

January 12, 1961.
Judiciary 2.

House File 17
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 1-31-61

A BILL FOR

An Act to legalize and validate the proceedings of the board of directors of the Marcus Community School District, in the counties of Cherokee and Plymouth, state of Iowa, authorizing and providing for the issuance of school building bonds 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 Marcus Community School District, in the counties of Cherokee and Plymouth, state of Iowa, that at a special election held in and for said school district on October 27, 1960, the proposition of issuing bonds of said school district in the sum of seven hundred fifty-eight thousand dollars (\$758,000) for the purpose of building and equipping a high school building was approved by more than sixty percent (60%) 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 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, 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 said election and proceedings and provisions made for the issuance and payment of said bonds and 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 Marcus Community School District, in
- 3 the counties of Cherokee and Plymouth, state of Iowa, preliminary
- 4 to and in connection with the special election held in said
- 5 school district on October 27, 1960, and providing for the

6 issuance and delivery of school building bonds of said school
 7 district in the amount of seven hundred fifty-eight thousand
 8 dollars (\$758,000) pursuant to said election, and for the levy
 9 of taxes to pay said bonds and interest thereon, are hereby
 10 legalized, validated and confirmed and said school building
 11 bonds issued, sold and delivered pursuant to and in accordance
 12 with said proceedings are hereby declared to be legal and to
 13 constitute valid and binding obligations 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 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 17

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.

Read of Pub. 11/3/61
H. J. - pg. 92

Read of Pub
11/16/61
H. J. - pg. 84