supreme Court case is expected to be minimal due to:

- The ruling applies to a limited number of cases (no more than 10.0%) of criminal cases heard at the appellate level by private attorneys.
- The administrative rules were revised to maintain current practice.

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UPDATE ON LUSTER HEIGHTS PRISON CAMP

Prison Camp Staffing Requirements. Senate File 2378 (FY 2011 Justice System Appropriations Subcommittee Act) required the Luster Heights Prison Camp to have two part-time registered nurses and seek volunteer licensed medical personnel to serve at the facility. The Camp is required to have one full-time substance abuse counselor for a certified substance abuse treatment program, and to operate the facility at its 88-bed capacity. The Department of Corrections (DOC) is required to place offenders at the Luster Heights Prison Camp that have been approved by the Board of Parole for work release, and are on a waiting list for a community-based corrections (CBC) bed, as long as the placement does not prevent another offender from receiving substance abuse treatment.

Staffing Update. The Camp does not currently have two part-time registered nurses at Luster Heights. The Camp does utilize nurses from the Anamosa State Penitentiary to meet the medical needs for the offender population. The Luster Heights Prison Camp has three staff members that are certified substance abuse counselors. They conduct substance abuse classes in addition to other group counseling sessions and maintain a caseload. The substance abuse treatment program at Luster Heights is certified. The Camp has been operating at or near capacity since the start of FY 2011. Work release offenders have been going to Luster Heights to await transfer to a halfway house. The current budget for the Luster Heights Prison Camp is \$1.5 million and 17.0 FTE positions and 15 positions are currently filled. Funding includes \$654,300 from the General Fund and \$846,190 from the Public Safety Enforcement Fund (PSEF) in FY 2011. The PSEF is repealed at the end of FY 2011.

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IOWA PRISON POPULATION FORECAST – FY 2010-FY 2020

Prison Population Forecast Report. The Criminal and Juvenile Justice Planning Division (CJJPD) of the Department of Human Rights released its report entitled, "Iowa's Prison Population Forecast FY 2010 – FY 2020." The Report indicates if current offender behaviors and justice system trends, policies, and practices remain unchanged, the prison population will be approximately 10,409 inmates by June 30, 2020, an increase of 21.0% over the next ten years. The female population is expected to increase by 179 offenders (25.3%) while the male population is expected to increase by 1,628 offenders (20.6%).

Prison Capacity. By FY 2020 and without any additional prison beds, overcrowding is expected to reach 135.8% 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 2020. If the population reaches 10,409 inmates, two additional 800-bed prisons will need to be built, in addition to the expansions authorized at Fort Madison and Mitchellville. If two additional prisons are built over the next decade, projected design capacity will be 9,266 beds with a projected population of 10,409 offenders; the prison system would be operating at 112.3% 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 two such prisons would be approximately \$170.0 million. Operating costs are estimated to be at least \$30.0 million annually per prison.

Report Findings. The forecast predicts the prison population will increase through the end of FY 2011, with a 3.9% increase in the year-end population compared to FY 2010. The Report findings include:

- A continuing decrease in the number of offenders released to supervision, with an accompanying increase in the average length of stay in prison before being released for the first time, increases the population. Parole releases peaked at 2,307 in FY 2006, and have decreased steadily for each of the last four years.
- The number of Class B felons in the prison system is expected to increase over the next 10 years. Many of these offenders are expected to be incarcerated for drug-related offenses. Prison commitments for drug offenses increased in FY 2010 after four years of decline.
- The impact of special sentence revocations has continued to be greater than expected. Sex offenders serve their original sentence, and then must serve a special sentence of either 10 years or

lifetime supervision. Offenders are being revoked to prison from the special sentence at a higher rate than originally expected. This factor increases the population.

- New court commitments (new court-ordered commitments and probation revocations) increased in FY 2010 after decreasing for each of the last three years.
- Dispositions of felony filings have decreased by 27.0% since FY 2003 (when it peaked at 31,149). However, felony convictions remained relatively stable during that period.
- Prison commitments for offenders with drug offenses as the lead offense increased in FY 2010, while they had decreased for each of the last five years. Approximately 44.0% of drug offenders admitted to prison in FY 2010 had a conviction related to methamphetamine, amphetamine, or a precursor.
- Iowa has a high rate of imprisonment of African Americans. Methamphetamine admissions are primarily white offenders while cocaine admissions are primarily black offenders. Methamphetamine admissions increased by 54 (whites accounted for 48) and black cocaine admissions decreased from 111 to 102. The slight increase in black drug admissions in FY 2010 was primarily due to increasing marijuana convictions.
- Iowa prisons will have a greater number of sex offenders in future years.
- The prison population is aging and this may have a significant fiscal impact in the future for health-related expenses.
- The number of offenders released due to expiration of sentence (with no community supervision) has increased steadily since FY 2004. There were 1,323 releases due to expiration of sentence in FY 2010, an increase of 46.3% compared to FY 2000. The increase is due to several factors, including the offenders' refusal of parole, the Board of Parole's desire to incapacitate dangerous offenders, and previous failures on parole or work release. Approximately 40.0% of offenders released due to expiration of sentence had been revoked from a previous supervised release.
- The number of offenders supervised by Community-Based Corrections (CBC) on probation has remained relatively stable over the last 10 years. However, the number of probationers revoked to prison has increased almost 38.0% over the same period. This increase coincides with a decrease in new direct court commitments to prison. It appears that more offenders are being granted a chance at supervision in the community rather than being directly sentenced to prison.

Alternatives. The CJJPD's report provides a summary of initiatives that may reduce the projected prison population. These include:

- To the extent the Public Safety Advisory Board proposes changes to criminal law and processes, there may be opportunities for a more efficient justice system.
- Improved communication between the DOC and the Board of Parole. The Board's expectations for offender treatment should be communicated early in an offender's sentence, so the DOC may provide those treatment services before the offender is eligible for parole.
- The DOC's emphasis on evidence-based practices and offender re-entry may decrease the rate of return to prison.
- Sentencing changes or fewer direct court commitments to prison. Funding treatment at the community level and allocating funds to the CBC District Departments may serve as alternatives to incarceration.
- Examine Iowa's sentencing policies and practices for drug offenses. There is a possibility that offenders in prison may receive substance abuse treatment safely in a community-based setting. Drug courts may divert some offenders from prison.

The full report is available at: [Iowa Prison Population Forecast FY 2010 – FY 2020](#).

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BOARD OF CORRECTIONS MEETING

Board Meeting. The Board of Corrections met January 7, 2011, at the Central Office in Des Moines. Agenda items included:

- Director John Baldwin informed the Board that the Department of Corrections (DOC) staff received training from the National Alliance on Mental Illness (NAMI) of Indiana, sponsored by the National Institute of Corrections. This train-the-trainer opportunity permits the DOC to incorporate training that

addresses mental illness of offenders into its training curriculum. The Board received testimony from a parent of a mentally ill person as well as a mental health consumer. Both presenters are members of NAMI Iowa.

- Warden Dan Craig, Iowa Medical and Classification Center at Oakdale, updated the Board on the forensic hospital and training needs of staff.
- Research Director Lettie Prell provided information regarding the Public Safety Advisory Board and referred members to the [2010 Report to the Legislature](#).
- Deputy Director Brad Hier provided an update on construction at Fort Madison and Mitchellville. The projects are proceeding according to schedule. A Notice of Intent to Award a contract has been issued to Walsh Construction for work at Mitchellville.
- Sixth Community-Based Corrections (CBC) District Director Gary Hinzman provided information to the Board regarding research of caseload sizes as well as span of control and mission of CBC.
- Legal Counsel Michael Savala provided an update on a recent policy change regarding telephone access to attorneys by inmates. Attorneys may pre-pay telephone calls; the funds are held on the inmate's account for that specific attorney's use. The policy provides for certain exceptions, such as preparation for court proceedings. Additional information is available on the [DOC web site](#).

Next Meeting: The Board is scheduled to meet March 4, 2011, in Waterloo.

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RECENT PUBLICATIONS

Recent Publications. The Fiscal Services Division has recently published the following:

NOBAs (Notes on Bills and Amendments)

HF 45 (Appropriation Adjustments Bill) – the following versions:

- [Proposed House Appropriations Committee Action \(1-12-2011\)](#)
- [House Appropriations Committee Action \(1-17-2011\)](#)
- [House Floor Action \(1-25-2011\)](#)
- [Senate Appropriations Committee Action \(2-16-2011\)](#)

SF 209 (Tax Changes and Supplemental Appropriations Bill) – the following versions:

- [Senate Appropriations Committee Action \(2-17-2011\)](#)
- [Senate Floor Action \(2-21-2011\)](#)
- [House Appropriations Committee Action \(2-24-2011\)](#)

[HSB 189 \(Administration and Regulation Appropriations Bill\) – House Subcommittee Action](#)

[HSB 192 \(Education Appropriations Bill\) – House Subcommittee Action](#)

FISCAL NOTES:

SF 302	Endow Iowa Tax Credit Limit	3/1/2011
HF 391	School Infrastructure Funding, Joint Projects	3/1/2011
SF 30	Bingo Sales Tax Exemption (Net Receipts)	2/23/2011
HF 302	Bingo Sales Tax Exemption	2/23/2011
HF 278	Eluding Law Enforcement in Motor Vehicle	2/23/2011
HF 299	Public Utility Property, Trespassing	2/23/2011
HF 254	Iowa Communication Network User Flexibility	2/21/2011
HF 119	Volunteer Firefighter and Emergency Medical Service	2/21/2011

SF 192	Snowmobile Trail Maintenance and Enhancement	2/21/2011
HF 260	School District Home Rule	2/16/2011
SF 75	Active Duty Pay Income Tax Exclusion, Op. New Dawn	2/15/2011
HF 141	Military Active Duty Income Tax Exemption	2/15/2011
SF 205	DOT Motor Vehicle Changes	2/15/2011
HF 134	Enterprise Zone Penalty and Interest	2/15/2011
SF 166	Categorical Allowable Growth	2/14/2011
SF 167	Regular Allowable Growth	2/9/2011
SF 124	Cell Phones as Contraband	2/8/2011
SF 93	Strangulation	2/8/2011
HF 194	Income Tax Rate Reduction	2/7/2011
HF 185	School Aid	2/7/2011
HF 189	School District Property Tax	2/7/2011
HF 184	State Categorical School Aid	2/7/2011
HF 95	Voter Photo Identification Requirement	1/27/2011
HF 94	State Budget Searchable Database	1/26/2011

ISSUE REVIEWS

[Department of Corrections Centralized Pharmacy](#)
[State of Iowa's Full-Time Equivalent Positions and Personnel Costs](#)
[General Fund Revenue Transfers and Appropriation Shifts](#)

FISCAL TOPICS

[Iowa Veterans Home](#)
[Budget Unit: Iowa Veterans Home](#)
[Budget Unit: Addictive Disorders](#)
[Budget Unit: Child Care Assistance](#)
[Budget Unit: The World Food Prize](#)
[Budget Unit: Division of Criminal Investigation](#)
[Budget Unit: State Children's Health Insurance Program](#)
[Budget Unit: Office of the Attorney General](#)
[Budget Unit: Regents Universities General Education](#)
[Budget Unit: Public Employment Relations Board](#)
[Budget Unit: Department of Agriculture and Land Stewardship -- Administrative Division](#)
[Budget Unit: Natural Resources Operations](#)
[Budget Unit: Department of Administrative Services](#)
[Budget Unit: Rebuild Iowa Office](#)
[Budget Unit: Board of Parole](#)
[Budget Unit: Iowa State Patrol](#)
[Budget Unit: Secretary of State](#)
[Budget Unit: Iowa Law Enforcement Academy \(ILEA\)](#)
[Budget Unit: Medicaid](#)
[Budget Unit: Department of Transportation Motor Vehicle Division](#)
[Budget Unit: Archiving Papers of Former Governors](#)
[Budget Unit: Iowa Tuition Grant](#)
[Budget Unit: Treasurer of State](#)
[Budget Unit: Community College General Aid](#)
[Budget Unit: Statewide Voluntary Preschool](#)
[Budget Unit: Iowa Public Television](#)
[Budget Unit: Department of Transportation Highway Division](#)
[Budget Unit: Iowa Civil Rights Commission](#)
[Budget Unit: Auditor of State](#)

[Criminal Justice Information System \(CJIS\)](#)

OTHER ITEMS

[Monthly Revenue Memo](#)

[Video version of Monthly Revenue Memo](#)

[Twelve-month total Tax Report](#)

[Monthly Medicaid Forecast](#)

[Summary of FY 2012 and FY 2013 Budget and Governor's Recommendations](#)

[Preliminary Summary of FY 2012 and FY 2013 Budget and Governor's Recommendations](#)

[Summary of FY 2012 Budget and Department Requests](#)

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This document is available at: <http://www.legis.state.ia.us/Fiscal/fiscupdt/>