

Reprinted

FILED FEB 07 1989

SENATE FILE 170
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 189)

Passed Senate, Date 2/14/89 (p.390) Passed House, Date 3-9-89 p.719
Vote: Ayes 48 Nays 0 Vote: Ayes 76 Nays 18
Approved May 15, 1989

A BILL FOR

1 An Act relating to personnel serving the consumer advocate
2 division of the department of justice and the utilities
3 division of the department of commerce, deleting provisions
4 relating to the consumer advocate's authority to utilize
5 employees of the utilities division, expanding the authority
6 to employ consultants and technical advisors pursuant to
7 contract, revising provisions relating to compensation, and
8 providing effective dates.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE FILE 170

S-3048

1 Amend Senate File 170 as follows:
2 1. Page 1, by striking lines 22 through 26 and
3 inserting the following:
4 "3. SALARIES, EXPENSES, AND APPROPRIATION. The
5 salary of the consumer advocate shall be fixed by the
6 attorney general within the salary range set by the".

By BOB M. CARR

S-3048 FILED FEBRUARY 8, 1989

Adopted - 2-14-89 (p.390)

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1 Section 1. Section 475A.3, Code 1989, is amended to read
2 as follows:

3 475A.3 OFFICE -- EMPLOYEES -- EXPENSES.

4 1. OFFICE. The office of consumer advocate shall be a
5 separate division of the department of justice and located at
6 the same location as the utilities division of the department
7 of commerce. Administrative support services ~~shall~~ may be
8 provided to the consumer advocate division by ~~the utilities~~
9 ~~division of~~ the department of commerce.

10 2. EMPLOYEES. The consumer advocate may employ attorneys,
11 legal assistants, secretaries, clerks, and other employees the
12 consumer advocate finds necessary for the full and efficient
13 discharge of the duties and responsibilities of the office.
14 The consumer advocate may employ consultants as expert
15 witnesses or technical advisors pursuant to contract ~~in any~~
16 ~~proceeding in which the consumer advocate division is a party~~
17 as the consumer advocate finds necessary for the full and
18 efficient discharge of the duties of the office. Employees of
19 the consumer advocate division, other than the consumer
20 advocate, are subject to merit employment, except as provided
21 in section 19A.3.

3048-22 3. SALARIES, EXPENSES, AND APPROPRIATION. The
23 Notwithstanding 1988 Iowa Acts, chapter 1267, sections 4 and
24 5, and subsequent amendments to those sections, the salary of
25 the consumer advocate shall be fixed by the attorney general.
26 The salary shall be fixed within the salary range set by the
27 general assembly, notwithstanding 1981 Iowa Acts, chapter 9,
28 sections 6 and 7 and subsequent amendments to those sections.
29 The salaries of employees of the consumer advocate ~~and the~~
30 shall be at rates of compensation consistent with current
31 standards in industry. The reimbursement of expenses for the
32 employees and the consumer advocate ~~are~~ is as provided by law.
33 The appropriation for the office of consumer advocate shall be
34 a separate line item contained in the appropriation from the
35 utility trust fund created pursuant to section 476.10.

SENATE FILE 170
FISCAL NOTE

A fiscal note for SENATE FILE 170 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 170 makes statutory changes to accompany the proposed transfer of staff from the Utilities Board (Department of Commerce) to the Office of the Consumer Advocate (Department of Justice). The proposed legislation provides that the Department of Commerce may provide administrative support services to the Consumer Advocate's Office, but is no longer required to do so. Senate File 170 also expands the Consumer Advocate's authority to contract with outside consultants. The proposed legislation repeals the authority of the Consumer Advocate to utilize employees of the Utilities Board, effective April 1, 1990.

Assumptions

1. Eight positions at the Utilities Board would be transferred to the Office of the Consumer Advocate.
2. An additional three positions would be added to the Office of the Consumer Advocate to accomplish the functional separation from the Utilities Board.
3. The Utilities Board and the Office of the Consumer Advocate are both funded from the Utilities Trust Fund.

Fiscal Effect

There will be no fiscal effect of transferring the eight positions. This transfer would be accomplished by deducting the funds and positions from the Utilities Board, and adding the funds and positions to the Office of the Consumer Advocate.

The additional three positions necessary to complete the functional separation are estimated to cost \$111,115 in FY 1990. This would be funded from the Utilities Trust Fund, and would result in increased billings to utility companies.

Source: Department of Management

(LSB 2013sv, BAL)

FILED FEBRUARY 20, 1989

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 170
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 189)
(AS AMENDED AND PASSED BY THE SENATE FEBRUARY 14, 1989)

_____ - New Language by the Senate

Passed Senate, Date 4-7-89 (p. 719) Passed House, Date 3-9-89 (p. 719)
Vote: Ayes 415 Nays 0 Vote: Ayes 76 Nays 18
Approved May 15, 1989

A BILL FOR

1 An Act relating to personnel serving the consumer advocate
2 division of the department of justice and the utilities
3 division of the department of commerce, deleting provisions
4 relating to the consumer advocate's authority to utilize
5 employees of the utilities division, expanding the authority
6 to employ consultants and technical advisors pursuant to
7 contract, revising provisions relating to compensation, and
8 providing effective dates.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 170

1 Section 1. Section 475A.3, Code 1989, is amended to read
2 as follows:

3 475A.3 OFFICE -- EMPLOYEES -- EXPENSES.

4 1. OFFICE. The office of consumer advocate shall be a
5 separate division of the department of justice and located at
6 the same location as the utilities division of the department
7 of commerce. Administrative support services ~~shall~~ may be
8 provided to the consumer advocate division by ~~the utilities~~
9 ~~division of~~ the department of commerce.

10 2. EMPLOYEES. The consumer advocate may employ attorneys,
11 legal assistants, secretaries, clerks, and other employees the
12 consumer advocate finds necessary for the full and efficient
13 discharge of the duties and responsibilities of the office.
14 The consumer advocate may employ consultants as expert
15 witnesses or technical advisors pursuant to contract ~~in any~~
16 ~~proceeding in which the consumer advocate division is a party~~
17 as the consumer advocate finds necessary for the full and
18 efficient discharge of the duties of the office. Employees of
19 the consumer advocate division, other than the consumer
20 advocate, are subject to merit employment, except as provided
21 in section 19A.3.

22 3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of
23 the consumer advocate shall be fixed by the attorney general
24 within the salary range set by the general assembly,
25 ~~notwithstanding 1981 Iowa Acts, chapter 9, sections 6 and 7~~
26 ~~and subsequent amendments to these sections.~~ The salaries of
27 employees of the consumer advocate ~~and the~~ shall be at rates
28 of compensation consistent with current standards in industry.
29 The reimbursement of expenses for the employees and the
30 consumer advocate are ~~is~~ as provided by law. The
31 appropriation for the office of consumer advocate shall be a
32 separate line item contained in the appropriation from the
33 utility trust fund created pursuant to section 475.10.

34 Sec. 2. Section 475A.4, subsection 2, Code 1989, is
35 amended by striking the subsection.

H 3279-
53240

1 Sec. 3. EFFECTIVE DATES.

532431992

2 1. This section and section 1 of this Act take effect July
3 1, 1989.

4 2. Section 2 of this Act takes effect April 1, 1990.

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SENATE FILE 170

H-3299

1 Amend Senate File 170, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 20.4, subsection 9, Code 1989,
6 is amended to read as follows:

7 9. Persons employed by the state department of
8 justice, except nonsupervisory employees of the
9 consumer advocate division who are employed primarily
10 for the purpose of performing technical analysis of
11 nonlegal issues."

12 2. Page 2, by striking lines 2 and 3, and insert-
13 ing the following:

14 "1. Except as provided in subsection 2 of this
15 section, this Act takes effect July 1, 1989."

16 3. By numbering and renumbering as necessary.

By JOCHUM of Dubuque

H-3299 FILED MARCH 6, 1989

*Pending 3-9-89 (p. 711) adopted 3-9-89
(A 710)*

HOUSE AMENDMENT TO
SENATE FILE 170

S-3240

1 Amend Senate File 170, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 35 the
4 following:

5 "Sec. ____ . Section 20.4, subsection 9, Code 1989,
6 is amended to read as follows:

7 9. Persons employed by the state department of
8 justice, except nonsupervisory employees of the
9 consumer advocate division who are employed primarily
10 for the purpose of performing technical analysis of
11 nonlegal issues."

12 2. Page 2, by striking lines 2 and 3, and insert-
13 ing the following:

14 "1. Except as provided in subsection 2 of this
15 section, this Act takes effect July 1, 1989."

16 3. By numbering and renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3240 FILED MARCH 13, 1989

Senate Concurred 4-17-89 (p. 249)

CARR, CH.
DRAKE
GRONSTAL
DIEGMAN
LLOYD-JONES

SSB 189
STATE GOVERNMENT

SENATE FILE 170
BY (PROPOSED COMMITTEE
ON STATE GOVERNMENT BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to personnel serving the consumer advocate
2 division of the department of justice and the utilities
3 division of the department of commerce, deleting provisions
4 relating to the consumer advocate's authority to utilize
5 employees of the utilities division, expanding the authority
6 to employ consultants and technical advisors pursuant to
7 contract, revising provisions relating to compensation, and
8 providing effective dates.

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1 Section 1. Section 475A.3, Code 1989, is amended to read
2 as follows:

3 475A.3 OFFICE -- EMPLOYEES -- EXPENSES.

4 1. OFFICE. The office of consumer advocate shall be a
5 separate division of the department of justice and located at
6 the same location as the utilities division of the department
7 of commerce. Administrative support services ~~shall~~ may be
8 provided to the consumer advocate division by ~~the-utilities~~
9 ~~division-of~~ the department of commerce.

10 2. EMPLOYEES. The consumer advocate may employ attorneys,
11 legal assistants, secretaries, clerks, and other employees the
12 consumer advocate finds necessary for the full and efficient
13 discharge of the duties and responsibilities of the office.
14 The consumer advocate may employ consultants as expert
15 witnesses or technical advisors pursuant to contract ~~in-any~~
16 ~~proceeding-in-which-the-consumer-advocate-division-is-a-party~~
17 as the consumer advocate finds necessary for the full and
18 efficient discharge of the duties of the office. Employees of
19 the consumer advocate division, other than the consumer
20 advocate, are subject to merit employment, except as provided
21 in section 19A.3.

22 3. SALARIES, EXPENSES, AND APPROPRIATION. The
23 Notwithstanding 1988 Iowa Acts, chapter 1267, sections 4 and
24 5, and subsequent amendments to those sections, the salary of
25 the consumer advocate shall be fixed by the attorney general.
26 The salary shall be fixed within the salary range set by the
27 general assembly ~~7-notwithstanding-1981-Iowa-Acts, chapter-9,~~
28 ~~sections-6-and-7-and-subsequent-amendments-to-those-sections.~~
29 The salaries of employees of the consumer advocate ~~and-the~~
30 shall be at rates of compensation consistent with current
31 standards in industry. The reimbursement of expenses for the
32 employees and the consumer advocate ~~are~~ is as provided by law.
33 The appropriation for the office of consumer advocate shall be
34 a separate line item contained in the appropriation from the
35 utility trust fund created pursuant to section 476.10.

the same location as the utilities division of the department of commerce. Administrative support services ~~shall~~ may be provided to the consumer advocate division by ~~the utilities division of the department of commerce.~~

2. EMPLOYEES. The consumer advocate may employ attorneys, legal assistants, secretaries, clerks, and other employees the consumer advocate finds necessary for the full and efficient discharge of the duties and responsibilities of the office. The consumer advocate may employ consultants as expert witnesses or technical advisors pursuant to contract ~~in any proceeding in which the consumer advocate division is a party as the consumer advocate finds necessary for the full and efficient discharge of the duties of the office.~~ Employees of the consumer advocate division, other than the consumer advocate, are subject to merit employment, except as provided in section 19A.3.

3. SALARIES, EXPENSES, AND APPROPRIATION. The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly ~~notwithstanding 1981 Iowa Acts chapter 97, sections 6 and 7 and subsequent amendments to those sections.~~ The salaries of employees of the consumer advocate ~~and the~~ shall be at rates of compensation consistent with current standards in industry. ~~The reimbursement of expenses for the employees and the consumer advocate are~~ is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the utility trust fund created pursuant to section 476.10.

Sec. 2. Section 475A.4, subsection 2, Code 1989, is amended by striking the subsection.

Sec. 3. Section 20.4, subsection 9, Code 1989, is amended to read as follows:

9. Persons employed by the state department of justice, except nonsupervisory employees of the consumer advocate division who are employed primarily for the purpose of performing technical analysis of nonlegal issues.

SENATE FILE 170

AN ACT

RELATING TO PERSONNEL SERVING THE CONSUMER ADVOCATE DIVISION OF THE DEPARTMENT OF JUSTICE AND THE UTILITIES DIVISION OF THE DEPARTMENT OF COMMERCE, DELETING PROVISIONS RELATING TO THE CONSUMER ADVOCATE'S AUTHORITY TO UTILIZE EMPLOYEES OF THE UTILITIES DIVISION, EXPANDING THE AUTHORITY TO EMPLOY CONSULTANTS AND TECHNICAL ADVISORS PURSUANT TO CONTRACT, REVISING PROVISIONS RELATING TO COMPENSATION, AND PROVIDING EFFECTIVE DATES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 475A.3, Code 1989, is amended to read as follows:

475A.3 OFFICE -- EMPLOYEES -- EXPENSES.

1. OFFICE. The office of consumer advocate shall be a separate division of the department of justice and located at

Sec. 4. EFFECTIVE DATES.

1. Except as provided in subsection 2 of this section, this Act takes effect July 1, 1989.

2. Section 2 of this Act takes effect April 1, 1990.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 170, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved May 15, 1989

TERRY E. BRANSTAD
Governor