

See Judiciary 3/28/85 No Pass 4/10

SENATE FILE 490

BY COMMITTEE ON JUCICIARY

*Formerly SB292*  
*(Approved 2/7/85)*

FILED MAR 19 1985

Passed Senate, Date 3-25-85 (p. 1014) Passed House, Date 4-15-85 (p. 1552)  
Vote: Ayes 47 Nays 0 Vote: Ayes 92 Nays 2  
Approved April 29, 1985 (p. 1771)

### A BILL FOR

1 An Act to legalize and validate the proceedings and de-  
2 claring each and all of the acts taken by the city of  
3 Forest City, city of Osage, city of Lake Mills, all in  
4 Iowa, in entering into, ratifying and confirming an  
5 agreement with Western Wisconsin Municipal Power Group  
6 dated and a certain transmission agreement between  
7 Western Wisconsin Municipal Power Group and Dairyland  
8 Power Cooperative to have been legally taken.

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1 WHEREAS, the cities of Forest City, Osage and Lake Mills,  
2 all in Iowa, did enter into an agreement with Western  
3 Wisconsin Municipal Power Group (WWMPPG), which agreement  
4 relates to and forms a part of a certain shared transmission  
5 agreement with Dairyland Power Cooperative (Dairyland) and  
6 provides for WWMPPG to act as agent for the cities of Forest  
7 City, Osage and Lake Mills; and

8 WHEREAS, WWMPPG has, on behalf of its municipal members  
9 including the cities of Forest City, Osage and Lake Mills  
10 pursuant to agreement entered into a shared transmission  
11 agreement, with Dairyland, a Federated Cooperative Association  
12 organized and operating under the laws of Wisconsin and  
13 pursuant to regulation by the Rural Electrification  
14 Administration (REA), for the purpose of obtaining electric  
15 energy for sale and distribution to the municipal members of  
16 Dairyland and including the cities of Forest City, Osage and  
17 Lake Mills, all in Iowa; and

18 WHEREAS, Forest City, Osage and Lake Mills have taken  
19 action pursuant to chapters 390 and 23 of the Code to ratify  
20 and confirm the agreement between WWMPPG and Forest City, Osage  
21 and Lake Mills and the shared transmission agreement between  
22 WWMPPG and Dairyland as a joint agreement, pursuant to chapter  
23 390 of the Code; and

24 WHEREAS, the aforementioned documents together now purport  
25 to form a joint agreement pursuant to chapter 390 of the Code;  
26 and

27 WHEREAS, doubts have arisen concerning the validity and  
28 legal sufficiency of the proceedings and the acts taken by the  
29 cities of Forest City, Osage and Lake Mills in entering into,  
30 ratifying and confirming said joint agreement and it is deemed  
31 advisable and necessary to put such doubts and all others that  
32 might arise concerning same forever at rest; NOW THEREFORE,  
33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

34 Section 1. That all proceedings heretofore taken in  
35 connection with and all acts heretofore taken by the cities of

1 Forest City, Osage and Lake Mills, including entering into  
2 said agreement between the cities of Forest City, Osage and  
3 Lake Mills and WWMPG and said shared transmission agreement  
4 between WWMPG and Dairyland Power Cooperative be and the same  
5 are hereby legalized, validated and confirmed, and said  
6 documents together are hereby declared to form a valid joint  
7 agreement pursuant to chapter 390 of the Code. Further that  
8 the acts heretofore taken by said cities in connection with  
9 said agreement between the cities of Forest City, Osage and  
10 Lake Mills and WWMPG and said shared transmission agreement  
11 between WWMPG and Dairyland Power Cooperative are hereby  
12 legalized, validated and confirmed.

13 Sec. 2. This Act, being deemed of immediate importance,  
14 shall take effect and be in force from and after its pub-  
15 lication in The Forest City Summit, a newspaper published in  
16 Forest City, Iowa, and in the Lake Mills Graphic, a newspaper  
17 published in Lake Mills, Iowa, without expense to the State.

18 EXPLANATION

19 The bill legalizes the agreements between the cities of  
20 Forest City, Iowa, Lake Mills, Iowa and Osage, Iowa and the  
21 Western Wisconsin Municipal Power Group and Dairyland Power  
22 Cooperative. The Rural Electrification Administration, an  
23 agency of the federal government, places certain contracting  
24 requirements over its beneficiaries. Because Dairyland Power  
25 Cooperative is a Rural Electrification Administration Act  
26 beneficiary, the contract, which must be entered into between  
27 Dairyland Power Cooperative, Western Wisconsin Municipal Power  
28 Group and the Iowa cities, does not conform in all respects to  
29 the existing chapters 23 and 390 of the Code of Iowa.

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SSB 292  
Judiciary

JUDICIARY: Dieleman, Chair; Coleman and Holt

New  
SF 490

SENATE FILE \_\_\_\_\_

BY (PROPOSED COMMITTEE ON  
JUDICIARY BILL)

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

### A BILL FOR

1 An Act to legalize and validate the proceedings and declaring  
2 each and all of the acts taken by the city of Forest City,  
3 city of Osage, city of Lake Mills, all in Iowa, in entering  
4 into, ratifying and confirming an agreement with Western  
5 Wisconsin Municipal Power Group dated and a certain trans-  
6 mission agreement between Western Wisconsin Municipal  
7 Power Group and Dairyland Power Cooperative to have been  
8 legally taken.

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

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1       WHEREAS, the city councils of the cities of Forest City,  
2 Iowa, Osage, Iowa, and Lake Mills, Iowa, did enter into an  
3 agreement with Western Wisconsin Municipal Power Group, which  
4 agreement relates to and forms a part of a certain shared  
5 transmission agreement with Dairyland Power Cooperative and  
6 provides for Western Wisconsin Municipal Power Group to act as  
7 agent for the cities of Forest City, Iowa, Osage, Iowa, and  
8 Lake Mills, Iowa; and

9       WHEREAS, Western Wisconsin Municipal Power Group has, on  
10 behalf of its municipal members including the cities of Forest  
11 City, Iowa, Osage, Iowa, and Lake Mills, Iowa, pursuant to  
12 agreement entered into a shared transmission agreement with  
13 Dairyland Power Cooperative, a federated cooperative  
14 association organized and operating under the laws of  
15 Wisconsin and pursuant to regulation by the Rural  
16 Electrification Administration, for the purpose of obtaining  
17 electric energy for sale and distribution to the municipal  
18 members of Dairyland Power Cooperative and including the  
19 cities of Forest City, Iowa, Osage, Iowa, and Lake Mills,  
20 Iowa; and

21       WHEREAS, the city councils of the cities of Forest City,  
22 Iowa, Osage, Iowa, and Lake Mills, Iowa, have taken action  
23 pursuant to chapters 23 and 390 of the Code of Iowa to ratify  
24 and confirm the agreement between Western Wisconsin Municipal  
25 Power Group and Forest City, Iowa, Osage, Iowa, and Lake  
26 Mills, Iowa, and the shared transmission agreement between  
27 Western Wisconsin Municipal Power Group and Dairyland Power  
28 Cooperative as a joint agreement, pursuant to chapter 390 of  
29 the Code of Iowa; and

30       WHEREAS, these documents together now purport to form a  
31 joint agreement pursuant to chapter 390 of the Code of Iowa;  
32 and

33       WHEREAS, doubts have arisen concerning the validity and  
34 legal sufficiency of the proceedings and the acts taken by the  
35 city councils of the cities of Forest City, Iowa, Osage, Iowa,

1 and Lake Mills, Iowa, in entering into, ratifying and  
2 confirming the joint agreement and it is deemed advisable and  
3 necessary to put such doubts and all others that might arise  
4 to rest; NOW THEREFORE,

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

6 Section 1. That all proceedings taken in connection with  
7 and all acts taken by the city councils of the cities of  
8 Forest City, Iowa, Osage, Iowa, and Lake Mills, Iowa,  
9 including entering into the agreement between the cities of  
10 Forest City, Iowa, Osage, Iowa, and Lake Mills, Iowa, and  
11 Western Wisconsin Municipal Power Group and the shared  
12 transmission agreement between Western Wisconsin Municipal  
13 Power Group and Dairyland Power Cooperative be and the same  
14 are legalized, validated and confirmed, and the documents  
15 together are declared to form a valid joint agreement pursuant  
16 to chapter 390 of the Code of Iowa. Further that the acts  
17 taken by the city councils in connection with the agreement  
18 between the cities of Forest City, Iowa, Osage, Iowa, and Lake  
19 Mills, Iowa, and Western Wisconsin Municipal Power Group and  
20 the shared transmission agreement between Western Wisconsin  
21 Municipal Power Group and Dairyland Power Cooperative are  
22 legalized, validated and confirmed.

23 Sec. 2. This Act, being deemed of immediate importance,  
24 takes effect from and after its publication in \_\_\_\_\_  
25 \_\_\_\_\_, a newspaper published in \_\_\_\_\_,  
26 Iowa, and in \_\_\_\_\_, a newspaper published in  
27 \_\_\_\_\_, Iowa.

28 EXPLANATION

29 The bill legalizes the agreements between the cities of  
30 Forest City, Iowa, Lake Mills, Iowa and Osage, Iowa and the  
31 Western Wisconsin Municipal Power Group and Dairyland Power  
32 Cooperative. The Rural Electrification Administration, an  
33 agency of the federal government, places certain contracting  
34 requirements over its beneficiaries. Because Dairyland Power  
35 Cooperative is a Rural Electrification Administration Act

S.F. \_\_\_\_\_ H.F. \_\_\_\_\_

1 beneficiary, the contract, which must be entered into between  
2 Dairyland Power Cooperative, Western Wisconsin Municipal Power  
3 Group and the Iowa cities, does not conform in all respects to  
4 the existing chapters 23 and 390 of the Code of Iowa.

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SENATE FILE 490

AN ACT

TO LEGALIZE AND VALIDATE THE PROCEEDINGS AND DECLARING EACH AND ALL OF THE ACTS TAKEN BY THE CITY OF FOREST CITY, CITY OF OSAGE, CITY OF LAKE MILLS, ALL IN IOWA, IN ENTERING INTO, RATIFYING AND CONFIRMING AN AGREEMENT WITH WESTERN WISCONSIN MUNICIPAL POWER GROUP DATED AND A CERTAIN TRANSMISSION AGREEMENT BETWEEN WESTERN WISCONSIN MUNICIPAL POWER GROUP AND DAIRYLAND POWER COOPERATIVE TO HAVE BEEN LEGALLY TAKEN.

WHEREAS, the cities of Forest City, Osage and Lake Mills, all in Iowa, did enter into an agreement with Western Wisconsin Municipal Power Group (WWMPG), which agreement relates to and forms a part of a certain shared transmission agreement with Dairyland Power Cooperative (Dairyland) and provides for WWMPG to act as agent for the cities of Forest City, Osage and Lake Mills; and

WHEREAS, WWMPG has, on behalf of its municipal members including the cities of Forest City, Osage and Lake Mills pursuant to agreement entered into a shared transmission agreement, with Dairyland, a Federated Cooperative Association organized and operating under the laws of Wisconsin and pursuant to regulation by the Rural Electrification Administration (REA), for the purpose of obtaining electric energy for sale and distribution to the municipal members of Dairyland and including the cities of Forest City, Osage and Lake Mills, all in Iowa; and

WHEREAS, Forest City, Osage and Lake Mills have taken action pursuant to chapters 390 and 23 of the Code to ratify and confirm the agreement between WWMPG and Forest City, Osage and Lake Mills and the shared transmission agreement between WWMPG and Dairyland as a joint agreement, pursuant to chapter 390 of the Code; and

WHEREAS, the aforementioned documents together now purport to form a joint agreement pursuant to chapter 390 of the Code; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings and the acts taken by the cities of Forest City, Osage and Lake Mills in entering into, ratifying and confirming said joint agreement and it is deemed advisable and necessary 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:

Section 1. That all proceedings heretofore taken in connection with and all acts heretofore taken by the cities of Forest City, Osage and Lake Mills, including entering into said agreement between the cities of Forest City, Osage and Lake Mills and WWMPG and said shared transmission agreement between WWMPG and Dairyland Power Cooperative be and the same are hereby legalized, validated and confirmed, and said documents together are hereby declared to form a valid joint agreement pursuant to chapter 390 of the Code. Further that the acts heretofore taken by said cities in connection with said agreement between the cities of Forest City, Osage and Lake Mills and WWMPG and said shared transmission agreement between WWMPG and Dairyland Power Cooperative are hereby legalized, validated and confirmed.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Forest City Summit, a newspaper published in

Forest City, Iowa, and in the Lake Mills Graphic, a newspaper published in Lake Mills, Iowa, without expense to the State.

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ROBERT T. ANDERSON  
President of the Senate

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DONALD D. AVENSON  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 490, Seventy-first General Assembly.

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K. MARIE THAYER  
Secretary of the Senate

Approved April 29, 1985

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TERRY E. BRANSTAD  
Governor