

February 20, 1959.
Judiciary 2.

House File 449

By BROWN.

Passed House, Date 3-13-59

Passed Senate, Date 4-17-59

Vote: Ayes 87 Nays 0

Vote: Ayes 35 Nays 0

Approved.....

A BILL FOR

An Act to legalize and validate the proceedings for the organization and establishment of the Emmetsburg Community School District in the county of Palo Alto, state of Iowa.

WHEREAS, in the month of December, 1956, legal petitions signed by more than the required number of legal voters of the two school districts concerned were filed with the board of education of Palo Alto County, state of Iowa, for the merger of the Emmetsburg Consolidated School District and the Curlew Consolidated School District, both of Palo Alto County, which petitions were approved by such board; and

WHEREAS, thereafter elections were held in each of said school districts, at which the voters of the respective school districts approved the proposition of merging the Emmetsburg Consolidated School District and the Curlew Consolidated School District into the Emmetsburg Community School District; and

WHEREAS, the new school corporation known as the Emmetsburg Community School District was organized and has been operating for more than six months under a duly elected board of directors without challenge or objection; and

WHEREAS, during the course of the aforesaid merger proceedings the new school district was sometimes referred to as the "Community School District of Emmetsburg, in the County of Palo Alto, State of Iowa", but the proper name of the new school district and the designation under which it has been operating ever since the effective date of its organization is the "Emmetsburg Community School District, in the County of Palo Alto, State of Iowa"; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and establishment of said Emmetsburg Community School District, and it is deemed advisable and necessary to put such doubts and all others that might arise concerning the same forever at rest; now therefore,

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

- 1 Section 1. All proceedings heretofore taken in connection
- 2 with the organization, creation and establishment of the school
- 3 corporation known as the Emmetsburg Community School District of

4 Palo Alto County, state of Iowa, and all proceedings for the
 5 management of the affairs thereof by its present officials,
 6 be and the same are hereby legalized, validated and confirmed;
 7 and said school district is hereby declared to constitute a
 8 legal school corporation created in conformity with the
 9 provisions of chapter two hundred seventy-five (275), Code 1954,
 10 and the boundaries of said Emmetsburg Community School District
 11 as now shown by the records of the county auditor of Palo Alto
 12 County, Iowa are hereby declared to be the legally established
 13 boundaries of said school district.

1 Sec. 2. This Act being of immediate importance shall be in
 2 full force and effect from and after its passage and publication
 3 in the, a newspaper published at
 4, Iowa and the,
 5 a newspaper published at, Iowa, without expense
 6 to the state.

EXPLANATION OF HOUSE FILE 449

The Emmetsburg and the Curlew consolidated school districts of Palo Alto County were consolidated into the Emmetsburg Community School District under the provisions of chapter 275 of the Code. The merged district has been in operation for more than six months and has not been challenged nor is there dissatisfaction among the patrons of the district. The only reason that doubt has arisen as to the legality of the consolidation is that the 57th General Assembly repealed section 275.10 of the Code while the consolidation was in progress and prospective bond purchasers desire that any question of the legality of the consolidation be removed by legislative act.

Ray A. Paul
4/17/59