

March 6, 1967
Passed on File

Senate File 406

By BURNS

*Iniciary 3-7, Passed 4-24-67
Judiciary - Without Recommendation 5-10*

Passed Senate, Date 4-24-67

Passed House, Date 5-31-67

Vote: Ayes 49 Nays 1

Vote: Ayes 69 Nays 33

Approved _____

*motion to reconsider filed 5-31
" " " " " " 6-1
Withdrawn - 6-5*

A BILL FOR

An Act to legalize and validate the proceedings of the board of directors of the Clear Creek Community School District, in the Counties of Johnson and Iowa, State of Iowa, authorizing and providing for securing a site and building and furnishing a school building thereon and for the issuance of school building bonds to pay the cost thereof and for the levy of taxes for the payment of said bonds and declaring the bonds issued pursuant to said proceedings to be enforceable obligations of said school district.

WHEREAS, it appears from the records of the board of directors of the Clear Creek Community School District, in the Counties of Johnson and Iowa, State of Iowa, that at a special school election held in and for said school district on May 3, 1966, the proposition of issuing bonds of said school district in the amount of five hundred sixty-three thousand four hundred seventy-three dollars (\$563,473) for the purpose of securing the site and building and furnishing a new high school on approximately 25 acres of land located in the E ½ of the SW ¼ of Section 28, Township 80 North, Range 7 West of the 5th P.M., was approved by more than sixty per cent of the total number of votes cast for and against said proposition, and in reliance upon said election said board of directors thereafter by resolution authorized and provided for the securing of said site, the building and furnishing of said school building thereon and the issuance of school building bonds to the amount and for the purpose aforesaid and made provision for the levy of taxes to pay said bonds and the interest thereon; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said election and proceedings and provisions made for the securing of said site, the building and furnishing of said school building and the issuance and payment of said bonds, and an action has been brought in the District Court of the State of Iowa in and for Johnson County seeking an injunction to enjoin and restrain said school district and the board of directors thereof from selling bonds pursuant to said election, from purchasing said site and from constructing said high school; and

WHEREAS, it is deemed advisable to put such doubts and all

others that might arise concerning same forever at rest; now, therefore,

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

1 SECTION 1. That all proceedings heretofore taken by the
2 board of directors of the Clear Creek Community School Dis-
3 trict, in the Counties of Johnson and Iowa, State of Iowa,
4 preliminary to and in connection with the election on said
5 bonds held in said school district on May 3, 1966, and pro-
6 viding for the issuance and delivery of school building bonds
7 of said school district in the amount of five hundred sixty-
8 three thousand four hundred seventy-three dollars (\$563,473)
9 pursuant to said election for the purpose of securing the site
10 and building and furnishing a new high school on approxi-
11 mately 25 acres of land located in the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of
12 Section 28, Township 80 North, Range 7 West of the 5th P.M.,
13 and for the levy of taxes to pay said bonds and interest
14 thereon, and for the securing of said site and the building
15 and furnishing of said school building thereon, are hereby
16 legalized, validated and confirmed and said school building
17 bonds issued, sold and delivered pursuant to and in accordance
18 with said proceedings are hereby declared to be legal and to
19 constitute the valid and binding obligations of said school
20 district.

1 SECTION 2. This Act being of immediate importance shall
2 be in full force and effect from and after its passage and
3 publication in _____, a newspaper published
4 at _____, Iowa, and _____,
5 a newspaper published at _____, Iowa, with-
6 out expense to the state.

1 Amend Senate File 406 as follows:

2 1. By inserting in line fifteen (15) after the word
3 "thereon" the words "subject to the provisions of section two
4 (2) thereof".

5 2. Amend section two (2) by striking lines one (1) through
6 six (6) inclusive and by inserting in lieu thereof the follow-
7 ing:

8 "Sec. 2. This Act shall not affect final determination of
9 the judicial proceeding now pending on appeal from the John-
10 son county district court."

11 3. Further amend Senate File 406 by inserting the follow-
12 ing as a new section:

13 "Sec. 3. This Act being of immediate importance shall be
14 in full force and effect from and after its passage and pub-
15 lication in the Iowa City Press-Citizen, a newspaper published at
16 Iowa City, Iowa, and The Pioneer-Republican, a newspaper pub-
17 lished at Marengo, Iowa, without expense to the state."

Filed and adopted
April 24, 1967

By BURNS

1 Amend Senate File 406 as follows:

2 1. Amend section one by inserting at the end thereof
3 the following:

4 "The provisions of this Act shall not affect any
5 litigation now in progress regarding the subject
6 matter of this Act."

Filed - *Withdrawn 4-24*
April 11, 1967

By BURNS

1 Amend Senate File 406 by striking section two (2).

Filed - *Withdrawn 4-24*
April 5, 1967

By JUDICIARY COMMITTEE