

Senate Study Bill 1036 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON CHAPMAN)

A BILL FOR

1 An Act modifying provisions relating to the office of consumer
2 advocate, including by establishing the consumer advocate
3 governing board.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 475A.1, subsection 4, Code 2019, is
2 amended to read as follows:

3 4. *Political activity prohibited.* The consumer advocate and
4 employees of the consumer advocate shall devote ~~the advocate's~~
5 their entire time to the duties of the office. During the
6 ~~advocate's~~ term of appointment or employment with the office
7 of consumer advocate, the consumer advocate and employees
8 of the consumer advocate shall not be a ~~member~~ members of a
9 any political committee, ~~or~~ contribute to a any political
10 campaign fund other than through the income tax checkoff for
11 contributions to the presidential election campaign fund, ~~or~~
12 take part in political campaigns, or be a candidate candidates
13 for a political office.

14 Sec. 2. Section 475A.2, Code 2019, is amended to read as
15 follows:

16 **475A.2 Duties.**

17 The consumer advocate, under the direction of the consumer
18 advocate governing board, shall:

19 1. Investigate the legality of all rates, charges,
20 rules, regulations, and practices of all persons under the
21 jurisdiction of the utilities board, and institute civil
22 proceedings before the board or any court to correct any
23 illegality on the part of any such person. In any such
24 investigation and subject to the approval of the governing
25 board, the person acting for the office of the consumer
26 advocate shall have the power to ask the utilities board
27 to issue subpoenas, compel the attendance and testimony of
28 witnesses, and the production of papers, books, and documents,
29 at the discretion of the utilities board.

30 2. Act as attorney for and represent all consumers generally
31 and the public generally in all proceedings before the
32 utilities board.

33 3. Institute as a party judicial review of any decision of
34 the utilities board, if the ~~consumer advocate~~ governing board
35 deems judicial review to be in the public interest.

1 4. Appear for all consumers generally and the public
2 generally in all actions instituted in any state or federal
3 court which involve the validity of a rule, regulation, or
4 order of the utilities board.

5 5. Act as attorney for and represent all consumers generally
6 and the public generally in proceedings before federal and
7 state agencies and related judicial review proceedings and
8 appeals, at the discretion of the ~~consumer advocate~~ governing
9 board.

10 6. Appear and participate as a party in the name of the
11 office of consumer advocate in the performance of the duties
12 of the office.

13 Sec. 3. Section 475A.3, subsection 3, Code 2019, is amended
14 to read as follows:

15 3. *Salaries, expenses, and appropriation.* The salary
16 of the consumer advocate shall be fixed by the ~~attorney~~
17 ~~general~~ governing board within the salary range set by the
18 general assembly. The salaries of employees of the consumer
19 advocate shall be fixed by the governing board at rates of
20 compensation consistent with current standards in industry.
21 The reimbursement of expenses for the employees and the
22 consumer advocate is as provided by law. The appropriation for
23 the office of consumer advocate shall be a separate line item
24 contained in the appropriation from the department of commerce
25 revolving fund created in [section 546.12](#).

26 Sec. 4. Section 475A.7, Code 2019, is amended to read as
27 follows:

28 **475A.7 Consumer ~~advisory panel~~ advocate governing board.**

29 The attorney general shall appoint ~~five~~ three members and
30 the governor shall appoint ~~four~~ six members to a consumer
31 ~~advisory panel to meet at the request of the consumer~~ advocate
32 ~~for consultation~~ governing board, which shall direct the
33 consumer advocate in carrying out the advocate's duties under
34 this chapter regarding public utility regulation, including but
35 not limited to the duties described in section 475A.2. All

1 members of the governing board shall be subject to confirmation
2 by the senate. A member appointed by the governor shall be
3 appointed from each congressional district with the appointee
4 residing within the congressional district at the time of
5 appointment. The remaining appointees shall be members at
6 large. No more than five members shall belong to the same
7 political party as provided in [section 69.16](#). Not more than
8 a simple majority of the members shall be of the same gender.
9 The members appointed by the attorney general shall serve
10 four-year terms at the pleasure of the attorney general and
11 ~~their appointments are not subject to confirmation.~~ The
12 the members appointed by the governor shall serve four-year
13 terms at the pleasure of the governor ~~and their appointments~~
14 ~~are not subject to confirmation.~~ The governor or attorney
15 general shall fill a vacancy in the same manner as the original
16 appointment for the unexpired portion of the member's term.
17 Members of the ~~consumer advisory panel~~ governing board shall
18 serve without compensation, but shall be reimbursed for actual
19 expenses from funds appropriated to the consumer advocate
20 division.

21

EXPLANATION

22 The inclusion of this explanation does not constitute agreement with
23 the explanation's substance by the members of the general assembly.

24 This bill modifies provisions relating to the office of
25 consumer advocate in Code chapter 475A.

26 Current law requires the consumer advocate to devote the
27 consumer advocate's entire time to the duties of the office
28 and prohibits the consumer advocate from engaging in certain
29 political activities while in office, including being a member
30 of a political committee, contributing to certain political
31 campaign funds, taking part in political campaigns, or being
32 a candidate for political office. The bill extends such
33 requirements and prohibitions to employees of the consumer
34 advocate.

35 Current law establishes a consumer advisory panel to meet

1 at the request of the consumer advocate for consultation
2 regarding public utility regulation, consisting of five members
3 appointed by the attorney general and four members appointed
4 by the governor. A member residing within each of the four
5 congressional districts shall be appointed. Appointments to
6 the panel are not subject to senate confirmation. Members
7 of the panel serve four-year terms at the pleasure of the
8 applicable appointing authority and serve without compensation.

9 The bill replaces the consumer advisory panel with the
10 consumer advocate governing board, consisting of three members
11 appointed by the attorney general and six members appointed by
12 the governor. The governing board shall direct the consumer
13 advocate in carrying out the advocate's duties under Code
14 chapter 475A. A member appointed by the governor shall reside
15 within each of the congressional districts. All appointments
16 to the governing board shall be subject to senate confirmation.
17 Members of the governing board serve four-year terms at the
18 pleasure of the applicable appointing authority and serve
19 without compensation.

20 The bill requires the governing board, instead of the
21 attorney general as provided in current law, to fix the salary
22 of the consumer advocate. The bill also requires the governing
23 board to fix the salaries of employees of the consumer
24 advocate.