

FEB 9 2005  
COMMERCE, REGULATION & LABOR

HOUSE FILE 235  
BY FORD

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the appointment of a consumer advocate on  
2 insurance.

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

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HF 235

1 Section 1. NEW SECTION. 507F.1 CONSUMER ADVOCATE ON  
2 INSURANCE -- APPOINTMENT -- POLITICAL ACTIVITY -- REMOVAL.

3 1. The attorney general shall appoint a competent attorney  
4 to the office of consumer advocate on insurance. The  
5 appointment is subject to senate confirmation in accordance  
6 with section 2.32. The advocate's term of office is for four  
7 years. The term begins and ends as set forth in section  
8 69.19.

9 2. If a vacancy occurs in the office of consumer advocate  
10 on insurance, the vacancy shall be filled for the unexpired  
11 term in the same manner as an original appointment.

12 3. The consumer advocate on insurance shall devote the  
13 advocate's entire time to the duties of the office. During  
14 the advocate's term of office the advocate shall not be a  
15 member of a political committee, shall not contribute to a  
16 political campaign fund other than through the income tax  
17 checkoff for contributions to the Iowa election campaign fund  
18 and the presidential election campaign fund, and shall not  
19 take part in political campaigns or be a candidate for a  
20 political office.

21 4. The attorney general may remove the consumer advocate  
22 on insurance for malfeasance or nonfeasance in office, or for  
23 any cause which renders the advocate ineligible for  
24 appointment, or incapable or unfit to discharge the duties of  
25 the advocate's office. The advocate's removal, when so made,  
26 is final.

27 Sec. 2. NEW SECTION. 507F.2 DUTIES.

28 The office of the consumer advocate on insurance shall:

29 1. Adopt rules pursuant to chapter 17A and perform other  
30 duties necessary to the administration of this chapter.

31 2. Investigate the legality of all rates, charges, rules,  
32 regulations, and practices of all persons under the  
33 jurisdiction of the insurance division, and institute civil  
34 proceedings before the insurance division or any court to  
35 correct any illegality on the part of any person. In any

1 investigation, the person acting for the office of the  
2 consumer advocate on insurance shall have the power to request  
3 the commissioner of insurance to issue subpoenas, compel the  
4 attendance and testimony of witnesses, and the production of  
5 papers, books, and documents.

6 3. Make recommendations to the general assembly regarding  
7 insurance regulation.

8 4. Make recommendations to the insurance division or any  
9 other governmental agency which has an impact on insurance  
10 regulation in the state through rulemaking and review and, if  
11 the advocate deems it to be in the public interest, appeal the  
12 rulemaking or contested case decisions of the insurance  
13 division or any other governmental agency which has an impact  
14 on insurance regulation in the state.

15 5. Represent the interests of the public relating to  
16 insurance reform, coverage, and rates where action is  
17 necessary for the protection of public rights.

18 6. Institute judicial review of final or interlocutory  
19 actions of the insurance division if the review is deemed to  
20 be in the public interest.

21 7. Act as attorney for and represent all consumers  
22 generally and the public generally in all proceedings before  
23 the insurance division, federal and state agencies, and  
24 related judicial review proceedings and appeals.

25 8. Appear for all consumers generally and the public  
26 generally in all actions instituted in any state or federal  
27 court which involve the validity of a rule, regulation, or  
28 order of the insurance division.

29 9. Appear and participate as a party in the name of the  
30 office of consumer advocate on insurance in the performance of  
31 the duties of the office.

32 Sec. 3. NEW SECTION. 507F.3 OFFICE -- EMPLOYEES --  
33 EXPENSES.

34 1. The office of the consumer advocate on insurance shall  
35 be located within the office of the attorney general.

1 Administrative support services shall be provided to the  
2 consumer advocate by the office of the attorney general.

3 2. The consumer advocate on insurance may employ  
4 attorneys, legal assistants, secretaries, clerks, and other  
5 employees the consumer advocate on insurance finds necessary  
6 for the full and efficient discharge of the duties and  
7 responsibilities of the office. The consumer advocate on  
8 insurance may employ consultants as expert witnesses or  
9 technical advisors pursuant to contract as the advocate finds  
10 necessary for the full and efficient discharge of the duties  
11 of the office. Employees of the consumer advocate on  
12 insurance, other than the advocate, are subject to merit  
13 employment, except as provided in section 8A.412.

14 3. The salary of the consumer advocate on insurance shall  
15 be fixed by the attorney general within the salary range set  
16 by the general assembly. The appropriation for the office of  
17 consumer advocate on insurance shall be a separate line item  
18 contained in the appropriation from the general fund of the  
19 state to the department of justice.

20 Sec. 4. NEW SECTION. 507F.4 INSURANCE DIVISION RECORDS.

21 The consumer advocate on insurance has free access to all  
22 the files, records, and documents in the office of the  
23 insurance division except:

24 1. Personal information in confidential personnel records  
25 of the insurance division.

26 2. Records which represent and constitute the work product  
27 of the general counsel of the insurance division where the  
28 records relate to a proceeding before the division in which  
29 the consumer advocate on insurance is a party or a proceeding  
30 in any state or federal court in which both the division and  
31 the consumer advocate on insurance are parties.

32 3. Insurer information of a confidential nature which  
33 could jeopardize an insurer's competitive status and is  
34 provided by an insurer to the division. However, such  
35 information shall be provided to the consumer advocate on

1 insurance by the insurance division, if the division  
2 determines it to be in the public interest.

3 Sec. 5. NEW SECTION. 507F.5 SERVICE.

4 The consumer advocate on insurance is entitled to service  
5 of all documents required by statute or rule to be served on  
6 parties in proceedings before the insurance division and all  
7 notices, petitions, applications, complaints, answers,  
8 motions, and other pleadings filed pursuant to statute or rule  
9 with the division.

10 Sec. 6. NEW SECTION. 507F.6 CONSUMER ADVOCATE ON  
11 INSURANCE ADVISORY COMMITTEE.

12 The attorney general shall appoint seven members to a  
13 consumer advocate on insurance advisory committee to meet at  
14 the request of the consumer advocate on insurance for  
15 consultation regarding the protection of public rights in  
16 insurance regulation. A member shall be appointed from each  
17 congressional district with the appointee residing within the  
18 district at the time of the appointment. The remaining  
19 appointees shall be members at large. Members who represent  
20 various sectors of the general public shall be appointed and  
21 appointments shall be made in compliance with sections 69.16  
22 and 69.16A. The members shall serve four-year terms and their  
23 appointments are not subject to confirmation by the senate. A  
24 vacancy shall be filled in the same manner as the original  
25 appointment for the unexpired portion of the member's term.  
26 Members of the committee shall serve without compensation, but  
27 shall be reimbursed for actual expenses from funds  
28 appropriated to the office of the consumer advocate on  
29 insurance.

30 EXPLANATION

31 This bill establishes the position of consumer advocate on  
32 insurance to be appointed by the attorney general and to be  
33 located in the office of the attorney general. The bill  
34 establishes the duties of the consumer advocate on insurance  
35 and the terms of office of the consumer advocate, provides for

1 the employment of staff by the office of the consumer  
2 advocate, and provides for the appointment of an advisory  
3 committee to the consumer advocate on insurance.

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