

CHAPTER 84
RURAL WATER DISTRICTS
H.F. 169

AN ACT relating to rural water districts, by providing for authority to execute agreements for the administration of services, and the incorporation of real property.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 357A.11, Code 1993, is amended by adding the following new subsection:
NEW SUBSECTION. 10A. Have authority to execute an agreement with a governmental entity, including a county, city, or another district, for purposes of managing or administering the governmental entity's works, facilities, or waterways which are useful for the collection, disposal, or treatment of wastewater or sewage.

Sec. 2. Section 357A.14, subsection 1, Code 1993, is amended to read as follows:

1. ~~Owners~~ An owner of real property outside ~~any~~ a district which can be economically be served by the facilities of the district may petition to be attached to the district. The petition submitted by the district shall be filed with the auditor, and the auditor and supervisors shall notify the district that a petition has been received and proceed, in substantially the same manner as is provided by this chapter for filing of and proceeding on a petition for incorporation and organization of a district in a manner set forth in sections 357A.3 through 357A.6.

Approved May 3, 1993

CHAPTER 85
JUDICIAL DEPARTMENT DISCIPLINARY AND CERTIFICATION PROCEDURES
H.F. 301

AN ACT relating to judicial ethics or grievance hearings and examination and admissions subject to the administrative authority of the supreme court.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 602.2104, subsection 2, Code 1993, is amended to read as follows:

2. In case of a hearing before the commission, written notice of the charge and of the time and place of hearing shall be mailed to a judicial officer or an employee of the judicial department at the person's residence at least twenty days prior to the time set for hearing. Hearing shall be held in the county where the judicial officer or employee of the judicial department resides unless the commission and the judicial officer or employee of the judicial department agree to a different location. The judicial officer shall continue to perform judicial duties during the pendency of the charge and the employee shall continue to perform the employee's assigned duties, unless otherwise ordered by the commission. ~~The commission has subpoena power on behalf of the state and the judicial officer or employee of the judicial department. Disobedience of the commission's subpoena is punishable as contempt in the district court for the county in which the proceeding is held.~~ The attorney general shall prosecute the charge before the commission on behalf of the state. A judicial officer or employee of the judicial department may defend and has the right to participate in person and by counsel, to cross-examine, to be confronted by the witnesses, and to present evidence in accordance with the rules of civil procedure. A complete record shall be made of the evidence by a court reporter. In accordance with its findings on the evidence, the commission shall dismiss the charge or make application to the supreme court to retire, discipline, or remove the judicial officer or to discipline or remove an employee of the judicial department.

Sec. 2. Section 602.2104, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The commission has subpoena power, which may be used in conducting investigations and during the hearing process. A person who disobeys the commission's subpoena or who refuses to testify or produce documents as required by a commission subpoena may be punished for contempt in the district court for the county in which the hearing is being held or the investigation is being conducted. Costs related to investigations and to the appearance of witnesses subpoenaed by the designated prosecutor shall be paid by the commission. Commission subpoenas may be issued as follows:

a. During an investigation, subpoenas shall be issued by the commission, at the request of the person designated to conduct the investigation, to compel the appearance of persons or the production of documents before the person who is designated to conduct the investigation. The person designated to conduct the investigation shall administer the required oath.

b. During the hearing process, subpoenas shall be issued by the commission at the request of the designated prosecutor or the judicial officer or employee of the judicial department.

Sec. 3. Section 602.3106, subsection 1, Code 1993, is amended to read as follows:

1. The supreme court shall set the fees ~~fee for examination and for certification~~ examinations. The fee ~~for examination~~ shall be based on the annual cost of administering the examinations. ~~The fee for certification shall be based and~~ upon the administrative costs of sustaining the board, which shall include but shall not be limited to the cost for per diem, expenses, and travel for board members, and office facilities, supplies, and equipment.

Sec. 4. Section 602.10123, Code 1993, is amended to read as follows:

602.10123 PROCEEDINGS.

The proceedings to remove or suspend an attorney may be commenced by the direction of the court or on ~~motion~~ the petition of any individual. In the former case, the court must direct some attorney to draw up the accusation; in the latter, the accusation must be drawn up and sworn to by the person making it.

Sec. 5. Section 602.10125, Code 1993, is amended to read as follows:

602.10125 ORDER FOR APPEARANCE — NOTICE — SERVICE.

If an action is commenced on the petition of an individual, the court shall notify and refer the matter to the attorney general. The attorney general, within thirty days of the referral, shall submit a report to the court concerning the appropriateness of bringing the action under this chapter. The court shall not proceed with consideration of the merits of the complaint until the report from the attorney general is received. If the court deems the accusation sufficient to justify further action, the court shall determine whether the complaint is more appropriately pursued under this chapter rather than the procedures established under supreme court rule 118. If the court finds that proceeding under this chapter is more appropriate, it shall cause an order to be entered requiring the accused to appear and answer in the court where the accusation has been filed on the day fixed in the order, and shall cause a copy of the accusation and order to be served upon the accused personally.

Approved May 3, 1993