

FILED MAR 27 1974

Judiciary - Pass 4-9
Hear ' - 4-11

By COMMITTEE ON CITIES AND TOWNS

Passed Senate, Date 4-11-74 (1307) Passed House, Date 4-26-74 (2170)
Vote: Ayes 43 Nays 0 Vote: Ayes 78 Nays 3
Approved 5-9-74

A BILL FOR

1 An Act to legalize and validate the proceedings of the Board
2 of Trustees of the Municipal Electric Plant and System of
3 the City of Harlan, Iowa, authorizing and providing for the
4 issuance of electric revenue bonds of said city and declar-
5 ing the bonds issued pursuant to said proceedings to be
6 enforceable obligations of said city.

7 WHEREAS it appears from the records of the board of trustees
8 of the municipal electric plant and system of the city of
9 Harlan, Iowa, that pursuant to a public hearing held in and
10 for said city said board of trustees has by resolution adopted
11 on March 14, 1974, authorized and provided for the issuance
12 of electric revenue bonds of said city in the principal amount
13 of one million nine hundred ninety thousand dollars
14 (\$1,990,000) for the purpose of improving the municipal
15 electric light and power plant and system of said city, said
16 electric revenue bonds and interest thereon to be payable
17 solely and only out of the net earnings of said municipal
18 electric light and power plant and system; and

19 WHEREAS doubts have arisen concerning the validity and
20 legal sufficiency of said proceedings and provisions made
21 for the issuance and payment of said electric revenue bonds
22 and it is deemed advisable to put such doubts and all others
23 that might arise concerning the same forever at rest; NOW,
24 THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE
25 OF IOWA:

1 Section 1. That all proceedings heretofore taken by the
2 board of trustees of the municipal electric plant and system
3 of the city of Harlan, Iowa, preliminary to, in connection
4 with and providing for the issuance of electric revenue bonds
5 of said city to the amount of one million nine hundred ninety
6 thousand dollars (\$1,990,000) pursuant to and as provided
7 in the resolution adopted by said board of trustees on March
8 14, 1974, are hereby legalized, validated and confirmed and
9 said electric revenue bonds issued, sold and delivered pursuant
10 to and in accordance with said proceedings are hereby declared
11 to be legal and to constitute valid and binding obligations
12 of said city in accordance with their terms.

13 Sec. 2. This Act, being deemed of immediate importance,
14 shall take effect and be in force from and after its publica-
15 tion in Council Bluffs Nonpareil, a newspaper published in
16 Council Bluffs, Iowa, and in The Harlan News-Advertiser, a
17 newspaper published in Harlan, Iowa, without expense to the
18 state.

19 EXPLANATION

20 This bill legalizes proceedings of the city of Harlan,
21 Iowa whereby bonds were issued for improvements to the Harlan
22 Municipal Utilities in reliance on the provisions of chapter
23 1088 of the Acts of the Sixty-fourth General Assembly, the
24 "Home Rule Act". Since bond counsel feel that the financing
25 provisions of this Act should be judged by the Supreme Court
26 of Iowa prior to issuance of bonds, and also since this Act
27 is presently being challenged in the courts, it appears to
28 be necessary to provide for an Act legalizing the proceedings
29 of Harlan, Iowa.

30 *Proof of Publication 3/20 (917)*
31 *Nonpareil*
32 *Harlan News Advertiser 3/8*
33
34
35

LSB 4101
sg/cw/1