
LEGAL UPDATE

Legal Services Division



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STATE GOVERNMENT EFFICIENCY REVIEW COMMITTEE MEETING — NOVEMBER 13, 2019 — REVISED

Purpose. *Legal updates are prepared by the nonpartisan Legal Services Division of the Legislative Services Agency. A legal update is intended to provide legislators, legislative staff, and other persons interested in legislative matters with summaries of recent meetings, court decisions, Attorney General Opinions, regulatory actions, federal actions, and other occurrences of a legal nature that may be pertinent to the General Assembly's consideration of a topic. Although an update may identify issues for consideration by the General Assembly, it should not be interpreted as advocating any particular course of action.*

Co-chairperson: Senator Roby Smith

Co-chairperson: Representative Bobby Kaufmann

Overview. The State Government Efficiency Review Committee, created in Iowa Code section 2.69, is charged with reviewing the efficiency of state government operations and submitting reports and recommendations to the General Assembly.

Office of the Chief Information Officer (OCIO). Ms. Annette Dunn, Chief Information Officer, provided an update on government technology services including major technology enhancements since 2015. She stated that the OCIO has increased efficiency and service levels by contracting with third-party vendors, including for desktop support, cloud services, and website operations. She also outlined cyber security efforts of the OCIO, including collaborations with other state agencies, the development of security plans, the implementation of awareness campaigns, and the pursuit of federal and other sources of outside funding. Ms. Dunn stated that computer systems statewide are in need of upgrades to meet citizen demands, comply with legal requirements, and keep up with system requirements. She suggested that the Hoover Data Center has been subject to several natural disasters and that it would be best to move the services to a third-party vendor. Ms. Dunn explained that the OCIO is funded through fees charged to state agencies for services, as well as through the IOWAccess Revolving Fund and the state broadband fund. She stated that not all state agencies utilize the OCIO for all technology services and that the office also serves some counties, schools, and cities. Ms. Dunn expressed an interest in creating a single Internet portal for the payment of all government fees.

Questionnaire Review. Co-chairperson Smith briefly explained a questionnaire on the structure and operations of state government that was sent to all departments and agencies of the state of Iowa, including certain boards, councils, and commissions.

Department of Public Health. Mr. Gerd Clabaugh, Director, Department of Public Health, discussed the licensing functions of the Department of Public Health. He stated that most boards under the department perform licensing functions, with 19 boards administering 39 different licenses. He stated that there are roughly 200,000 active licenses under the Department of Public Health. Mr. Clabaugh stated that the department has increased efficiency by sharing staff and responsibilities among boards and that the department has eliminated six full-time equivalent positions since 2017. Speaking on the funding of boards, Mr. Clabaugh stated that most boards are funded through fees. However, fees often go many years without increasing, resulting in some boards being underfunded, and there are inconsistencies in the Iowa Code regarding fee retention by boards. Mr. Clabaugh suggested that the General Assembly

might consider a moratorium on new licenses, increase license portability, and provide a clearer process for fee adjustment.

Division of Banking. Mr. Rodney Reed, Bureau Chief, Professional Licensing Bureau, Iowa Division of Banking, spoke regarding the licensing functions of the division. He stated that the boards under the Professional Licensing Bureau share 11 full-time equivalent staff positions. Mr. Reed stated that the boards use one of two different computer systems for licensing. He suggested that some of the smaller boards under the bureau could be combined to save about \$7,000, but that it would result in the elimination of some jobs.

Division of Labor. Mr. Rod Roberts, Commissioner, Iowa Division of Labor, spoke on the history and functions of the division. He stated that the division regulates a wide variety of industries and individuals. He stated that the division had difficulty filling one position on the boiler and pressure vessel safety board reserved for manufacturers. He outlined the occupational safety and health consultation and investigation functions of the division, its labor violation investigation functions, and the division's collaboration with the Department of Public Health on the registration of contractors. Mr. Roberts stated that the division had improved its check-cashing process by eliminating waste. He stated that the division was working on increasing the availability of online payments but that no software currently existed that would serve the division's needs. Mr. Roberts also described the division's role in overseeing certain professional athletic events.

Department of Public Safety. Mr. Kevin Winker, Director, Investigative Operations; Mr. Chandlor Collins, Policy Advisor; and Mr. Don Wood, State Fire Marshal, discussed the functions of the Department of Public Safety. Mr. Winker stated that the department's system for maintaining criminal records and responding to records requests was outdated, which caused significant delays in responding to investigation requests. Mr. Winker also stated that the system made it difficult to comply with uniform crime reporting requirements. With respect to efficiency, Mr. Winker suggested that a centralized licensing website would streamline the licensing process, that fees should be revisited more regularly to reflect costs, and that building code responsibilities should be consolidated to one board, as such functions are currently managed by six boards in three departments.

Department of Administrative Services. Mr. Jim Kurtenbach, Director, Department of Administrative Services gave an update on the functioning of the department. Mr. Kurtenbach gave a brief history of the department. Mr. Kurtenbach expressed concern regarding being able to hire sufficient staff and the need to update both facilities and technology. He stated that consolidating human resources functions allowed the department to charge lower rates to state agencies and to refund about \$250,000 annually to the General Fund. Mr. Kurtenbach stated that significant new funding would be needed to remediate or replace current state buildings that are in need of improvements.

Office of the Ombudsman. Ms. Kristie Hirschman, Ombudsman, discussed investigations undertaken by her office regarding the Iowa Public Information Board and the Professional Licensing Bureau. Ms. Hirschman stated that her office's investigation concluded the Iowa Public Information Board twice violated open meeting laws and resisted a subpoena from her office for records relating to closed meetings. With respect to her office's investigation of the Professional Licensing Bureau, Ms. Hirschman shared her conclusions that professional licensing boards ignored conflicts of interest when issuing disciplinary decisions, board members disparaged licensees and complainants, performed weak investigations, dismissed complaints without explanation, and rarely acted in a transparent manner. Ms. Hirschman suggested Iowa Code changes that would require boards to be more transparent and subject their dismissals of complaints to judicial review.

Department of Management. Mr. Dave Roederer, Director, Department of Management, discussed the functions of the department. Mr. Roederer addressed the department's role in certifying budgets for state agencies and local governments, complying with the Accountable Government Act and Taxpayer Transparency Act by posting information on a website designed for containing all such information. He also described the department's usage of process improvement methods and training events to eliminate waste and increase efficiency in the department and other state agencies. Mr. Roederer stated that the

department's usage of electronic budget certification worked fairly efficiently. He expressed concerns regarding the number of requests for fiscal notes received by state agencies, stating that the agencies have difficulty prioritizing requests and completing them in a timely manner.

Committee Discussion. The committee reviewed comments submitted by the public to the Internet site of the General Assembly and discussed the potential of bills being submitted by the committee.

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