

January 12, 1961.
Judiciary 2.

House File 16
By RAPSON.

Passed House, Date 1-19-61 Passed Senate, Date 1-25-61
Vote: Ayes... 99 Nays... 0 Vote: Ayes... 50 Nays... 0
Approved... 1-30-61

A BILL FOR

An Act to legalize and validate the proceedings for the organization and establishment of the boundaries of the Marcus Community School District, in the counties of Cherokee and Plymouth, state of Iowa, and declaring said district a duly and legally organized corporate body as provided by law.

WHEREAS, pursuant to proceedings taken by the county superintendent of schools of Cherokee County, Iowa, and the joint county boards of education of Cherokee and Plymouth Counties, Iowa, an election was held on May 4, 1960, at which the voters approved the proposition of establishing a new school district to be known as the Marcus Community School District by uniting territory formerly lying within three school corporations and school officials were thereafter elected; and

WHEREAS, the Northwest Quarter (NW $\frac{1}{4}$) of Section 31, Township 92 North, Range 41 West of the 5th P.M., in Sheridan Township, Cherokee County, Iowa, was attached to the corporation by order of the Cherokee County board of education entered on June 16, 1960, complete written descriptions of the boundaries of the new and enlarged Marcus Community School District were filed with the county auditors of Cherokee and Plymouth Counties, Iowa, and a new school corporation was organized in accordance with the county plans, effective July 1, 1960, which has been operating for over six months and which is known and has been officially designated as the "Marcus Community School District, in the Counties of Cherokee and Plymouth, State of Iowa"; and

WHEREAS, the notice of the reorganization election of said district and the ballot at said election were defectively worded; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of the proceedings taken for the organization and establishment of said Marcus Community School District, in the counties of Cherokee and Plymouth, state of Iowa, and the attachment of the aforesaid area of land to said school district, 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:

1 Section 1. That all proceedings heretofore taken in con-

2 nection with the organization, creation and establishment of
3 the school corporation now known and identified as the "Marcus
4 Community School District, in the Counties of Cherokee and
5 Plymouth, State of Iowa", including the attachment of land to
6 said school district by order of the Cherokee County Board of
7 Education, be and the same are hereby legalized, validated and
8 confirmed and said school district is hereby declared to con-
9 stitute a legal school corporation created in conformity with
10 the provisions of Chapter 275, Code of Iowa, 1958, and the
11 boundaries of said Marcus Community School District as now
12 shown by the records of the county auditors of Cherokee and
13 Plymouth Counties, Iowa, are hereby declared to be the legally
14 established boundaries of said school district.

1 Sec. 2. This Act being deemed of immediate importance shall be
2 in full force and effect from and after its passage and publica-
3 tion in The Marcus News, a newspaper published at Marcus, Iowa,
4 and the Remsen Bell-Enterprise, a newspaper published at Remsen,
5 Iowa, without expense to the state.

EXPLANATION OF HOUSE FILE 16

The notice of the election on the organization of the Marcus Community School District was directed to voters residing "within the included portion" of the Consolidated School District of Grand Meadow, and likewise the ballot used at said election referred to voters residing in the "included portion" of the Consolidated School District of Grand Meadow. Section 275.20 of the Iowa Code provides that where a portion of an existing school district operating a high school is included within the boundaries of the proposed new school corporation, the entire district shall vote. At the Marcus School District re-organization election, the entire Consolidated School District of Grand Meadow voted, even though the wording of the ballot and of the notice was defective. This bill and a companion bill are being introduced to legalize the organization of the district and the proceedings and issuance of school building bonds issued by the district.

*Rec of Sub. -
1/8/61
H. J. 92*

*Rec of Sub.
1/19/61
H. J. 84*