

**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:

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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.

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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

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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.

## EXPLANATION

21  
 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

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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.